Georgia Rules and Regulations
Administrative Bulletin for August 2024

OFFICE OF SECRETARY OF STATE
ADMINISTRATIVE PROCEDURE DIVISION
5800 Jonesboro Road
Morrow, GA 30260
(404) 909-8909

Final rules filed with the Georgia Secretary of State during the month of *August 2024:*

Table of Contents

Department	Rules List	Action	Filed	Effective	Page
75. GEORGIA BEHAVIOR ANALYST LICENSING BOARD	75-1-.01	adopted	Aug. 7	Aug. 27, 2024	7
	75-1-.02	adopted	Aug. 7	Aug. 27, 2024	7
	75-1-.03, 75-1-.04	adopted	Aug. 7	Aug. 27, 2024	7
	75-2-.01	adopted	Aug. 7	Aug. 27, 2024	9
	75-3-.01	adopted	Aug. 7	Aug. 27, 2024	10
157. RULES OF GEORGIA BOARD OF EXAMINERS OF LICENSED DIETITIANS	157-2-.04	amended	Aug. 2	Aug. 22, 2024	11
160. RULES OF GEORGIA DEPARTMENT OF EDUCATION	160-1-4-.293	amended	Aug. 5	Aug. 5, 2024	13
183. RULES OF STATE ELECTION BOARD	183-1-12-.02	amended	Aug. 15	Sept. 4, 2024	14
	183-1-12-.12	amended	Aug. 27	Sept. 16, 2024	15
	183-1-14-.02	amended	Aug. 15	Sept. 4, 2024	20
205. RULES OF FIREFIGHTER STANDARDS AND TRAINING COUNCIL, GEORGIA	205-1-2-.01 --- 205-1-2-.03	amended	Aug. 13	Sept. 2, 2024	25
	A --- C	repealed	Aug. 13	Sept. 2, 2024	29
	GLOSSARY OF TERMS	amended	Aug. 13	Sept. 2, 2024	30

Department	Rules List	Action	Filed	Effective	Page
	205-1-3-.01 --- 205-1-3-.04	amended	Aug. 13	Sept. 2, 2024	34
	205-1-5-.01, 205-1-5-.03 --- 205-1-5-.06	amended	Aug. 13	Sept. 2, 2024	48
360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD	360-3-.02	amended	Aug. 7	Aug. 27, 2024	53
375. RULES OF DEPARTMENT OF DRIVER SERVICES	375-5-6-.10 --- 375-5-6-.14	amended	Aug. 19	Sept. 8, 2024	58
391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES	391-2-5-.01, 391-2-5-.06, 391-2-5-.12, 391-2-5-.13, 391-2-5-.15	submitted	Aug. 29	Aug. 29, 2024	60
478. RULES OF THE STATE PERSONNEL BOARD	478-1-.16	amended	Aug. 19	Aug. 1, 2024	67
480. RULES OF GEORGIA STATE BOARD OF PHARMACY	480-5-.04	amended	Aug. 7	Aug. 27, 2024	93
	480-7A-.06	amended	Aug. 7	Aug. 27, 2024	94
	480-15-.02	amended	Aug. 7	Aug. 27, 2024	96
	480-15-.02	non-substantive change	Aug. 27	Aug. 27, 2024	96
	480-19-.04	amended	Aug. 7	Aug. 27, 2024	99
	480-34-.16	adopted	Aug. 7	Aug. 27, 2024	100

Final rules filed with the Georgia Secretary of State that became effective *August 2024:*

