ALABAMA STATE PERSONNEL BOARD
ALABAMA STATE PERSONNEL DEPARTMENT
ADMINISTRATIVE CODE

CHAPTER 670-X-14
SICK LEAVE

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670-X-14-.01 Sick Leave.

(1) An allowance of four hours and twenty minutes for each semi-monthly period of service shall be made for sick leave. Unused portions of such allowance may accumulate but not more than 1200 hours may be carried over beyond the end of the calendar year. Sick leave earned over 1,200 hours that is placed in excess may be used with the approval of the employee's appointing authority and must comply with the guidelines of the State Personnel Department. An employee who retires shall be entitled to be paid for fifty percent of his accumulated sick leave at the time of his or her retirement up to a maximum of 600 hours in his career. Such payment constitutes liquidation of the sick leave balance of the employee.

(a) Neither annual nor sick leave shall accrue except when an employee is actually working or on authorized leave with pay, and in no case shall leave accrue subsequent to actual separation from the service.

(b) Sick leave is hereby defined to mean the absence from duty of an employee because of: (1) illness; (2) bodily injury not incurred in line of duty, or bodily injury or occupational illness incurred in line of duty; (3) attendance upon members of the immediate family whose illness requires the care of such employee; (4) death in the immediate family of the employee. Immediate family is hereby defined to include spouse or children as defined by the Family and Medical Leave Act, grandchildren, parents or grandparents, sister or brother, mother-in-1aw, father-in-1aw, daughter-in-1aw and son-in-1aw. Where unusually strong personal ties exist, due to an employee's having been supported or educated by a person of some relationship other than those listed, this relationship may be recognized for leave purposes. In each such case, the employee concerned shall file with his appointing authority a

written statement of the circumstances which justify an exception to the general rule.

(c) Sick leave with pay is not a right for which employees may make demand, but a privilege granted in accordance with prescribed rules and regulations, to which the Board may make exceptions as the best interest of the service demand. At the discretion of the appointing authority, employees may be required to maintain a minimum number of sick leave hours.

(d) Either the appointing authority or the Board may require at any time a claim for sick leave be supported by adequate evidence; and any unjustified or fraudulent claim for sick leave may be punished by loss of pay, loss of accumulated leave, suspension and/or dismissal.

(e) Employees shall not be compensated for accumulated sick leave when they are separated from the state service, except in the case of retirement or death. However, if they leave state service in good standing and are reemployed within a period of four years from date of separation, sick leave accumulated during previous employment or any part thereof may be restored upon recommendation by the appointing authority and approval by the Director. Under no circumstance can an employee use sick leave to engage in any other employment during his scheduled working hours.

(f) In case of serious disability or illness, sick leave may be advanced to any permanent employee under the following conditions: (1) All accrued leave (sick and annual) must be exhausted before a request for an advance is made. (2) No advance shall be made to any employee unless the absence from duty because of disability is for a period of five days or more. (3) Each application for an advance shall be supported by a certificate from a health care provider. (4) The total of advances of sick leave shall not at any time exceed 24 work days.

(g) Employees shall file requests for advance of sick leave with the appointing authority of the department in which they are employed, on forms to be provided by the State Personnel Department. After making such investigations as he deems advisable, the appointing authority shall either approve or disapprove such applications.

(h) Advances of sick leave shall be charged against such leave subsequently accumulated. In the case of separation from the state service of an employee to whom sick leave has been advanced in an amount in excess of that subsequently accumulated, the employee shall be liable for the period of such excess, and a deduction therefor shall be made from any salary due him on the basis of the salary rate obtained during the period of advanced sick leave. If no salary is due such

employee from which deductions may be made, or the salary due is insufficient to cover the amount due the state, a written request shall be filed with him asking that the amount due be paid into the state funds from which it was drawn. If he refuses to comply with this request the amount due may be recovered by suit to be filed upon request of the Director. No such employee shall be readmitted to the state service unless he shall first satisfy any or all outstanding claims or liabilities which have accrued against him under the foregoing provisions of this rule.

