



# COURT OF APPEALS OF GEORGIA

EMPLOYEE HANDBOOK

Effective June 16, 2009

TABLE OF CONTENTS

I. Purpose and Applicability of Handbook.....1

    A. Purpose of Handbook.....1

    B. Applicability of Policies.....1

  

II. Employment.....1

    A. Employment at Will.....2

    B. Equal Opportunity.....2

    C. Employment of Relative .....2

    D. Employment of Retired State Employee.....3

    E. Ineligibility for Employment - Controlled Substance Conviction.....3

    F. Staff Attorney Resignations/Internal Transfers.....3

    G. Accommodations - Americans with Disabilities Act.....3

    H. Criminal History and Credit Checks.....4

    I. New Employee Orientation.....4

  

III. Employee Ethics .....5

    A. Practice of Law.....5

    B. Employee Conduct.....5

    C. Political Activity .....6

    D. Confidentiality.....7

    E. Outside Employment.....7

- IV. Personal Conduct and Employee Relations.....7
  - A. Attire.....7
  - B. Alcohol and Drug Abuse.....7
  - C. Smoking.....8
  - D. Courtesy.....8
  - E. Discrimination or Harassment .....8
  - F. Profanity, Gossip and Rumors.....12
  
- V. Pay.....13
  - A. Salaries.....13
  - B. Fair Labor Standards Act - Minimum Pay and Overtime .....15
  
- VI. Benefits.....15
  - A. Holidays .....15
  - B. Leave .....15
    - 1. Leave Policy - Generally.....15
    - 2. Annual Leave.....16
    - 3. Sick Leave.....17
    - 4. Family Medical Leave Act.....19
    - 5. Donated Leave .....20
    - 6. Other Paid Time Off.....22
    - 7. Forfeited Leave.....23
  - C. Court Parking .....24
  - D. Other Benefits.....25
  
- VII. Care of Equipment and Use of Technology Resources.....26

A.	Business Use.....	26
B.	Personal Use of Court Technology.....	27
C.	Inappropriate Use of Technology Resources.....	27
D.	Court Wireless or Mobile Telecommunications.....	28
E.	Lost or Stolen Technology Equipment and Unauthorized Access.....	29
F.	Discipline for Violation of Technology Policy.....	29
VIII.	Travel/Motor Vehicle Use for Court Business.....	29
IX.	Inclement Weather .....	30
X.	Health and Safety.....	31
A.	Workplace Violence.....	31
B.	Accidents, Emergencies and Business Continuity.....	32
C.	Return to Work Policy.....	32
D.	Security Cards, Identification Cards and Parking Decals.....	32
XI.	Office Hours.....	33
XII.	Name on Office Door.....	34
XIII.	Discipline.....	34

A. Counseling and Reprimands.....34  
B. Serious and Grievous Offenses.....35  
C. Discipline Actions for Serious and Grievous Offenses.....37

**APPENDICES**

- A. EMPLOYMENT APPLICATION FORM
- B. REQUEST FOR A REASONABLE ACCOMMODATION FORM
- C. GEORGIA CODE OF ETHICS FOR GOVERNMENT SERVICE OCGA §45-10-1.
- D. STAFF ATTORNEY STANDARDS OF CONDUCT
- E. REQUEST FOR LEAVE UNDER FEDERAL FAMILY AND MEDICAL LEAVE ACT
- F. MOTOR VEHICLE USE FORM
- G. PARKING - VEHICLE TOWING PROCEDURES

## **I. PURPOSE AND APPLICABILITY OF HANDBOOK**

### **A. PURPOSE OF HANDBOOK**

The Court's mission is: (1) to review decisions of trial courts and to correct errors of law which have been properly brought before the Court and (2) to assist litigants to achieve final and just resolutions of their disputes and contribute to the orderly development of Georgia law through orders and opinions based on logic, reason, persuasion and precedent. You as an employee of the Court are very important to the achievement of this mission. It depends not just on the bench, but on the hard work, loyalty, integrity, professionalism and courtesy of all the Court's employees.

This handbook provides general information about policies, procedures, and benefits for the employees of the Court of Appeals of Georgia. It is your responsibility to be familiar with the contents of this handbook, so you know what the Court expects from you and what you can expect from the Court. The information in this handbook, however, cannot anticipate every situation or answer every question regarding your employment.

In addition to the policies and procedures in this handbook, additional policies, procedures and work rules concerning the operation of your specific position may exist. Your supervisor will explain these to you.

If you have any questions about any of the policies or procedures in this handbook, please discuss them with your supervisor or the Clerk of the Court. You should always keep your supervisor, whether it is a judge or the Clerk of the Court, informed of any event affecting your work or property of the Court.

### **B. APPLICABILITY OF POLICIES**

These policies apply to all employees of the Court of Appeals.

These policies may be modified at any time by the Court.

## **II. EMPLOYMENT**

The employment of the clerk/court administrator, deputy administrator, deputy clerk, fiscal officer, floating staff attorneys, computer specialists, central staff attorneys, and floating administrative assistants shall be by the Court sitting en banc. Each judge hires and fires his/her own staff attorneys and administrative assistant.

All persons seeking employment with the Court shall complete an application form which shall be available from the Fiscal Office.

The Court relies on the accuracy of the information contained in the applicant's application, resume and other data provided during the hiring process. Any misrepresentations, falsifications, or material omissions in any information or data may result in exclusion of the individual from consideration for employment or termination of employment.

#### **A. EMPLOYMENT AT WILL**

All employees of the Court of Appeals are merit exempt employees of the State of Georgia who are "at will" employees and serve at the pleasure of the Court.

"Exempt" means that the Court of Appeals is not subject to the State Merit of Georgia Personal System rules and regulations.

"At will" means the Court or the employee may terminate employment, with or without cause, at any time. The Court as a matter of courtesy will generally provide a written notice of termination ten business days before the effective day of termination, but may terminate an employee immediately if circumstances warrant such a termination for cause or for a disciplinary action. An employee voluntarily terminating his or her employment with the Court shall give written notice to his or her supervisor ten business days prior to the effective date of his or her resignation.

#### **B. EQUAL OPPORTUNITY**

It is the policy of the Court of Appeals of Georgia to provide equal opportunity for employment to all employees and applicants for employment on a non-discriminatory basis. No person shall, on the basis of race, color, religion, national origin, age, sex, disability or other characteristic protected by federal or state law be excluded from employment or be subject to discrimination. It is the policy of the Court of Appeals of Georgia to provide equal opportunity for employment, compensation, promotion, training, and other conditions of employment, on the basis of assessed qualifications, responsibility level and demonstrated performance.

#### **C. EMPLOYMENT OF RELATIVE**

No person who is related by blood or marriage to a sitting judge on the Court of Appeals is eligible for employment or to continue in employment by the Court or any of its offices. In the event an employee of the Court or any of its offices marries a sitting judge, that employee shall, at the instance of marriage, be terminated as an employee of the Court of Appeals of Georgia.

The employment of an individual who is a relative of another Court of Appeals employee by blood or marriage shall be discouraged. Such relationship shall not be an automatic barrier to employment, but shall require the approval of the Court in any situation other than

the employment of an intern. Willful and intentional failure to disclose such relationship may be cause for disciplinary action.

**D. EMPLOYMENT OF RETIRED STATE EMPLOYEE**

The Court may hire retired state employees in compliance with the provisions of O.C.G.A §46-2-110. A retired state employee hired as a staff attorney or administrative assistant will be re-hired at a level no higher than step 2, unless a higher salary is approved by a majority of the court. Deviations from hiring at the step 2 level salary are discouraged. This policy shall apply to new hires of retired state employees after September 16, 2009. (Banc Meeting September 16, 2009)

**E. INELIGIBILITY FOR EMPLOYMENT - CONTROLLED SUBSTANCE CONVICTION**

Pursuant to OCGA §45-23-5, anyone who has been convicted of a drug offense is ineligible for employment for the periods specified in that statute.

**F. STAFF ATTORNEY RESIGNATIONS/INTERNAL TRANSFERS**

The Court recognizes that from time to time Staff Attorneys may resign to seek other employment. Because of the potential for conflicts arising out of a Staff Attorney's acceptance of employment from an outside law firm, Staff Attorneys are encouraged to notify their employing Judge of their intent to apply for positions outside of the court and must give notice to their employing Judge once an offer of employment has been extended and accepted.

Further, because of the potential disruption to a Judge's chambers, internal transfers, without the employing Judge's prior approval, are discouraged. Recognizing, however, that internal transfers will from time to time take place, Staff Attorneys transferring from one chamber to another must give at least two week's notice of the Staff Attorney's intent to transfer to the employing Judge. If the time for transfer falls within one (1) month of a distress date, no transfers between chambers will take place until the close of the applicable distress date, unless otherwise approved by the employing Judge. (Banc Meeting September 16, 2009)

**G. ACCOMMODATIONS - AMERICANS WITH DISABILITIES ACT**

The Court recognizes that employees may have individual needs with respect to employment. In accordance with the U.S. Americans with Disabilities Act and its ability as a tenant in buildings maintained by the Georgia Building Authority, the Court will provide

reasonable accommodations for employees and applicants for hire. All requests will be decided based on the following factors, among others:

1. Impact of accommodation on essential employee performance;
2. Impact of accommodation on co-workers and the Court;
3. Cost considerations for implementing the accommodation;
4. Available alternatives; and
5. Reasonableness of the request.