Department	Rules List	Action	Filed	Effective
75. GEORGIA BEHAVIOR ANALYST LICENSING BOARD	75-1-.01	adopted	Aug. 7, 2024	Aug. 27
	75-1-.02	adopted	Aug. 7, 2024	Aug. 27
	75-1-.03, 75-1-.04	adopted	Aug. 7, 2024	Aug. 27
	75-2-.01	adopted	Aug. 7, 2024	Aug. 27
	75-3-.01	adopted	Aug. 7, 2024	Aug. 27
80. RULES OF DEPARTMENT OF BANKING AND FINANCE	80-1-1-.01	amended	July 12, 2024	Aug. 1
	80-1-1-.02	amended	July 12, 2024	Aug. 1
	80-1-1-.03, 80-1-1-.04	amended	July 12, 2024	Aug. 1
	80-1-1-.09, 80-1-1-.10	amended	July 12, 2024	Aug. 1
	80-1-4-.01	amended	July 12, 2024	Aug. 1
	80-1-11-.05	repealed	July 12, 2024	Aug. 1
	80-1-15-.06	amended	July 12, 2024	Aug. 1
	80-2-1-.06	amended	July 12, 2024	Aug. 1
	80-2-4-.06	amended	July 12, 2024	Aug. 1
	80-2-5-.01	amended	July 12, 2024	Aug. 1
	80-2-12-.02	amended	July 12, 2024	Aug. 1
	80-2-13-.01	amended	July 12, 2024	Aug. 1
	80-2-13-.02	adopted	July 12, 2024	Aug. 1
	80-2-13-.03, 80-2-13-.04	adopted	July 12, 2024	Aug. 1
	80-2-13-.05 --- 80-2-13-.07	adopted	July 12, 2024	Aug. 1
	80-6-1-.04	amended	July 12, 2024	Aug. 1
	80-6-1-.11	adopted	July 12, 2024	Aug. 1
	80-11-1-.01 --- 80-11-1-.03	amended	July 12, 2024	Aug. 1

Department	Rules List	Action	Filed	Effective
	80-11-1-.09	amended	July 12, 2024	Aug. 1
	80-11-2-.01 --- 80-11-2-.04	amended	July 12, 2024	Aug. 1
	80-11-3-.01	amended	July 12, 2024	Aug. 1
	80-11-4-.03	amended	July 12, 2024	Aug. 1
	80-11-4-.05, 80-11-4-.08 --- 80-11-4-.11	amended	July 12, 2024	Aug. 1
	80-11-4-.12	amended	July 12, 2024	Aug. 1
	80-11-5-.01 --- 80-11-5-.03, 80-11-5-.05	amended	July 12, 2024	Aug. 1
	80-11-6-.02 --- 80-11-6-.04	amended	July 12, 2024	Aug. 1
	80-12-1-.01	amended	July 12, 2024	Aug. 1
	80-12-2-.08	amended	July 12, 2024	Aug. 1
	80-12-3-.01	amended	July 12, 2024	Aug. 1
	80-12-4-.04	amended	July 12, 2024	Aug. 1
	80-12-5-.04, 80-12-5-.05	amended	July 12, 2024	Aug. 1
	80-12-6-.03	amended	July 12, 2024	Aug. 1
	80-12-7-.01 --- 80-12-7-.05	amended	July 12, 2024	Aug. 1
	80-12-8-.01	repealed	July 12, 2024	Aug. 1
	80-12-8-.02	amended	July 12, 2024	Aug. 1
	80-12-8-.04	amended	July 12, 2024	Aug. 1
	80-12-9-.02	amended	July 12, 2024	Aug. 1
	80-12-12-.01	amended	July 12, 2024	Aug. 1
	80-14-2-.02, 80-14-2-.04	amended	July 12, 2024	Aug. 1
	80-14-3-.01	amended	July 12, 2024	Aug. 1
	80-14-5-.03	amended	July 12, 2024	Aug. 1

Department	Rules List	Action	Filed	Effective
157. RULES OF GEORGIA BOARD OF EXAMINERS OF LICENSED DIETITIANS	157-2-.04	amended	Aug. 2, 2024	Aug. 22
160. RULES OF GEORGIA DEPARTMENT OF EDUCATION	160-5-3-.17	amended	July 18, 2024	Aug. 7
189. RULES OF STATE ETHICS COMMISSION	189-2-.09	amended	July 23, 2024	Aug. 12
360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD	360-3-.02	amended	Aug. 7, 2024	Aug. 27
478. RULES OF THE STATE PERSONNEL BOARD	478-1-.16	amended	Aug. 19, 2024	Aug. 1
480. RULES OF GEORGIA STATE BOARD OF PHARMACY	480-1-.01	amended	July 24, 2024	Aug. 13
	480-3-.03	amended	July 24, 2024	Aug. 13
	480-5-.04	amended	Aug. 7, 2024	Aug. 27
	480-6-.01, 480-6-.02	amended	July 24, 2024	Aug. 13
	480-7-.01, 480-7-.03 --- 480-7-.05	amended	July 24, 2024	Aug. 13
	480-7A-.03, 480-7A-.04	amended	July 24, 2024	Aug. 13
	480-7A-.06	amended	Aug. 7, 2024	Aug. 27
	480-7B-.02	amended	July 24, 2024	Aug. 13
	480-8-.02	amended	July 24, 2024	Aug. 13
	480-10-.06	amended	July 24, 2024	Aug. 13
	480-13-.02	amended	July 24, 2024	Aug. 13
	480-15-.02	amended	Aug. 7, 2024	Aug. 27
	480-18-.02	amended	July 24, 2024	Aug. 13
	480-19-.04	amended	Aug. 7, 2024	Aug. 27
	480-22-.11	amended	July 24, 2024	Aug. 13
	480-33-.01, 480-33-.02	amended	July 24, 2024	Aug. 13
	480-34-.16	adopted	Aug. 7, 2024	Aug. 27
	480-38-.04	amended	July 24, 2024	Aug. 13

