

Senate Bill 64

By: Senators Golden of the 8th, Ragan of the 11th and Hecht of the 34th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 23 of Title 47 of the Official Code of Georgia Annotated,
2 relating to service creditable under the Georgia Judicial Retirement System, so as to provide
3 for creditable service in such retirement system for forfeited annual and sick leave; to provide
4 for the calculation of such leave during periods for which records are not available; to
5 provide a maximum amount of such leave allowed; to provide for related matters; to provide
6 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 4 of Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to
11 service creditable under the Georgia Judicial Retirement System, is amended by inserting at
12 the end thereof the following:

13 "47-23-65.

14 (a) Accumulated days of forfeited annual and sick leave for which a member has not been
15 paid shall constitute creditable service if such member has at least six months of such
16 forfeited leave at the time of the member's retirement. The member shall be given one
17 month of creditable service for each 20 days of forfeited annual and sick leave. Upon
18 retirement of a member, the employer shall certify to the board of trustees the total amount
19 of that member's forfeited annual and sick leave based on leave records for periods of
20 service where employers have maintained adequate leave records. For periods of service
21 prior to July 1, 2002, where no leave records are available for members, forfeited leave for
22 an undocumented period may be computed as provided in subsection (e) of this Code
23 section.

24 (b) The maximum number of days of annual and sick leave which may be accumulated in
25 one year shall be the same as for state employees in accordance with the rules and
26 regulations of the State Personnel Board governing employees in classified service, as

1 defined in paragraph (2) of Code Section 45-20-2.

2 (c) For the purposes of this Code section, compensatory time shall not be applicable to
3 elected officials, and no elected official may offset any annual or sick leave taken by any
4 such official by any compensatory time which might otherwise be applicable to such
5 official.

6 (d) When accumulated forfeited annual and sick leave is claimed for the purposes of this
7 Code section by an elected official based on records maintained by or pursuant to the order
8 or supervision of the elected official, any such accumulated annual and sick leave accepted
9 by the board of trustees shall, in addition to such records, be based on the elected official's
10 sworn statement that the amount of accumulated forfeited annual and sick leave claimed
11 by the elected official is true and correct.

12 (e) The state auditor shall randomly select a representative sample of members who, as of
13 June 30, 2002, have a total of five years or more of continuous membership in this
14 retirement system and a predecessor retirement system. From an examination of the
15 personnel records of the members in the sample, the state auditor shall calculate an annual
16 average of the number of days of annual leave taken and an annual average of the number
17 of days of sick leave taken by the members in the sample. The average days for annual
18 leave taken and the average days for sick leave taken shall then each be deducted,
19 respectively, from the maximum number of days of annual leave and the maximum number
20 of days of sick leave which may be accumulated as provided in subsection (b) of this Code
21 section. The two figures resulting after making such reductions shall be added together and
22 the resulting figure shall be forfeited annual and sick leave for each year of membership
23 service for the purposes of subsection (a) of this Code section.

24 (f) The determination of forfeited annual and sick leave for members with undocumented
25 periods of service shall be certified by the employer based on the average amount of
26 forfeited annual and sick leave supplied by the state auditor pursuant to subsection (e) of
27 this Code section. The amount so certified shall be calculated by multiplying the figure
28 representing the one-year average of forfeited annual and sick leave by the number of years
29 of membership service for which leave records were not available at the time of retirement.

30 (g) The board of trustees may adopt rules and regulations, not inconsistent with the
31 provisions of this Code section, to aid in administering and carrying out the provisions of
32 this Code section."

33 SECTION 2.

34 This Act shall become effective on July 1, 2002, only if it is determined to have been
35 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
36 Annotated, the 'Public Retirement Systems Standards Law'; otherwise, this Act shall not

1 become effective and shall be automatically repealed in its entirety on July 1, 2002, as
2 required by subsection (a) of Code Section 47-20-50.

3 **SECTION 3.**

4 All laws and parts of laws in conflict with this Act are repealed.