An employee may submit a request for accommodation to his or her supervisor on a "Request for Accommodation form available from the Fiscal Office. The supervisor will inform the employee about the status of his or her request.

## **H. CRIMINAL HISTORY AND CREDIT CHECKS**

1. A condition of employment with the Court is a criminal history check. A credit check may be required if the position includes fiscal duties. An individual made an offer of employment shall provide whatever is necessary for release of his or her credit history and/or criminal history record including, if necessary, fingerprints. An applicant who fails to undergo the process for release of his or her criminal history record shall not be considered any further for employment. If the results of a criminal history or credit check contain negative data concerning the job applicant, the applicant will be given an opportunity to respond.

The Court may refuse to finalize an offer of employment based on the results of a credit history and/or criminal history search.

2. Employees who by virtue of their positions are authorized by the Court to be issued a state credit card are required from time to time to provide the permission needed for a criminal background check and a credit check. An employee may not be issued a state credit card if the criminal background check reveals any misdemeanors or felonies related to financial wrongdoing, theft, or other act of dishonesty. See OCGA §50-5-83.

3. The Court shall keep confidential the results of criminal history or credit history reports except as needed for use for the above purposes.

## **I. NEW EMPLOYEE ORIENTATION**

New employees should be oriented on the role of the judiciary; the important part each employee plays in fulfilling the Court's public service role; the court's chain of command; each person's area of responsibility; the rules of the Court, the Court's fiscal policies, and the following:

1. Confidentiality.
2. Outside employment and activities, including political involvement.
3. Office hours.
4. Proper attire.
5. Method for ordering supplies.
6. Punctuality, sick leave, vacation, holidays, lunch breaks, absenteeism.
7. Health, life insurance and retirement benefits.
8. Office safety, security and emergency preparedness.
9. No smoking policy.
10. Parking arrangements.
11. Court vehicle use and travel reimbursement.
12. Use of electronic legal resources tools available to Court employees, Court technology equipment, other office machines, and court stationery.
13. Space allocation for staff attorneys.
14. Continuing legal education.
15. Role of summer research associates.
16. Handling of transcripts and briefs, e.g., no writing on briefs or transcripts.
17. Opinion drafting.
18. Judge's preferences as to opinion drafting.

### **III. EMPLOYEE ETHICS**

Court employees shall comply with the provisions in this Section of the Handbook. In addition, Staff Attorneys shall comply with the Staff Attorney Code of Conduct which is attached to this handbook.

#### **A. PRACTICE OF LAW**

Staff attorneys and other personnel shall not engage in the practice of law as defined in OCGA § 15-19-50, whether for remuneration or not, except in the furtherance of the business of the Court or except as the Court may permit. Moreover, in accordance with OCGA § 15-19-51, an employee who is not an attorney shall not do anything which might be considered rendering legal advice which could be considered the unauthorized practice of law.

#### **B. EMPLOYEE CONDUCT**

1. Employees shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the Court. Employees shall comply with the Georgia Code of Ethics for Government Service OCGA §45-10-1.

2. Employees shall not allow their family, social, political or other relationships to influence their judgment nor advance their private interest, nor convey or permit others to convey the impression they are in a special position to influence the Court. Employees shall be courteous to all persons they deal with in an official capacity.

3. Employees of the Court shall be patient, dignified, and courteous to litigants, lawyers and others with whom they deal in their official capacity. They shall perform their duties without bias or prejudice. Staff attorneys shall not communicate directly with the parties or their counsel concerning cases before this Court nor shall they make any public comment about the Court's cases or disclose or use any non public information.

4. A staff attorney shall disclose to his or her supervising judge any personal knowledge about or relationship with any matter of controversy including a case, its parties, or a party's attorney that may affect his or her impartiality.

5. Staff attorneys and other personnel should regulate their outside work activities to minimize the risk of conflict with their Court duties and they should not engage in any activities that would detract from the dignity of the Court.

### **C. POLITICAL ACTIVITY**

Political activity on state time or property is absolutely prohibited and is subject to disciplinary action.

Employees have the right to cast their vote, express their opinions, make political contributions and support the candidates of their choice. A non elected employee may not offer for or hold an elective or appointed office of a political subdivision of this state or any elective or appointed office of a political party or political organization of this state, which conflicts with the performance of the official duties of the person as a state employee. (See OCGA §45-10-70) Employees should be mindful that they work in a government organization, and these activities should be conducted during their off duty hours only.

Employees should regulate their activities to minimize the risk of conflict with their court duties and so those activities will not detract from the dignity of their office or the court.

No employee shall be required, coerced, expected, induced or encouraged as a condition of employment in any form whatsoever to make any contribution, loan, subscription, or assessment for any political purpose, and no employee shall use, seek, or promise to use his or her position or influence, directly or indirectly, in connection with the solicitation or receipt of any such contribution, loan, subscription, or assessment.

#### **D. CONFIDENTIALITY**

1. The work of each judge with his/her staff shall remain confidential with that staff unless expressly authorized by the judge and then may be shared only to the extent permitted.
2. The work of the Court, and its operations, shall be kept confidential except as agreed by the Court and to the extent required by law. The Chief Judge, or his/her designee specified for the purpose, shall be the spokesperson for the Court. The Clerk/Court Administrator serves as the public information officer.

#### **E. OUTSIDE EMPLOYMENT**

It is a violation of the law, OCGA §16-10-9 (a) (2), for members of the Judicial Branch of state government to accept or to hold office or employment in another branch of state government. Any outside employment public or private must be disclosed and is subject to approval by the Court. Employees of a judicial chambers and central staff attorneys must disclose any outside employment and obtain prior approval of their supervising judge for outside employment. An employee of the Clerk's office, Fiscal Office or Technical Services must disclose outside employment and obtain prior approval for outside employment from the Clerk of the Court. If the Court determines at any time that an employee's outside employment interferes with the employee's performance or creates an actual or an apparent conflict of interest, the employee will be asked and expected to terminate the outside employment. Failure to disclose outside employment or to resolve actual or apparent conflicts of interest may result in disciplinary action, up to and including termination of employment.

### **IV. PERSONAL CONDUCT AND EMPLOYEE RELATIONS**

#### **A. ATTIRE**

It is imperative that all employees project a positive image of the Court. Although employees may be permitted by their supervisor to wear casual business attire, they should always dress in an appropriate manner that will reflect a professional image. Wearing inappropriate attire may subject the employee to disciplinary action as set forth in the Disciplinary Section of this policy.

#### **B. ALCOHOL AND DRUG ABUSE**

An employee may not distribute, dispense, possess or use alcohol or any illegal or unauthorized drug during an employee's working hours or on property of the State of Georgia. An employee under the influence of alcohol or illegally using a controlled

substance may not enter, work or remain on the Court premises. Violation of this policy will subject the employee to disciplinary action, up to and including termination of employment. In addition, the Court may condition continued employment on professional counseling, drug testing, or drug treatment commensurate with the nature and seriousness of the offense.

An employee is subject to suspension or termination for conviction of any criminal offense involving a controlled substance, marijuana, or a dangerous drug in accordance with OCGA §45-23-4.

### **C. SMOKING**

Smoking and the use of tobacco products of any kind are prohibited in all State buildings by the Georgia Building Authority pursuant to OCGA § 31-12A-3. OCGA §16-12-2 makes violation of OCGA § 31-12A-3 a misdemeanor. Therefore, there will be no smoking at any time by Court employees in any facility in which the Court of Appeals has work areas, personnel or records.

### **D. COURTESY**

The Georgia Court of Appeals and all of its offices are service oriented and exist for the purpose of serving the citizens of Georgia. All employees of this Court are professionals, and are to conduct themselves as such while at work or when representing the Court at functions outside the work place. Generally recognized standards of acceptable conduct and ethics shall be observed by all employees.

All persons coming to the Court shall be treated with respect and courtesy by all employees of the Court.

All interaction between employees of the Court is expected to be courteous and professional at all times, and especially when members of the public are also present. Any breach of such conduct should be reported to the Clerk of Court or the appropriate supervisor.

### **E. DISCRIMINATION OR HARASSMENT**

Discrimination or harassment based on race, color, religion, sex, age, disability, or national origin will not be tolerated by the Court. Employees are expected to be aware of and refrain from any conduct or behavior that could be construed as harassment. Violators of this harassment policy are subject to disciplinary action including termination and/or referral for criminal prosecution. While the policy below focuses on sexual harassment, an employee should report any other type of harassment based on race, color, religion, sex, age, disability, or national origin. Malicious or frivolous complaints of harassment shall result in corrective or disciplinary action against the accuser. Voluntary compliance with this harassment policy is an indication of professionalism and will create a healthy environment for all.

This policy shall apply to all judicial and non judicial employees. This policy governs the process for the filing, investigation, and resolution of a complaint.

Sexual harassment is of particular concern to court management and any form of sexual harassment will not be permitted. The purpose of this policy is to achieve a workplace free from sexual harassment by establishing a procedure for submitting complaints regarding sexual harassment and for the investigation and resolution of those complaints.