Department	Rules List	Action	Filed	Effective
	480-40-.04	amended	July 24, 2024	Aug. 13
	480-52-.07	amended	July 24, 2024	Aug. 13
494. BOARD OF PILOTAGE COMMISSIONERS	494-1-1-.32	adopted	July 31, 2024	Aug. 20

Department 75. GEORGIA BEHAVIOR ANALYST LICENSING BOARD

Chapter 75-1. ORGANIZATION OF THE BOARD

75-1-.01 Organization of Board

(1) The Board is composed of five (5) members who are appointed by the Governor. The five (5) members shall be constituted as follows: three (3) members are either a board-certified behavior analyst or a board-certified behavior analyst-doctoral and who are eligible for licensure under this chapter. One (1) member who is a board-certified assistant behavior analyst who is eligible for licensure under this chapter. Such member shall apply for licensure as soon as feasible after appointment. One (1) public member who is:

(a) Not a licensed behavior analyst or a licensed assistant behavior analyst or the spouse of such person;

(b) Has never been in the practice of applied behavior analysis or the spouse of such person; and

(c) Does not have and has never had a material interest in the practice of applied behavior analysis.

(2) Members shall serve three-year terms and until their successors are duly appointed and qualified; provided, however, that initial terms shall be staggered so that one member serves an initial term of one year, two members serve initial terms of two years, and two members serve initial terms of three years, as designated by the Governor. No member shall be appointed to more than two consecutive three-year terms.

Cite as Ga. Comp. R. & Regs. R. 75-1-.01

AUTHORITY: O.C.G.A. § 43-7A-3**.**

HISTORY: Original Rule entitled "Organization of Board" adopted. F. Aug. 7, 2024; eff. Aug. 27, 2024.

75-1-.02 Reserved

Cite as Ga. Comp. R. & Regs. R. 75-1-.02

AUTHORITY: O.C.G.A. § 43-7A-3**.**

HISTORY: Rule number Reserved, as specified by the Board. F. Aug. 7, 2024; eff. Aug. 27, 2024.

75-1-.03 Meetings

Each year the full Board shall hold at least two meetings. Additional meetings may be called by the Chairperson or may be held upon the written request of any three members of the Board. Three (3) members of the Board shall constitute a quorum. Such meetings may be conducted in-person, by telephone, by virtual means, or any combination thereof.

Cite as Ga. Comp. R. & Regs. R. 75-1-.03

AUTHORITY: O.C.G.A. § 43-7A-3**.**

HISTORY: Original Rule entitled "Meetings" adopted. F. Aug. 7, 2024; eff. Aug. 27, 2024.

75-1-.04 Public Information

The Public may obtain information from the Board by contacting the Board office located at 237 Coliseum Drive, Macon, Georgia 31217.

Cite as Ga. Comp. R. & Regs. R. 75-1-.04

AUTHORITY: O.C.G.A. § 43-7A-4**.**

HISTORY: Original Rule entitled "Public Information" adopted. F. Aug. 7, 2024; eff. Aug. 27, 2024.

Department 75. GEORGIA BEHAVIOR ANALYST LICENSING BOARD

Chapter 75-2. FEES

75-2-.01 Fees

Refer to fee schedule for appropriate fees payable to the Board. Fees may be reviewed and changed at the discretion of the Board. Any request for refund must be submitted in writing.

Cite as Ga. Comp. R. & Regs. R. 75-2-.01

AUTHORITY: O.C.G.A. § 43-7A-4**.**

HISTORY: Original Rule entitled "Fees" adopted. F. Aug. 7, 2024; eff. Aug. 27, 2024.