(i) Transfer of Sick Leave into State Merit System. Persons entering the state merit system may not transfer into the state merit system sick leave accumulated outside the state merit system with the following exceptions:

1. Individuals employed by a non-merit system State entity or agency who maintain a sick leave system in accordance with the procedures established by the Rules of the State Personnel Board may transfer their accumulated sick leave into the state merit system provided the appointing authority approves the acceptance of the leave. The non-merit system state agency or entity must certify the amount of sick leave the employee has accumulated and further certify that the accumulation of sick leave is in accordance with procedures established by the Rules of the State Personnel Board. This provision does not apply to public schools or public postsecondary institutions.

2. Those persons entering the state merit system from the public schools, public postsecondary institutions, or other non-merit entities of the State of Alabama may, upon the recommendation of the appointing authority and approval of the Director, retain a record of accumulated sick leave that may be used only in the case of illness and only at such times that all state merit system sick and annual leave has been exhausted. This rule shall be retroactive to January 1, 2023.

Author: Jackie B. Graham, State Personnel Director
Statutory Authority: Code of Ala. 1975, §§36-6-1(d); 36-26-9; 36-26-36.
History: Filed September 29, 1981. **Amended:** Filed May 24, 1985. **Amended:** Filed October 3, 1995; effective November 7, 1995. **Amended:** Filed August 13, 2001; effective September 17, 2001. **Amended:** Filed May 22, 2006; effective June 26, 2006. **Amended:** Filed May 20, 2015; effective June 24, 2015. **Amended:** Published July 31, 2020; effective September 14, 2020. **Amended:** Published September 29, 2023; effective November 13, 2023.

670-X-14-.02 Use Of Sick Leave For Maternity.

Accumulated sick leave may be used for purposes of maternity leave so long as: (1) the employee works up until the time she is disabled as a result of pregnancy, and (2) returns to work as soon as she ceases to be disabled for this reason. A doctor's verification of disability may be required by the appointing authority.
Author:
Statutory Authority: Code of Ala. 1975, §36-26-9.
History: Filed September 29, 1981.

670-X-14-.03 Donated Leave.

Upon the recommendation of an appointing authority and the approval of the Director, an employee may receive up to 480 hours of leave donations from another employee or employees of equal or higher classification for a maximum of 480 hours in his entire state career. A lower classification may only donate to a higher classification with Board approval. The donated leave request: (1) is made in writing, (2) is justified by catastrophic circumstances, (3) is recommended by the appointing authority, (4) is acted upon prior to the leave being used, and (5) is recommended only after all other available sick and annual leave has been used. Records of such transfers shall be maintained by the Department.
Author: Halcyon Vance Ballard
Statutory Authority: Code of Ala. 1957, §36-26-9.
History: Filed February 28, 1991. **Amended:** Filed May 20, 2015; effective June 24, 2015. **Amended:** Filed May 20, 2015; effective June 24, 2015. **Amended:** Published August 31, 2022; effective October 15, 2022. **Amended:** Published August 29, 2025; effective October 13, 2025.

Ed. Note: As per certification filed May 20, 2015, Rule 670-X-14-.03 Restoration Of Leave And Payment For Time Lost Due To On-The-Job Injury Or Occupational Illness was repealed, and Rule .04 was renumbered to .03.

670-X-14-.04 Living Donor Leave.

Upon recommendation of an appointing authority and approval of the Director, a permanent employee with at least one year of State service may be granted Living Donor Leave with pay for donating an organ or bone marrow. The employee must submit in writing a request for Living Donor Leave, supported by verification by the

physician performing the medical procedure, and a recommendation by the appointing authority. Based on the certification of the attending physician, the employee may receive up to thirty days to donate an organ and up to seven days to donate bone marrow. The employee does not have to exhaust his or her leave accruals for this procedure. The request for living donor leave must be approved by the Director prior to the medical procedure. Records will be kept by the Department.

Author: Halcyon Vance Ballard

Statutory Authority: Code of Ala. 1957, §36-26-9.

History: Filed February 28, 1991. **Amended:** Filed May 20, 2015; effective June 24, 2015. **Amended:** Filed August 29, 2017; effective October 13, 2017.