## 1. SEXUAL HARASSMENT DEFINED

Sexual harassment is defined as "any sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, which is unwelcome." It occurs when:

a. Sexual favors are demanded "as a term or condition of employment." Example: A supervisor demands sexual favors from a subordinate and threatens the subordinate with termination.

b. Sexual demands, once made, are refused and the employee faces an adverse consequence for that refusal. Example: An employee rejects the sexual advance of the supervisor, is demoted and later fired for the refusal.

c. The acts of verbal abuse, physical touching, sexual demands or other conduct of a sexual nature are so pervasive and persistent as to have "the effect of unreasonably interfering with an individual's work performance or creating an offensive and intimidating working environment" for an employee. Example: Persons tease and insult others in the workplace with obscene jokes, sexual innuendoes or similar conduct designed to embarrass and offend.

Sexual harassment, subtle or otherwise, shall not be tolerated.

## 2. POLICY

a. No employee shall engage in conduct constituting sexual harassment. Any employee determined after investigation to have engaged in conduct constituting sexual harassment shall be disciplined.

b. Supervisors who knew or should have known of incidents of sexual harassment and failed to take appropriate action in accordance with this policy shall be disciplined.

c. An employee who takes reprisals against another employee for (1) filing a complaint alleging sexual harassment or (2) for appearing as a witness for any party in a sexual harassment complaint shall be disciplined. An employee who submits a malicious, fraudulent, or frivolous claim of sexual harassment shall be disciplined.

d. The process for filing complaints and for investigation and resolution of complaints shall be free from bias and intimidation.

e. Conduct occurring off duty or off court premises may constitute sexual harassment.

f. Any employee who has reason to believe that another employee is the victim of sexual harassment should encourage the victim to submit a complaint. In the alternative, the employee should inform the designated person of the existence of a possible complaint.

### 3. PROCEDURE

The Court has designated the Clerk/Court Administrator to receive complaints of sexual harassment. In the event the complaint is against the person designated to hear complaints, the Chief Judge shall serve in the Clerk/Court Administrator's place. The Clerk/Court Administrator will inform the Chief Judge of any informal or formal complaints made against a judge or employee of the Court. If the complaint is made against the Chief Judge, the Clerk/Court Administrator will inform the most senior judge of the court in terms of service other than the Chief Judge of the complaint.

The Court shall permit the Clerk/Court Administrator to attend from time to time continuing education programs for developing and maintaining the skills necessary for interviewing witnesses and successful resolution of sexual harassment complaints. The Clerk/Court Administrator shall share this information with the appropriate judges of the court.

An employee who believes he or she has been sexually harassed should attempt to resolve the problem with the person with whom there is a problem. If this is too difficult for the employee or proves ineffective, the victim should contact either the Clerk/Court Administrator or Chief Judge, who will investigate the accusation and recommend to the Court the actions necessary to resolve the problem.

#### a. Informal Process for Submitting a Complaint of Sexual Harassment Against a Court Employee or Judge

An employee who is the victim of sexual harassment should inform the person harassing the victim that the behavior is unwelcome or submit a complaint to the person designated in (a) above.

The Clerk/Court Administrator or Chief Judge as appropriate under (a) above shall investigate an informal complaint of sexual harassment, facilitate communication between the parties, and resolve the complaint.

b. Formal Process for Submitting a Complaint of Sexual Harassment Against a Court Employee or Judge

A formal complaint shall be written. Upon request, the designated person shall assist the complainant in submitting a written complaint. A formal complaint should be submitted if:

1. the informal process does not resolve the complaint;
2. the complaint is a second complaint against the same harasser after the harasser had been informed that the behavior was unwelcome, whether or not submitted by the same complainant; or
3. in the discretion of the designated person, or the complainant, the conduct complained of is egregious. In determining the seriousness of the conduct, the designated person shall consider but is not bound by the request of the complainant.

The designated person shall receive formal complaints of sexual harassment and refer them to the Chief Judge or if the complaint is against the Chief Judge to the most senior judge in terms of service other than the Chief Judge. The Chief Judge or most senior judge in conjunction with the Clerk/Court Administrator (unless the Clerk/Court Administrator is the alleged harasser in which case the Deputy Court Administrator will act in place of the Clerk/Court Administrator) shall appoint a three-member panel to handle the formal complaint. The designated person shall provide the alleged harasser with a copy of the written complaint.

The panel shall investigate the complaint and determine whether the conduct complained of occurred and whether the conduct constitutes sexual harassment. The panel shall prepare a written report of the nature of the investigation and the findings and conclusions of the investigation. The panel shall complete the report within twenty days of the appointment of the panel provided, however, that this time period may be extended by the panel for a reasonable time for good cause shown. The panel shall file the report with the Clerk/Court Administrator and provide a copy to the parties, the Chief Judge and the Court's Fiscal Office.

At the conclusion of the investigation and determination, the Court may impose discipline in accordance with the applicable policies and procedures regarding discipline.

If the complaint was made against a judge of the Court, the complainant may request the Judicial Qualifications Commission to determine whether there has been a violation of judicial ethics.

c. Process for Submitting a Complaint of Sexual Harassment Against a Person not Employed by the Courts.

An employee who is the victim of sexual harassment should inform the harasser that the behavior is unwelcome or submit a complaint to the person designated in (a) above. Once a complaint has been submitted to the designated person, he or she shall use all reasonable means to resolve the complaint including communication with the alleged harasser and referring the complaint to the employer of the alleged harasser or to the regulatory agency to which the alleged harasser is subject.

d. The Investigative Process

Informal Complaint Process

The investigation conducted by the designated person is informal. The principal objective of the designated person is not to determine whether sexual harassment occurred in the past but rather to govern future conduct. The designated person shall first talk separately with the complainant and then with the alleged harasser. The designated person should not talk with witnesses identified by either party unless necessary. The designated person may talk with the parties jointly.

Formal Complaint Process

The investigation by the three-member panel is formal and shall include an interview of the parties and any witnesses identified by the parties. Other witnesses may be called by the body conducting the investigation. In order to provide a recommendation regarding discipline, the body investigating the complaint shall consider the Court policies on discipline and the discipline imposed in other cases, if any, involving similar circumstances.

e. Investigative Panel

No person directly involved in the complaint under investigation may serve on the panel. The panel shall not be comprised exclusively of one sex. The members of the panel shall select a chairperson from among themselves.

f. Records

All written complaints, notices, correspondence, reports, and other documents regarding a formal complaint of sexual harassment shall be maintained in a file by the Court Fiscal Office. The file shall be considered a private record of personnel matters involving personnel policy and procedures.

All records of informal complaints shall be retained by the Court Fiscal Office as are records of formal complaints.

**F. PROFANITY, GOSSIP AND RUMORS**

The use of profanity or other forms of rude conduct will not be tolerated. Any employee participating in or perpetuating the spread of gossip or rumors will be counseled and advised of disciplinary actions up to and including dismissal that may be taken if there are further instances of such behavior.

## V. PAY

### A. SALARIES

As determined by the court and legislature. Categories by experience are generally in line with the State Merit System.

#### 1. Staff Attorneys

The staff attorneys employed by the Court prior to January 1, 2009 shall be compensated in accordance with the pay scale in effect on December 31, 2008. A staff attorney who has previously worked for the Court of Appeals of Georgia or the Supreme Court of Georgia and who is employed after November 10, 2008 by the Court of Appeals of Georgia shall start at the same pay grade on the scale that the attorney was earning when he or she left the appellate court.

A staff attorney starting employment with the Court after December 31, 2008 shall be compensated in accordance with the pay scale adopted November 10, 2008 and shall begin at Entry, Step 1 or Step 2 as provided below.

Entry - Attorneys who have been practicing for five years or less.

Step 1 - Attorneys who have practiced for six to ten years.

Step 2 - Attorneys who have been practicing for more than ten years.

An attorney who has law clerk experience with a trial judge may substitute one year of service for a trial judge for two years of practice in determining a staff attorney's entry-level pay grade with the Court of Appeals of Georgia. In no event can the number of years practicing and/or serving as a clerk to a trial judge entitle an attorney to enter at a higher level than Step 2.

An attorney who has served as a staff attorney for another appellate court, other than the Court of Appeals of Georgia or the Supreme Court of Georgia, may substitute one year of appellate court service for three years of practice in determining a staff attorney's entry-level pay grade with the Court of Appeals of Georgia. In no event can the number of years practicing or serving as a staff attorney on an appellate court, other than the Court of Appeals of Georgia or the Supreme Court of Georgia, entitle an attorney to enter at a level higher than Step 2.

Practicing law for purposes of qualifying on this pay scale shall mean that the staff attorney is admitted to practice in either the general jurisdiction trial court or Supreme Court, depending upon the requirements of that staff attorney's state and is actually engaged in some type of law-related employment.

A staff attorney must remain in a pay grade step for at least one year before advancing to the next pay grade step. He or she may move to the next step after 12 months in that pay grade upon the authorization of his or her judge. A staff attorney must remain in a longevity-step pay grade for at least two years before advancing

to the next longevity step, again with the approval of the judge supervising that staff attorney.

## 2. Judicial Administrative Assistants

The judicial administrative assistants employed by the Court prior to January 1, 2009 shall be compensated in accordance with the pay scale in effect on December 31, 2008. An A judicial administrative assistant who has previously worked for the Court of Appeals of Georgia or the Supreme Court of Georgia and who is employed after November 10, 2008 by the Court of Appeals of Georgia shall start at the same pay grade on the scale that the administrative assistant was earning when he or she left the appellate court.

A judicial administrative assistant starting employment with the Court after December 31, 2008 shall be compensated in accordance with the pay scale adopted November 10, 2008 and shall begin at Entry, Step 1 or Step 2 as provided below.