Department 75. GEORGIA BEHAVIOR ANALYST LICENSING BOARD

Chapter 75-3. PROCEDURAL RULES

75-3-.01 Procedural Rules

The Georgia Behavior Analyst Licensing Board hereby adopts by reference as its permanent rules Chapter 295 Joint Secretary, Professional Licensing Boards, and any future amendments thereto, of the Rules and Regulations of the Office of the Division Director, Professional Licensing Boards Division.

Cite as Ga. Comp. R. & Regs. R. 75-3-.01

AUTHORITY: O.C.G.A. § 43-7A-4**.**

HISTORY: Original Rule entitled "Procedural Rules" adopted. F. Aug. 7, 2024; eff. Aug. 27, 2024.

Department 157. RULES OF GEORGIA BOARD OF EXAMINERS OF LICENSED DIETITIANS

Chapter 157-2. LICENSURE REQUIREMENTS

157-2-.04 Renewal of License and Penalties, and Reinstatement. Amended

(1) Renewal of License and Fees.

(a) A license issued by the Board shall expire on March 31st of even numbered years. The license may be renewed upon payment of the renewal fee and completion of the online renewal application or a paper renewal form (contact the Board office to request one mailed to you) provided all requirements have been met.

(b) Any licensee who fails to apply for renewal by March 31st of each even numbered year may renew the license on or before April 30th of the same even numbered year by the payment of the current renewal fee plus an additional late penalty fee. See fee schedule. You must submit your verification(s) of the required continuing education hours obtained for that renewal. Practicing on or after May 1st of each even numbered year with an expired license is prohibited by law and practice during this period may result in disciplinary action for unlicensed practice.

(c) Each licensee applying for renewal must satisfactorily complete any continuing professional education requirements established by Board rule 157-5-.01.

(d) The Board may request additional verification of any requirements or credentials, as it may deem necessary.

(e) The failure to renew a license by April 30th following the March 31st even numbered renewal year expiration date shall cause the license to be administratively revoked and subject to reinstatement at the discretion of the board.

(2) Reinstatement of License.

(a) A license that is no longer active may be reinstated by the licensee upon meeting the following conditions set by the board:

1. To reinstate a license that has been lapsed for less than 2 years from the effective date of the lapse, the applicant must:

(i) submit an application for reinstatement, with the required fee.

(ii) submit proof of obtainment of the thirty (30) hours of Continuing Professional Education hours obtained within two (2) years prior to the date the application for reinstatement is received in the Board office.

(iii) provide proof of current registration with the Commission on Dietetic Registration.

(iv) provide verification of licensure from each state official or regulatory entity issuing the license, for each state currently or previously licensed in, indicating the license status and whether it is current and in good standing or not. If the license is not in good standing, the verification must indicate any sanctions or other disciplinary actions ever taken against the license.

(v) the Board may request additional verification of any requirements or credentials, as it may deem necessary.

2. To reinstate a license that has been lapsed for 2 or more years from the effective date of the lapse, the applicant must:

(i) submit an application for reinstatement with the required fee.

(ii) submit proof of obtainment of thirty (30) hours of Continuing Professional Education hours obtained within two (2) years prior to the date the application for reinstatement is received in the Board office.

(iii) provide proof of current registration with the Commission on Dietetic Registration.

(iv) provide verification of licensure from each state official or regulatory entity issuing the license, for each state currently or previously licensed in, indicating the license status and whether it is current and in good standing or not. If the license is not in good standing, the verification must indicate any sanctions or other disciplinary actions ever taken against the license.

(v) the Board may request additional verification of any requirements or credentials, as it may deem necessary.

(vi) submit two (2) letters of professional reference, one must be from a person who is currently registered and in good standing with the Commission on Dietetic Registration and the other from a current or former supervisor.

(b) To reinstate a license that has been placed in Inactive license status:

1. The holder of an active license may request to place the license on inactive status by submitting a written request to the board no later than April 30th following the March 31st even numbered renewal year expiration date.

2. The holder of an inactive license that continues to practice is subject to disciplinary action for unlicensed practice.

3. An inactive license may be reinstated by application for Reinstatement as provided in Rule 157-2-.04(1) or (2) above.

Cite as Ga. Comp. R. & Regs. R. 157-2-.04

AUTHORITY: O.C.G.A. §§ 43-1-4**,** 43-1-7**,** 43-1-25**,** 43-11A-7(2)**,** 43-11A-14**.**

HISTORY: Original Rule entitled "Renewal of License and Penalties, Reinstatement, Requirements for Inactive Status" adopted. F. Apr. 7, 1988; eff. Apr. 27, 1988.