Entry - Administrative assistants who have five years or less experience as an administrative assistant or a legal secretary.

Step 1 - Administrative assistants who have six to ten years experience as an administrative assistant or a legal secretary.

Step 2 - Administrative assistants who have more than ten years experience as an administrative assistant or a legal secretary.

A judicial administrative assistant who has experience as a trial judge's secretary, an administrative assistant, or an equivalent position may substitute two years of service for a trial judge for one year of experience as an administrative assistant or legal secretary for the purpose of determining his or her entry-level pay grade with the Court of Appeals of Georgia. In no event can the number of years serving as an administrative assistant, legal secretary, or an equivalent position for a trial judge entitle an administrative assistant to enter at a higher level than Step 2.

A judicial administrative assistant who has served as an administrative assistant for another appellate court, other than the Court of Appeals of Georgia or the Supreme Court of Georgia, may substitute one year of service for an appellate court judge for three years of experience as an administrative assistant or legal secretary for the purpose of determining his or her entry-level pay grade with the Court of Appeals of Georgia. In no event can the number of years serving as an administrative assistant, a legal secretary, or an equivalent position for an appellate judge entitle an administrative assistant to enter at a level higher than Step 2.

A judicial administrative assistant must remain in a pay grade step for at least one year before advancing to the next pay grade step. He or she may move to the next step after 12 months in that pay grade upon the authorization of his or her judge or the Court in the case of a floating AA. A judicial administrative assistant must remain in a longevity-step pay grade for at least two years before advancing to the

next longevity step, again with the approval of the judge supervising that administrative assistant or the Court in the case of a floating AA.

3. One-half of the salaries of the Reporter, Assistant Reporter, Assistant to the Reporter, and Reporter's Clerk, all as set by the Supreme Court, shall be paid by the Court of Appeals.

4. The salary of the Deputy Clerk shall be the same as that respective position in the Supreme Court insofar as possible. (IOM IX, C)

5. The salary of the Court Administrator/Clerk shall be set by the Court. The salaries of the employees of the Clerk's Office excluding deputy clerk shall be set by the Clerk with the approval of the Court.

6. The salaries of Research Associates (summer interns) shall be set by the Court.

## **B. FAIR LABOR STANDARDS ACT - MINIMUM PAY AND OVERTIME**

In accordance with the provisions of the United States Fair Labor Standards Act, the following employee positions are considered exempt from the minimum pay and overtime provisions of that Act: the Clerk/Court Administrator, the Deputy Administrator, the Deputy Clerk, all Court Administrative Assistants, all Staff Attorneys, the employees of the Fiscal Office and the Technical Services employees.

Employees who are not exempt from minimum pay and overtime under the United States Fair Labor Standards Act are not authorized to work more than 40 hours per week unless the employee has been notified by their supervisor in writing that overtime is required. Any authorized work more than 40 hours in any work week by a non exempt employee will be compensated by one and one-half hours leave for each authorized hour worked which must be taken within the same pay period as the overtime was accumulated.

## **VI. BENEFITS**

### **A. HOLIDAYS**

Work holidays are those designated by the Governor as official state holidays. A calendar is published each year.

### **B. LEAVE**

#### **1. LEAVE POLICY GENERALLY**

Full-time employees in pay status for 40 hours or more during a pay period earn annual and sick leave at the end of the pay period. An employee in pay status for less than 40 hours during a pay period earns no leave for that pay period. Leave is accrued twice a month (1st and 15th).

The State Personnel Administration does not offer any employee benefits including leave to part-time employees. The Court of Appeals, however, does allow employees who job share and work part-time in a full-time benefit eligible position to accrue leave. The leave for part-time employment is prorated on a percentage basis. Employees working one-half time would, therefore, accrue leave at one-half ( $\frac{1}{2}$ ) the rate of a full-time employee based on their years of service. Leave accrual is based on full-time employment. Therefore, when an employee changes their work status from part-time to full-time, the leave accrual starts at the date of the full-time employment.

The following employees are not eligible to earn annual or sick leave: employees on hourly, per diem, student, or intermittent appointment, part-time employees who work less than 20 hours per week, or part-time rehired annuitants.

It is the employee's responsibility to refrain from overdrawing their leave balances.

Unauthorized Leave Without Pay shall be subject to disciplinary action.

All staff is required to keep a record of the exact dates of any leave taken on the form provided by the Fiscal Officer and approved by the Chief Judge or respective supervisor. Completed forms must include the type of leave and quantity of leave taken. All leave taken should be posted in hours and quarter of hours (15-minute increments), i.e., 4 hours and 15 minutes would be posted as 4  $\frac{1}{4}$  hours. Completed forms should be submitted to the Fiscal Officer no later than the 5th of the succeeding month.

Leave Types are as follows:

- A = Annual Leave
- S = Sick Leave
- M = Military Leave
- C = Court Leave
- W = Leave Without Pay
- P = Compensatory Leave

## 2. ANNUAL LEAVE

The purpose of annual leave is to provide a paid time-off benefit that will allow a restful break in routine and support the department's goals to attract and retain quality employees. The Court encourages employees to use some annual leave on a yearly basis.

Employees are encouraged to take annual leave as paid time off away from work as needed. Employees should schedule their leave requests in advance with their judge or immediate supervisor. An employee's check stub will, on a semimonthly basis, provide each employee with his or her accrued leave balance.

Employees earn annual leave at the following rates, in accordance with Merit System policies:

0 to 5 years of service - 5 hours/pay period (10 hours/month)

5 to 10 years of service - 6 hours/pay period (12 hours/month)

10 years or greater - 7 hours/pay period (14 hours/month)

Annual leave is accruable. Employees do not have to take their annual leave by any certain time, but the maximum an employee may accrue is 360 hours (45 days). Any leave of more than 360 hours goes into a forfeited leave account. Leave in excess of 360 hours is deducted from an employee's active leave and posted to their forfeited leave account once a month.

Forfeited leave may upon the Court's discretion be used if an employee needs it for an extended illness or injury. (See Forfeited Leave Section.)

### 3. SICK LEAVE

The purpose of sick leave is to provide income protection for employees who, because of illness or accident, are temporarily disabled and absent from work for limited periods.

The Court limits use of sick leave to circumstances involving illness, injury, or time necessary for professional medical/dental attention for the employee and his/her immediate family member, if the employee's presence is required. It also allows for a limited amount of sick leave for death of the employee's immediate family member. (See 6 Other Paid Time Off, Bereavement below.) For the purpose of sick leave determination, "immediate family" is defined as: the employee's spouse, child, parent, brother or sister. Immediate family may also include any person(s) who reside(s) in the employee's household and is recognized by law as a dependent of the employee. Professional medical/dental appointments should be planned ahead and scheduled through the employee's judge or immediate supervisor.

All eligible full-time employees earn sick leave at the rate of five (5) hours per pay period regardless of length of service. Sick leave is accruable and employees do not have to take their accrued sick leave by any certain time. The maximum sick leave an employee can accrue is 720 hours (90 days).

Any sick leave accrued over that amount goes into a forfeited leave account.

Employees who are absent from work on sick leave are required to notify their immediate supervisor or judge as quickly as possible. For employees with frequent absences, a doctor's letter may be required after three (3) consecutive days of absence.

Upon advance notice to the employee, the employee's judge or supervisor, may require satisfactory evidence for use of any amount of sick leave, however such evidence will not be required for less than (17) hours of sick leave in any thirty (30) day period unless the employee has demonstrated excessive or abusive use of sick leave. Excessive or abusive use of sick leave is defined as a pattern of intermittent, short-term usage. Establishment of this pattern includes but is not limited to the following indicators:

- a. Frequent use of sick leave in conjunction with holidays, scheduled off days or distribution of paychecks;
- b. Frequent use of sick leave when scheduled for undesirable temporary assignments, or during periods of peak work loads;
- c. Request of 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, in the discretion of the employee's judge or immediate supervisor;
- f. Repetitive use of less than 17 hours of sick leave in thirty (30) day periods;
- g. Prior written notification of failure to adhere to procedures for approval of leave, inappropriate attendance, or inappropriate use of leave.

An employee who does not submit satisfactory evidence for use of ten (10) days or more of sick leave or disability leave without pay, or for use of any amount of sick leave when notified in advance that evidence is required may be placed on Unauthorized Absence.

An employee may be separated as if voluntarily resigned after five (5) consecutive days of Unauthorized Absence.

An employee who is absent from duty with or without pay because of illness or disability may be required to supply an appropriate medical release or

certification when the employee is able to return to duty. Such release or certification shall indicate the extent to which the employee is able to perform the essential functions of the employee's position and may be required as a precondition to the employee's return to duty.

Sick leave may be taken as necessary and is charged in 15 minute increments. It cannot be taken until earned. Annual leave can be used as sick leave. However, sick leave cannot be used as annual leave. If an employee suffers a lengthy sickness and uses all accumulated sick leave, it is up to the discretion of the employee's judge or immediate supervisor, whether additional days will be charged against forfeited leave or the current annual leave.

At the discretion of the supervisor, forfeited leave may be restored and used as sick leave if the employee needs it for an extended illness or injury. Satisfactory evidence as to the illness or disability shall be provided to the supervisor.