Amended: F. June 2, 1993; eff. June 22, 1993.

Amended: F. June 21, 1996; eff. July 11, 1996.

Amended: F. Aug. 29, 1997; eff. Sept. 18, 1997.

Repealed: New Rule entitled "Renewal of License and Penalties, and Reinstatement" adopted. F. Apr. 1, 2002; eff. Apr. 21, 2002.

Amended: F. June 22, 2004; eff. July 12, 2004.

Repealed: New Rule of same title adopted. F. Dec. 13, 2005; eff. Jan. 2, 2006.

Amended: Title changed to "Renewal of License and Penalties, and Reinstatement. Amended." F. Aug. 6, 2013; eff. Aug. 26, 2013.

Amended: F. Mar. 21, 2016; eff. Apr. 10, 2016.

Amended: F. Aug. 2, 2024; eff. Aug. 22, 2024.

Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

Chapter 160-1.

Subject 160-1-4. GRANT PROGRAMS

160-1-4-.293 Computer Science Teacher Credential Grant

1. **Purpose of Grant.** The purpose of the Computer Science Teacher Credential Grant is to support broadening participation in K-12 Computer Science (CS) education and to assist in the implementation of O.C.G.A. § 20-2-149.3 by providing funding for teacher professional development and training, teacher certifications, and teacher endorsements for middle and high school CS teachers.

2. **Term and Conditions.** Grants are awarded through a competitive process to local educational agencies (LEA), a consortia of LEAs, local charter schools, state charter schools, and eligible partnerships between an LEA and an approved high-quality professional learning provider. The applicants must have a systemic computer science implementation plan with specific professional learning goals for teachers within the system. Awardees must agree to make their trained teachers available to train other teachers within the LEA in which the teacher is employed following implementation of grant activities. Awardees will also produce a report at the conclusion of the grant period.

3. **Eligible Recipient(s).** Eligible recipients include LEAs, a consortia of LEAs, local charter schools, state charter schools, and partnerships between an LEA and an approved high-quality professional learning provider.

4. **Criteria for Award.** Grant applications will be reviewed and scored by the Georgia Department of Education. Funding will be awarded based on rank (highest score first) and availability of grant funds.

5. **Directions and Deadlines for Applying.** To apply for the grant, eligible applicants must complete and submit an electronic application located online at the GaDOE Grant Opportunities webpage. Information regarding the deadline will also be on the GaDOE Grant Opportunities webpage. All additional requests for information should be made to lavita.williams@doe.k12.ga.us.

Cite as Ga. Comp. R. & Regs. R. 160-1-4-.293

AUTHORITY: O.C.G.A. § 20-2-240.

HISTORY: Original grant description entitled "CS4GA Computer Science Capacity Grant" submitted July 18, 2019.

Amended: New title, "Computer Science Teacher Credential Grant." Submitted Aug. 5, 2024.

Department 183. RULES OF STATE ELECTION BOARD

Chapter 183-1. GEORGIA ELECTION CODE

Subject 183-1-12. PREPARATION FOR AND CONDUCT OF PRIMARIES AND ELECTIONS

183-1-12-.02 Definitions

(1) As used in this rule, the term:

(a) "Ballot" shall have the meaning set forth in O.C.G.A. § 21-2-2.

(b) "Ballot scanner" shall have the meaning set forth in O.C.G.A. § 21-2-2.

(c) "Ballot Style" shall mean the specific offices, candidates, and questions displayed on an electronic ballot marker or paper ballot for voters according to their assigned precinct.

(c.2) "Certify the results of a primary, election, or runoff," or words to that effect, means to attest, after reasonable inquiry that the tabulation and canvassing of the election are complete and accurate and that the results are a true and accurate accounting of all votes cast in that election.

(d) "Electronic ballot marker" shall have the meaning set forth in O.C.G.A. § 21-2-2.

(e) "Election management system" is an electronic system that contains databases for elections, allows for the creation of ballots, generates ballot scanner memory cards, and computes tabulated results, amongst performing other election functions.

(f) "Electronic poll book" shall mean an electronic device that contains a list registered voters with sufficient information to look up voters, check them in, and encode voter access cards that bring up the correct ballot on an electronic ballot marker.

(g) "Election Superintendent" or "superintendent" means a county board of elections and registrations, a county board of elections, a judge of the probate court, or an elections supervisor or director so designated by a county board or judge of the probate court. For municipal elections, the term shall include the municipal counterparts set forth in O.C.G.A. § 21-2-2.

(h) "Enclosed space" shall mean that area within a polling place enclosed with a guardrail or barrier closing the inner portion of such area so that only such persons as are inside such guardrail or barrier can approach within six feet of the ballot box, voting compartments, voting booths, voting machines, electronic ballot markers, or ballot scanners.

(i) "Opening of the Polls" shall mean the commencement of voting in a particular primary, election, or runoff. Opening of the polls does not refer to the unlocking or opening of the doors of the polling place. Similarly, the term "Closing of the Polls" shall mean the cessation of voting in a particular primary, election, or runoff and not the locking or closing of the doors of the polling place.

(j) "Poll officer" shall have the meaning set forth in O.C.G.A. § 21-2-2.

(k) "Polling place" shall have the meaning set forth in O.C.G.A. § 21-2-2.

(l) "Precinct" shall have the meaning set forth in O.C.G.A. § 21-2-2.

(m) "Voter Access Card" shall mean the electronic card issued to a voter which is inserted into an electronic ballot marker to bring up the voter's correct ballot.

(n) "Zero Tape" shall mean a tape printed out by a ballot scanner unit which shows that no votes have been tabulated by the scanner for that election.

(o) "Voting system" or "voting system components" shall include electronic ballot markers, printers, ballot scanners, election management systems, electronic poll books, and voter access cards.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.02

AUTHORITY: O.C.G.A. §§ 21-2-31**,** 21-2-70**.**

HISTORY: Original Rule entitled "Vote Recorders" adopted. F. July 24, 1968; eff. August 12, 1968.

Repealed: New Rule entitled "Direct Recording Electronic Voting Equipment" adopted. F. Aug. 30, 2002; eff. Sept. 19, 2002.

Amended: F. Oct. 24, 2003; eff. Nov. 13, 2003.

Amended: F. May 11, 2004; eff. May 31, 2004.

Amended: ER. 183-1-12-0.4-.02 adopted. F. Sept. 10, 2004; eff. Sept. 9, 2004, the date of adoption.

Amended: F. Dec. 28, 2005; eff. Jan. 17, 2006.

Repealed: New Rule of same title adopted. F. Oct. 29, 2009; eff. Nov. 18, 2009.

Repealed: New Rule of same title adopted. F. Mar. 17, 2011; eff. Apr. 6, 2011.

Repealed: New Rule entitled "Definitions" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. Aug. 15, 2024; eff. Sept. 4, 2024.

183-1-12-.12 Tabulating Results

(a) After the Polls Close.

1. Immediately after the polls close and the last voter has voted, the poll manager and two witnesses who have been previously sworn as poll officers as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 shall begin the closing procedure on each ballot scanner so that no further votes are cast and record the number of scanned ballots from every ballot scanner used in the polling place. The poll manager and the two witnesses shall record the number of scanned ballots from each scanner on a recap form to be developed by the Secretary of State. The poll manager and the two witnesses shall cause each ballot scanner to print three tapes of the tabulated results and shall sign each tape indicating that it is a true and correct copy of the tape produced by the ballot scanner. If the poll manager or the witnesses have reason to believe that printed tapes are not a true and correct tabulation of the ballots scanned by that ballot scanner, the poll manager or witness shall document the reasons and evidence for that belief and inform the election superintendent, who shall take appropriate action, in his or her discretion, so that the ballots in the ballot box associated with the ballot scanner are accurately tabulated.

2. The poll manager shall cause the number of printed ballots from each ballot marking device to be recorded on the recap form. The poll manager shall further cause the number of spoiled ballots and ballots placed in the emergency bin of the scanner that were unable to be scanned to be recorded on the recap form. The poll manager shall cause the total number of voter check ins from the electronic poll book and/or paper voter list to be recorded on the recap

form. If the numbers recorded on the recap form do not reconcile with each other, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken.

3. As soon as possible after the polls close and the last elector votes, the poll manager shall advise the election superintendent of the total number of ballots scanned into the ballot scanner, the total number of provisional ballots issued at the precinct, and the total number of any cast but unscanned ballots in a scanner emergency bin in the manner prescribed by the Secretary of State.