#### 4. FAMILY MEDICAL LEAVE ACT

All employees of the Court of Appeals of Georgia are subject to the United States Family Medical Leave Act (FMLA) and have the benefits thereof. An absence of up to twelve weeks of unpaid leave may be taken in accordance with FMLA for one or more of the following reasons: (1) the birth of the employee's child; (2) placement of a child with the employee for adoption or foster care; (3) to care for a child, spouse, or parent who has a serious health condition; (4) when the employee is unable to perform the essential functions of his or her position because of a serious health condition; or (5) for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or reserves in support of a contingency operation.

To be eligible for leave under FMLA, an employee must have been employed for a total of twelve months and must have worked at least 1250 hours during the twelve-month period preceding the commencement of the leave.

If the employee is entitled to paid leave under another policy, which includes short-term disability, unused paid vacation, sick, family or personal leave, the employee must take the paid leave first. Such paid leave will not be counted against the FMLA unpaid leave entitlement.

An employee may take a total of 12 workweeks of unpaid leave for the reasons specified above during a rolling, 12-month period measured backward from the date an employee uses any FMLA leave. An eligible employee who is a spouse, son, daughter, parent or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness covered

under the military family leave amendments to FMLA up to a total of 26 workweeks of unpaid leave during a 12-month period to care for the service member.

To request family and/or medical leave, the employee must complete, sign, and submit a Request for Family and Medical Leave form (which is available from the Fiscal Office) to his or her supervisor. If the need for the FMLA leave is foreseeable, the employee must submit the FMLA leave form thirty (30) calendar days in advance of the effective date of the leave. When the need for FMLA leave is not foreseeable, the form should be submitted within the time prescribed by the Court's usual and customary leave notice requirements

An employee requesting leave due to a serious health condition of the employee or a family member, will be required to provide medical certification of that serious health condition. Failure to provide such certification may result in denial of family medical leave. The employee will be notified in writing within five business days of the submission of the request and medical certification that the leave will or will not be counted as FMLA leave.

The employee may be required to provide periodic recertification of the serious health condition of the family member or himself or herself. If the FMLA leave was due to the employee's own serious health condition then prior to returning to work, the Court may require a certification that the employee is medically able to return to his or her job. Employees returning from FMLA leave will be restored to the same or an equivalent job.

## 5. DONATED LEAVE

The purpose of donated leave is to provide income protection for employees who, because of a catastrophic illness or accident, are temporarily disabled and absent from work for an extended length of time. Under no circumstance, shall donated leave be utilized for non catastrophic sick leave.

Leave donation shall be from employee to employee and shall be strictly voluntary. The identity of donors shall be confidential and shall not be provided to the recipient or to any other individual unless necessary to administer the donation or if it is required by law.

- a. An employee shall not be eligible to solicit leave donations for:
  - i. Any occupationally related accident or illness which is compensable under Workers' Compensation benefits or
  - ii. Disability incurred in the course of committing a felony or assault.

- b. An employee is eligible to receive donated leave if:
  - i. They have been employed for at least 12 months in a position entitled to earn leave;
  - ii. They have used all of their sick, annual and forfeited leave; and
  - iii. They have been on approved leave without pay for 80 hours.
  
- c. An employee is eligible to donate leave if:
  - i. They have been employed for at least twelve (12) months in a position entitled to earn leave;
  - ii. They are employed in the same agency as the employee needing donated leave;
  - iii. They will have a balance of at least sixty (60) hours of sick leave after donating sick leave; and
  - iv. They will have a balance of at least sixty (60) hours of annual leave after donating annual leave.
  
- d. Approval and solicitation.
  - i. The Court shall have the discretion to approve all requests for solicitation of leave donations prior to the circulation of such solicitation.
  - ii. Employees wishing to receive donated leave shall submit a "Request for Donated Leave Solicitation" no more than forty (40) days prior to going into leave without pay status to the Director of the Fiscal Services. The Fiscal Office shall submit a Leave Usage Report covering at least twenty-four (24) months) to the appropriate judge or supervisor.
  - iii. Based on the information provided by the Fiscal Office, the Judge or supervisor shall approve or disapprove the Request for Donated Leave Solicitation for submission to the Banc for approval.
  - iv. No solicitation for donated leave will be allowed prior to approval of the Request for Donated Leave Solicitation by the Banc. Following approval, the Fiscal Office shall assist the

recipient in developing a solicitation announcement which shall be posted for not less than ten (10) work days.

e. Donations and Credits.

- i. An employee may donate any amount of annual leave and not more than one hundred and twenty (120) hours of sick leave in a calendar year. A donation may not be made from a forfeited leave balance.
- ii. All donations must be in increments of whole hours.
- iii. Leave may not be donated to any recipient who has not been authorized by the Court to receive such donations.
- iv. Multiple donations shall be permitted for the same recipient, provided, however, no recipient shall be credited with more than one thousand forty (1040) hours of donated leave in any consecutive two calendar year periods.
- v. Donations, not to exceed five hundred (520) hours shall be credited to the recipient in the order they are received. Donations received after the yearly maximum (520 hours) has been reached shall not be accepted and shall be returned to the appropriate donor.
- vi. Once a recipient has returned to duty, no more than forty (40) hours of previously donated leave may be retained for the recipient's use. Excess donated leave shall be credited back pro rata to the employees who donated the leave.

- f. No employee shall threaten, coerce or attempt to threaten or coerce another employee for the purpose of interfering with rights involving the donations, receipt or use of leave. Such prohibited acts shall include, but not be limited to, promising to confer or conferring a benefit such as appointment, promotion or salary increase, or making a threat to engage in, or engaging in an act of retaliation against any employee. Violation of the aforementioned prohibition shall be considered to be misconduct and shall be subject to disciplinary action.

6. OTHER PAID TIME OFF

The purpose of paid time off is to provide a means for employees to secure limited time off when such time is needed for bereavement, jury duty and voting.

### Bereavement.

In the event of a death of any of an employee's immediate family, sick leave may be used, not to exceed five (5) days. For bereavement purposes, immediate family is defined as: spouse, children, parents, grandparents, brothers and sisters, mother-in-law and father-in-law. Immediate family may also include any person(s) who reside(s) in the employee's household and is recognized by law as a dependent of the employee.

### Military Duty.

Employees of the Court of Appeals of Georgia ordered to military duty as defined by OCGA §38-2-279 shall be entitled to the rights concerning pay, benefits, leave and reinstatement as set out in that statute.

### Jury Duty.

The department will pay an employee's normal salary for a period of jury service. This will allow regular employees to serve on a jury without loss of pay or leave. A copy of the subpoena or summons should be included with the leave report, but the employee may retain any jury pay received as a result of such service.

### Time Off to Vote.

Full-time employees will be permitted to take necessary time off from employment without loss of pay to vote in any municipal, county, state, or federal political party, primary or election for which the employee is qualified and registered to vote, on the date on which the primary or election is held.

### Temporary Emergencies.

If the Chief Judge believes that existing or imminent weather conditions or other appropriate circumstances warrant the closing of an office or center, employees may be excused from duty without loss of pay for such time as deemed necessary.

### Court Leave

- a. An eligible employee may be granted court leave on all days during which the employee is subpoenaed to serve as a juror, witness, or for other proceedings for which an employee is subpoenaed or summoned to appear by any federal, state, or local court. The following documentation is required for Court Leave: Subpoena, Summons for jury duty, or other court order.

- b. An employee shall not be granted court leave for any case or proceeding in which the employee is a litigant, defendant, or other principal party, or if the employee has any other personal or family interest in the proceedings. Personnel interest also includes proceedings in which the employee is interested because of a personal relationship (i.e., a friend, an associate, a partner, etc.). Family interest includes proceedings in which any family member is involved as a principal party. The employee shall be released to respond to a subpoena in cases in which the employee has a personal or family interest, but the absence will be charged to annual leave, accrued compensatory time, or authorized leave without pay.

## 7. FORFEITED LEAVE

Annual leave in excess of 360 hours (45 days) and sick leave in excess of 720 hours (90 days) are deducted from annual and sick leave accounts and posted to the employee's forfeited leave account.

Forfeited leave can be used in the following circumstances:

- a. At the discretion of the supervisor, forfeited leave may be restored and used as sick leave if the employee needs it for an extended illness or injury. Satisfactory evidence as to the illness or disability shall be provided to the supervisor and the Fiscal Office.
- b. Used as service time for retirement purposes as long as upon termination or retirement of the employee, the forfeited leave account totals at least 960 hours. 960 hours equates to six months of service credit which would be added to the employee's actual service time. *Please note that all unused sick leave forfeits upon termination or retirement. The unused sick leave moves from the sick leave account into the forfeited account within 30 days of termination. It, therefore, becomes part of forfeited leave which must total 960 hours in order to be used for service time for retirement purposes.*

## C. COURT PARKING

Parking is available for all full-time employees at the cost determined by Georgia Building Authority. The Court of Appeals now controls the parking spaces for its employees. All spaces are located in the Judicial-Old Labor, Trinity-Washington and Judicial-Old Labor Courtyard parking. Spaces that once were assigned to individuals by Georgia Building Authority (GBA) are now under the control of the Court.

The following parking facility procedures will be administered by the Chief Judge or his/her designee:

1. All space assignments and records will be maintained by the Court.
2. An employee of the Court who is eligible for a parking space while employed on the Court shall not contract directly with the Georgia Building Authority (GBA) for a parking space except when no parking space is available from the Court.
3. Most Court parking spaces are marked by red RESERVED signs. Appropriate decals must be displayed in the car and are available from the Fiscal Office.
4. No changes in parking spaces may be made without the direct approval of the Chief Judge or the Fiscal Office. NO changes will be made through GBA; all changes must be initiated by the Court.
5. Employees may not sublease or rent their assigned space. Abuse of this prohibition may result in the loss of one's parking space.
6. Visitor parking is available on a limited basis. Visitor parking is to be used for Court-related visitors and not for any other purpose. To reserve a space, contact the Fiscal Office. Spaces for visitors are available on a first come, first serve basis. The Fiscal Office will notify the security. The office requesting the parking must comply with GBA security requirements.
7. Investigation and towing of illegally parked cars will be initiated only by the Chief Judge or, the Fiscal Office. If another car is parked in a COA employee space, the employee should contact the Fiscal Office to initiate action. The employee will be given a place to park for the day or until the problem is resolved. GBA will rely on our investigation and respond to our request to tow. Please see Vehicle Towing Procedures at Appendix G.

#### **D. OTHER BENEFITS**

1. The Court will pay basic State Bar dues for all attorneys employed by the Court.

The annual National Association of Appellate Court Clerks regular membership dues for the clerk/court administrator and deputy administrator shall be paid from court funds.

2. Employees may be eligible to participate in a state retirement plan. The Fiscal Office shall explain an employee's rights to participation during orientation.
3. Health insurance is optional for each judge and employee.
4. The following additional benefits are available at the employee's option under the Georgia Flexible Benefits Plan. For more information, about each benefit, qualifications and cost, contact the Court Fiscal Office.
  - a. Life insurance
  - b. Employee dependent life insurance
  - c. Accidental death and dismemberment insurance
  - d. Short term/long term disability insurance
  - e. Legal insurance
  - f. Dental insurance
  - g. Medical and child care spending accounts
  - h. Long term care insurance
  - i. Deferred compensation plan
  - j. Credit union membership
  - k. Direct pay deposit
  - l. MARTA and GRTA transportation plans

## **VII. CARE OF EQUIPMENT AND USE OF TECHNOLOGY RESOURCES**

### **A. BUSINESS USE**

The Court provides telephones, computers, faxes, electronic mail, access to the internet and other electronic resources to employees to assist them in performing their jobs. Employees should endeavor to make sure that every electronic communication is truthful and accurate and to protect the confidential information of the Court. Electronic communications should always be professional and business-like. Also, if an employee accidentally accesses an inappropriate website, he or she must leave the website immediately and report the access to his or her supervisor. Failure to comply with court policies on the use of technology resources

may result in denial of access to the technology resources and disciplinary action, up to and including dismissal. The employee may also be subject to civil or criminal liability.

Employees shall use the Court's electronic mail system to send emails for business purposes since use of AOL, GMAIL and the like are not secure e-mail systems. The Court's work product should only be stored on Court equipment. Employees shall protect portable hard drives containing Court work product from loss or inspection by non court personnel.

The Court reserves the right to monitor telephone calls and electronic mail messages in the workplace as well as to retrieve and read any data composed, transmitted or received through online connections and/or stored on Court servers, computers, or other Court property. The Court may monitor employee visits to internet sites, chat groups, newsgroups, and any material downloaded to Court technology resources.

If a Court employee would like to send an email regarding a special project or activity which will be held or conducted at the Court and/or the Courtroom, the email must be approved in advance by the Chief Judge or the designee of the Chief Judge.

## **B. PERSONAL USE OF COURT TECHNOLOGY**

Occasional personal use of the fixed telecommunication devices, computers, facsimile machines, photocopy machines, automated legal research tools, Internet connectivity, and email that do not involve any inappropriate use as described below is permitted by the Court. Any such use should be brief, infrequent, should not result in costs to the court, and should not interfere with the employee's job performance, duties or responsibilities.

Personal use of technology resources should not adversely reflect on Court, should not interfere with the function of the Court, and should not result in additional cost to the Court. The postage meter is not to be used for personal mail. No personal long distance calls shall be made on office telephones unless charged to the employee's personal credit card or home telephone account. No personal long distance faxes which would incur a charge to the Court shall be made on office fax machines.

## **C. INAPPROPRIATE USE OF TECHNOLOGY RESOURCES**

Inappropriate use of technology resources includes, but is not limited to:

1. Conducting private or personal for-profit activities.
2. Conducting unauthorized not-for-profit business activities.
3. Conducting any illegal activities as defined by federal, state, and local laws or regulations.

4. Creating, accessing or transmitting sexually explicit, obscene, or pornographic material. No court equipment is to be used for viewing pornographic or salacious material, sending or receiving same, except as may be necessary in the review of issues on appeal.
5. Creating, accessing or transmitting material that could be considered discriminatory, offensive, threatening, harassing or intimidating.
6. Creating, accessing or participating in online gambling.
7. Infringing of any copyright, trademark, patent or other intellectual property right.
8. Performing any activity that could reduce the security of the system/network, degrade the system/network performance, or cause the loss of, corruption of, or prevent full access to data.
9. Attempting to modify or remove computer equipment, software or peripherals without proper authorization.
10. Attempting to libel or otherwise defame any person.
11. Using another employee's access for any reason unless explicitly authorized.
12. Conducting any activity or solicitation for political or religious causes.
13. Distributing state data and information without authorization.

An attempt to use technology resources inappropriately will be treated in the same manner as the actual use of the resources inappropriately.

#### D. COURT WIRELESS OR MOBILE TELECOMMUNICATIONS

Employees who are authorized to have Court paid wireless or mobile telecommunication devices are responsible for reimbursing the Court for charges associated with their proper use of their telecommunication device and any overages that are directly attributable to non-business use of their telecommunication device. Employees authorized to use Court paid telecommunication devices are required to minimize usage sensitive charges and are prohibited from using their devices for unauthorized purposes and "511", "900" or "976" phone services unless job related.

Employees shall use fixed services (such as desktop telephones or computers) rather than wireless devices when fixed services are readily available and wireless use would generate usage charges.

**E. LOST OR STOLEN TECHNOLOGY EQUIPMENT AND UNAUTHORIZED ACCESS**

Employees are responsible for their assigned equipment. Any incident of lost equipment, unauthorized access or theft of equipment should be reported to your supervisor and the Fiscal Office. Laptops or other equipment owned by the Court should not be left in open view while being transported in either the Court vehicles or an employee's personal vehicle. The equipment should be stowed in the trunk of the vehicle if the vehicle has a trunk or covered so it is not in sight. An employee may be held personally liable for the value of the Court property lost or stolen if he or she has not adhered to the policy set out in this paragraph.

**F. DISCIPLINE FOR VIOLATION OF TECHNOLOGY POLICY**

Employees may be disciplined for inappropriate and/or unauthorized use of Court technology resources and for failure to protect Court property.

**VIII. TRAVEL/MOTOR VEHICLE USE FOR COURT BUSINESS**

All employees shall be subject to the state of Georgia employee travel regulations.

Employees are authorized to use the Court Car and Van only in accordance with the following requirements. In advance of driving a Court Vehicle or personal vehicle on Court business, an employee shall provide the Fiscal Office a copy of his or her Georgia driver's license and complete a Motor Vehicle Use Form. Thereafter, each time in advance of traveling on court business, an employee shall provide the Fiscal Office a newly completed Motor Vehicle Use form if the form on file has become outdated or inaccurate and/or a copy of his or her driver's license if it has been renewed since he or she last traveled on Court business. An employee is not authorized to drive on state business if an employee did not provide an accurate Motor Vehicle Use form and a copy of his or her current driver's license to the Fiscal Office in advance of the trip. See Appendix F.

An employee shall also view an approved Driver Safety video prior to driving on state business for the first time and annually thereafter. The employee must sign an acknowledgment that he or she has seen the video and file the acknowledgment with the Fiscal Office. See Appendix F.

A Court employee shall report any moving traffic citations or accidents while on state business whether using a Court Vehicle or his or her personal vehicle. The report shall be made no later than the next business day by calling the Fiscal Office and calling 1-877-656-7475.

An employee may not operate a vehicle on state business without a valid Georgia driver's license in his or her possession and without having provided a copy of the license to the Fiscal Office. An employee may not drive on state business with an expired, suspended or revoked driver's license.

An employee who has more than 10 points on his or her driving record, was convicted of one of the offenses listed below within the last 6 months, or has had an "at Fault" motor vehicle accident within the last 6 months and was convicted of one of the offenses listed below within the last 6 months does not meet the Court's safety standard.

Driving under the influence of alcohol, drugs, or other intoxicating substances (OCGA §40-6-391)

Leaving the Scene of an Accident (OCGA §40-6-270)

Any other charge if a conviction of that charge would result in more than 10 points accumulated on the employee's driving record.

If an employee does not meet the Court's safety standard above, the employee cannot drive on state business unless the Court determines to give its permission upon the employee's successful completion of either one or both of the following tasks: (1) review of an approved driver safety video and (2) successful completion of an approved defensive driving course. The employee rather than the Court shall pay any fees associated with the approved defensive driving course. If the points were accumulated or the offense(s) or accident occurred while on the Court's business, the Court may also discipline the employee in accordance with any other section of the employee handbook based on his or her driving conduct.

An applicant for a job with the Court that requires driving on the Court's business, may be required as a part of the application process to provide a copy of his or her driver's license and to complete the Driver Use Form.

## **IX. INCLEMENT WEATHER**

- A. The court will be kept open to the extent possible.
- B. The office of the clerk/court administrator will be kept open to the extent possible. The Chief Judge, after consultation with the Clerk/Court Administrator, shall make the determination whether the Clerk's office shall close during inclement weather and whether an announcement shall be made on the radio.
- C. Each judge controls his/her own staff and will decide if that judge's office shall remain open. It is within the discretion of each judge to decide if weather conditions warrant his/her employees absence without being charged leave.

- D. The Chief Judge, after consultation with the Clerk/Court Administrator, shall make the determination whether the Clerk's office shall close during inclement weather and whether an announcement shall be made on the radio.
- E. While recognizing the independence of the judicial branch of government, if the Governor announces that State offices will be closed because of inclement weather, the Court of Appeals will likewise close it's the Clerk's offices.
- F. Court closings or late openings shall be broadcast, as feasible, on local radio stations. Once a year the Court will notify all personnel which radio station(s) will carry the announcements.
- G. Employees should contact their supervisor if they have any questions about Court closings due to inclement weather. In any event, an employee should notify his or her supervisor if her or she thinks local conditions are too dangerous to come to work.

## **X. HEALTH AND SAFETY**

The Court is committed to providing its employees a safe environment for working and conducting business.

### **A. WORKPLACE VIOLENCE**

The Court will not tolerate any threats, threatening behavior, acts of violence or any related conduct which interferes with or disrupts the Court's safe working environment. All employees are responsible for refraining from engaging in any threatening behavior, acts of violence or disruptive conduct including bringing any dangerous devices into Court offices. Failure to abide by this policy is grounds for disciplinary action up to and including termination.

An employee should bring all incidents of violence or threats of violence to his or her supervisor, the Clerk or the Chief Judge. All complaints will be investigated and treated with as much confidentiality as possible.

## **B. ACCIDENTS/EMERGENCIES/BUSINESS CONTINUITY**

In the event of a fire, accident or emergency, Capitol Hill Police (GBA Security) can be reached at 404-656-3281. (For more details on emergency contacts and what to do in an emergency see the Court of Appeals Emergency Response Plan).

Each judge's office, the courtroom, the reception desk on the Fourth Floor of the Judicial Building, the Clerk's desk and the intake clerk at the Clerk's Office front desk is equipped with a security call button.

It is the responsibility of each employee to follow all safety and loss prevention policies and procedures of the Court of Appeals. Each employee is required to review the Emergency Response Plan annually and attend any required training session.

Each employee shall have the duty to report to the Fiscal Office an accident or injury that occurs while on duty to that employee or another employee on duty. If there is a life threatening injury call Capitol Police Services immediately 404-656-3281. If there is a non-life threatening injury, contact the Fiscal Office so that office can report the injury to the Injury Report line. If you are unable to reach someone in the Fiscal Office, call 1-877-656-7475 to report the injury. The Managed Care Nurse at that number will assist in getting the injured employee to the authorized medical services he or she needs. The employee must be authorized by the Managed Care Nurse to obtain medical services at a specific facility or doctor so that the services will be compensable under worker's compensation. See the emergency response plan for additional information on necessary reporting of on the job injuries.

## **C. RETURN TO WORK POLICY**

In the event, an employee suffers an injury which temporarily prevents the employee from performing his or her full regular job duties, he or she may be eligible for a limited period of modified or transitional work duties. The employee should contact the Fiscal Office to see the Court's full Return to Work Policy and to determine his or her eligibility.

## **D. SECURITY/IDENTIFICATION CARDS AND PARKING DECALS**

Security is the responsibility of all Court employees. Procedures regarding security are in effect to help protect you and your property and to safeguard the property of the Court. For this reason, employees should comply with the Georgia Building Authority security measures for our facilities.

Valuable personal items should be stowed out of sight and/or in locked rooms or furniture when you are away from your office.

State buildings and parking areas are secured and require display of your state identification badge or electronic access by magnetic card and a Georgia Building Authority car decal. The car decals indicate the building in which the employee's parking space is located. New employees will be issued a security/identification card by the Georgia Building Authority security office. The fiscal department will provide the new employee the documentation necessary to obtain the card.

Employees are responsible for preserving their security cars/decals from loss and following the rules of GBA relative to replacement. Even though buildings are protected by security screening measures, employees are responsible for their personal belongings .

Employees must surrender all room keys and security/identification badges/car decals immediately upon termination of employment.

## **XI. OFFICE HOURS**

- A. The Clerk/Court Administrator's office will be open to the public from 8:30 a.m. to 4:30 p.m.
- B. Office hours for each judge's office shall be left to the discretion of each judge. Staff attorneys and administrative assistants are subject to the work schedule requirements set by the judge by whom they are employed.
- C.
  - 1. The judge in charge of the Floating Staff Attorneys/central Staff Attorneys shall schedule the assignments of the Floating Staff attorneys to the judge's offices on this Court. Requests for leave shall be made in writing to the Judge in charge of Floating Staff Attorneys/Central Staff Attorneys, which Judge shall record and send it to the fiscal officer.
  - 2. The judge to whom the floating staff attorney is assigned shall determine the time of the daily arrival and departure.

3. Floating administrative assistants are subject to the work schedule of the judge to whom they are assigned from time to time and if not assigned, shall abide by the schedule for Clerk's Office personnel.

## **XII. NAME ON OFFICE DOOR**

Staff attorneys shall not have their names on the office doors.

## **XIII. DISCIPLINE**

The following guidelines are provided for supervisors of Court staff other than in-chambers staff for the correction of unacceptable employee behavior. Each judge shall determine the appropriate discipline for his or her own chambers staff for violation of Court policy and any misconduct listed in A or B below. The listings below do not cover every possible type of offense or disciplinary action. For violations not specifically enumerated in these guidelines which impair or reflect adversely upon the integrity, efficiency, good order or operation of the Court of Appeals, the disciplinary action taken shall be commensurate with the nature and seriousness of the offense in each case as determined by the supervisor or the supervisor in conjunction with the Court. These guidelines are not intended to exclude additional types of discipline which may be effective in rehabilitating the employee or preventing future employee misconduct or performance problems. For example, the Court may condition continued employment on professional counseling, drug testing, or drug treatment commensurate with the nature and seriousness of the offense.

### **A. COUNSELING AND REPRIMANDS**

An employee may be disciplined for deficient work performance or personal misconduct by counseling or reprimand. A written reprimand by the Clerk to an employee supervised by the Clerk shall cite the specific details of the deficiency or misconduct and be copied to the Judge in Charge of the Clerk's office. Examples of misconduct which may be subject to counseling and reprimand include:

1. Violation of or a failure to comply with a policy or procedure of the Court of Appeals of Georgia.

2. Action unbecoming an employee of the Court which could reflect adversely on the Court.
3. Carelessness, negligence or improper use of funds, equipment or other resources of the Court.
4. Engaging in outside business activities on court time or using Court resources for such activity.
5. Inappropriate and/or unauthorized use of Court technology resources or the failure to protect Court property.
6. Failure to maintain a satisfactory and harmonious working relationship with the public or fellow employees.
7. Chronic absenteeism or tardiness or unexcused or unauthorized absences.
8. Indecent conduct which tends to violate commonly accepted standards of decency or morality.
9. Disrespect or use of insulting or abusive language to a judge or another employee.

Continuing or repeated incidents of unsatisfactory work performance or personal misconduct after counseling or a reprimand may subject the employee to additional discipline under Section C below.

## **B. SERIOUS OR GRIEVOUS OFFENSES**

Employees may be disciplined pursuant to Section C below for committing serious or grievous offenses. Examples of such conduct include but are not limited to:

1. Commission of any action which could cast serious doubt on the employee's ability to serve in a position of trust, including but not limited to being arrested, charged and/or convicted of any crime, including but not limited to crimes involving theft, violence, dishonesty, moral turpitude or being in the unlawful possession of drugs.

2. Misrepresentation of one's powers or authority as an employee of the Court.
3. Being under the influence of alcohol or illicit drugs while on the job, being a current user of illicit drugs or possessing or selling alcohol or illicit drugs at work.
4. Accepting or requesting any fee, gift, service or other valuable thing from any person for the benefit of the employee or employee's family when it reasonably appears that the person believes the employee will in the course of or in connection with the employee's work, perform some favor to that person.
5. Stealing, diverting or converting money or property belonging to the Court or another employee or using Court property or resources to conduct outside business activities.
6. Sabotage, vandalism or malicious injury to Court property or property of other employees.
7. Acts of workplace violence, including threatening, disruptive or intimidating behavior, verbal abuse and physical assaults.
8. Engaging in the practice of law while employed by the Court of Appeals without the approval of the employee's supervisor.
9. Political activity prohibited in this employee's handbook or conflicts of interests.
10. Sexual or other workplace harassment.
11. Knowingly releasing confidential information from the court or its records.
12. Failing or refusing to comply with a direct order or proper direction of a supervisor.
13. Willful failure to disclose blood relationship or relationship by marriage to a sitting Court of Appeals of Georgia judge or other Court employee.
14. Failure to disclose outside employment.

15. Intentional misstatement or concealment of material fact in connection with employment, employment application, work records, reports, or investigations.

16. Gambling or betting on Court premises.

**C. DISCIPLINARY ACTIONS FOR SERIOUS OR GRIEVOUS OFFENSES**

Employees violating Section B above, in addition to any other discipline that may be provided for in this handbook, may be reprimanded, placed on probation, suspended, be given a reduction in salary, or terminated from employment. A disciplinary suspension shall be for at least one business day. The supervisor shall coordinate any disciplinary action with the Fiscal Officer. A notice of the disciplinary action shall be put in writing and shall be included in the employee's personnel file.

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**ACKNOWLEDGMENT OF HANDBOOK**

I hereby acknowledge that I have received a copy of the Employees Handbook and have read and understand the contents.

\_\_\_\_\_  
Signature of Employee

Date: \_\_\_\_\_

# APPENDICES

**Appendix A**  
**Court of Appeals of Georgia Employment Application Form**

Name \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ County: \_\_\_\_\_

Telephone \_\_\_\_\_

Are you a legal resident of the United States? \_\_\_\_\_

**Employment:**

Current or Most Recent Employer \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Telephone \_\_\_\_\_

Your Most Recent Title/Position \_\_\_\_\_

Immediate Supervisor's Name \_\_\_\_\_

Date of First Employment with Present Employer \_\_\_\_\_

Please list below all employers for the past five years and provide the dates you were employed, the position(s) you held, and the reason for leaving that employment

\_\_\_\_\_  
\_\_\_\_\_

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**Education and Training:**

Please describe your education and training. (Include schools or training attended, dates of attendance, courses attended, degrees or certificates obtained, and professional licenses (such as a license to practice law) currently held.

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**Please provide copies of all diplomas or certificates of training or education earned and listed above and attach to this application. In lieu of a copy of a diploma or certificate, please provide a transcript.**

If you are an attorney, please list the names of courts in which you are authorized to practice law?

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List the computer applications in which you are proficient? Also, please provide typing speed and the office machines you have used, if you are applying for an administrative assistant or clerical position.

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Have you ever been convicted of a crime? You may exclude parking violations and speeding violations in which you exceeded the speed limit by less than 15 miles per hour.

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If your answer to the above question is yes, please state the crime and date of conviction. Conviction of a crime does not automatically bar employment, but the nature of the crime, number of convictions and circumstances of the offense, length of time since the offense occurred, recent employment history and any rehabilitation efforts will be considered in light of the position to which you are applying and the position's job requirements, duties, and responsibilities.

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Are you currently using any illegal drugs?

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**References:**

List below the names, addresses and telephone numbers of one or two work references and one or two character references (who have known you for at least three years) .

**Work References**

1. \_\_\_\_\_

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2. 

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Character/Personal References

1. 

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---

2. 

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**I hereby certify that all the information I have provided in this application is correct to the best of my knowledge and belief. False information submitted on this application will be grounds for termination of employment should employment be offered to the applicant.**

**I authorize the Court of Appeals of Georgia to verify this information should the court choose to do so. I agree to complete any authorizations necessary to obtain verification of the information I have provided in this document.**

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Signature of Applicant

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Date

**Appendix B**  
**Court of Appeals of Georgia**  
**Disabled Employee Request for A Reasonable Accommodation**

Name: \_\_\_\_\_

Date: \_\_\_\_\_

1. Please indicate the work problem posed by a medical condition that you have?

2. Please describe the nature of your disability and any job function limitations this disability causes?

3. Please provide any suggestions you may have for reasonable accommodations that will permit you to perform your job?

Please note that in order for the Court to determine the nature, severity and duration of your disability, how it affects the performance of your job, and what accommodations are reasonable, you may be required to provide a limited release of your medical records.

**Appendix C**

**Georgia Code of Ethics for Government Service OCGA §45-10-1**

**(See appendix in separate file.)**

## Appendix D

### STAFF ATTORNEY STANDARDS OF CONDUCT

Staff attorneys (“SAs”) are employed at the pleasure of their employing judge, and to that end, are responsible for adhering to any individual office rules imposed by their judge. Nevertheless, because SAs are responsible for maintaining integrity and public confidence in the judicial process, these are standards of conduct by which every SA should abide.

- (1) Impartiality - SAs should adhere to the State Bar’s Rules of Professional Conduct as well as to the pertinent sections of the Code of Judicial Conduct. Any potential conflicts that a SA may have with working on a case should be discussed with the SA’s judge, and SAs should take steps to avoid any actions outside the court that would create the appearance of partiality by the SA’s judge or by the Court.
- (2) Confidentiality - SAs should not discuss pending cases, panel assignments, intra-court conversations or documentation, or any information that would compromise the confidentiality of the Court or confidentiality of the SA’s judge.
- (3) Practice of Law
  - (a) During Court Employment - SAs may not practice law during employment with the Court, with the exception of the SA’s personal legal matters. With the approval of the SA’s judge, the SA may:
    - (i) engage in activities to promote the law, the legal system, court administration, and the administration of justice, including writing, teaching, and participating in projects and committees;
    - (ii) participate in civic and charitable activities, including service as an officer or director so long as the participation does not violate the Rules of professional Conduct or Code of Judicial Conduct and any conflict that arises from such participation is disclosed to the SA’s judge.
  - (b) After Court Employment - SAs may practice before the Court after their employment ends, with the exception of participation on cases that were pending in the Court during the SAs employment period.
- (4) Work Product - SAs should discuss with their judge whether work product created by the SA may be used as a writing sample and to what extent an SA may discuss the nature of their work to individuals outside the Court.

- (5) Political Activity - *See* Court of Appeals of Georgia Employee Handbook, Section III. C.

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Staff Attorney Signature

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Date

(Adopted Banc Meeting September 16, 2009)

**Appendix E**  
**Court of Appeals of Georgia**  
**Request Form for Leave under the Federal Family and Medical Leave Act**

Employee Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date Requested that Leave Commence: \_\_\_\_\_

Duration of Requested Leave: \_\_\_\_\_

**Purpose of Leave:**

Birth of Child \_\_\_\_\_

Adoption of Child \_\_\_\_\_

Placement of Child in Foster Care \_\_\_\_\_

**Care for the Serious Health Condition of Employee's:**

Parent \_\_\_\_\_

Spouse \_\_\_\_\_

Child \_\_\_\_\_

Serious Health Condition of the Employee \_\_\_\_\_

**Exigencies Arising from Active Duty or Call to Active Duty in the National Guard or Reserves of Employee's:**

Parent \_\_\_\_\_

Spouse \_\_\_\_\_

Child \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Employee

Date

**Appendix F**  
**Motor Vehicle Use Form**  
**for**

**USE OF COURT OR PERSONAL VEHICLE FOR COURT BUSINESS**

By signing this form, you are certifying that you are qualified to safely operate a vehicle for Court business. If an item is true, please initial the line preceding that statement. If your answer is not true to every item, the Court may refuse to allow you to use a motor vehicle to perform court business.

- \_\_\_\_\_ 1. I have a valid license for operating the vehicle which has not been suspended, revoked or has not expired.
- \_\_\_\_\_ 2. I do not currently have more than 10 points on my driving record.
- \_\_\_\_\_ 3. I agree to use vision correction measures while operating the vehicle, if required by my driver's license.
- \_\_\_\_\_ 4. I agree to report to the Fiscal Officer any traffic citation or warning that I receive while operating a vehicle on state business.
- \_\_\_\_\_ 5. I have not had an "at fault" motor vehicle accident in the past 6 months.
- \_\_\_\_\_ 6. I do not have pending charges, or a conviction within the past 6 months, for any of the following offenses driving under the influence, leaving the scene of an accident, and any other charge if a conviction on the charge would result in more than 10 points accumulated on your driving record.
- \_\_\_\_\_ 7. I viewed the Driver Safety Video required by the Court on \_\_\_\_\_  
\_\_\_\_\_ (provide date).
- \_\_\_\_\_ 8. I agree to notify my supervisor of any changes involving the above initialed items before I operate a vehicle for Court business.

\_\_\_\_\_  
Employee's Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Employee's Printed Name

OFFICIAL CODE OF GEORGIA ANNOTATED  
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\*\*\* Current Through the 2009 Regular Session \*\*\*  
\*\*\* Annotations Current Through July 3, 2009. \*\*\*

TITLE 45. PUBLIC OFFICERS AND EMPLOYEES  
CHAPTER 10. CODES OF ETHICS AND CONFLICTS OF INTEREST  
ARTICLE 1. CODES OF ETHICS

[Go to the Georgia Code Archive Directory](#)

**O.C.G.A. § 45-10-1 (2009)**

§ 45-10-1. Establishment and text of code of ethics for government service generally

There is established for and within the state and for and in all governments therein a code of ethics for government service which shall read as follows:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in government service should:

- I. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department.
- II. Uphold the Constitution, laws, and legal regulations of the United States and the State of Georgia and of all governments therein and never be a party to their evasion.
- III. Give a full day's labor for a full day's pay and give to the performance of his duties his earnest effort and best thought.
- IV. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- V. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
- VI. Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.
- VII. Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
- VIII. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
- IX. Expose corruption wherever discovered.
- X. Uphold these principles, ever conscious that public office is a public trust.

**HISTORY:** Ga. L. 1968, p. 1369.

**NOTES:** LAW REVIEWS. --For article "Conflicts of Interests of Public Officers and Employees," see 13 Ga. St. B.J. 64 (1976). For article, "Georgia's New Ethics Laws: A Summary of the Changes Relevant to Lobbyists and Legislators," see 11 Ga. St. B.J. 22 (No. 4, 2005).