4. One of the three tapes of the tabulated results printed from the ballot scanner shall be affixed to the door of the polling place for the information of the public along with a copy of the provisional ballot recap form for the polling place. One tape shall be placed into an envelope (or reusable document storage container suitable for the same purposes) provided by the election superintendent, along with the "poll officer" memory card from the ballot scanner. The envelope shall be sealed by the poll manager and the same two witnesses who signed the tape such that the envelope cannot be opened without breaking such seal. The poll manager and the two witnesses shall initial the envelope indicating that it contains the correct tape and memory card from the indicated ballot scanner. The envelope shall be labelled with the name of the polling place, the serial number of the ballot scanner, and the number assigned to the ballot scanner for that election. The third tape shall be placed into another envelope with the polling place recap form.

5. The poll manager and two witnesses who have been sworn as poll officers as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 shall unseal and open each ballot box, remove the paper ballots from each ballot box, and place the paper ballots into a durable, portable, secure and sealable container to be provided for transport to the office of the election superintendent. A separate container shall be used for the paper ballots from each ballot box and the container shall be labelled with the polling place, ballot scanner serial number, the number assigned to the ballot scanner for that election, the count of the ballots from the tabulation tape, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the poll manager and the same two witnesses such that it cannot be opened without breaking the seal. The poll manager and the two witnesses shall sign a label affixed to the container indicating that it contains all of the correct ballots from the indicated ballot box and no additional ballots.

6. The poll manager and the same two witnesses who emptied the ballot box shall complete and sign a form indicating that the ballot box was properly emptied and the ballots were properly stored and secured. Such form shall be delivered to the election superintendent with the completed polling place recap form. The ballot box shall be resealed and the new seal numbers shall be documented.

7. The envelopes containing the tabulation tape and the memory card, the containers containing the paper ballots, the completed polling place recap forms, voter access cards, supervisor's cards, electors lists, numbered lists of voters, electronic poll books, and other such paperwork shall be delivered to the election superintendent by the poll manager and at least one other sworn poll officer or law enforcement official. The election superintendent or his or her designee shall receive the materials and shall issue a receipt to the poll manager for the materials. The poll manager and any poll officers who travelled with the materials shall sign a form indicating that no sealed documents were unsealed enroute and that the materials have not been tampered with. The election superintendent, in his or her discretion, may allow a designee of the poll manager to deliver the envelopes or containers containing the ballot scanner tabulation tapes and memory cards to be used for unofficial reporting of results prior to the delivery of the other polling place materials provided that the same procedures for transit and delivery set forth herein are followed.

8. Before leaving the polling place, the poll manager shall power off, secure, and seal all electronic ballot markers, ballot boxes, and ballot scanners. The polling place shall be locked to prohibit unauthorized entry.

9. Accredited poll watchers shall be allowed to observe the process described in this rule; however, they must do so in a manner that does not interfere with poll officials.

(b) Consolidation of Results.

1. All persons involved with the tabulation and consolidation of the election results and who will operate the computer programs or handle the memory cards shall be sworn in the same manner that custodians are sworn before entering into their duties.

2. Only persons who are permanent employees of the election superintendent or have been duly sworn as poll officers or custodians shall touch or be in contact with any ballot, container, returns, tapes, device, memory card, or any other such election materials. Only persons who are employed by the election superintendent or have been duly sworn shall be in the immediate area of the tabulating center designated by the superintendent for the officers to conduct the tabulation and consolidation of the election results.

3. The tabulation and consolidation shall be performed in public. However, the election superintendent may make reasonable rules and regulations for conduct at the tabulating center for the security of the results and the returns and to avoid interference with the tabulating center personnel.

4. The election superintendent shall ensure all properly cast ballots that are received by the deadline to receive ballots are processed, verified, and tabulated as soon as possible and shall not cease such count and tabulation until all such ballots are counted and tabulated. However, counting may cease prior to tabulating provisional ballots that are cured by the prescribed deadline and validated pursuant to O.C.G.A. § 21-2-419, so long as those ballots are processed, verified, and tabulated as soon as possible. Counting may also cease prior to tabulating ballots from qualified electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq. ("UOCAVA"), that are received after the deadline to receive non-UOCAVA ballots but before the deadline for UOCAVA ballots set forth in O.C.G.A. § 21-2-386(a)(1)(G) so long as those ballots are processed, verified, and tabulated as soon as possible following their timely receipt.

a. For the purposes of this rule, "shall not cease" allows for reasonable or limited breaks so long as the processing, counting, and tabulating of ballots resumes as soon as possible. If the election superintendent, in its reasonable discretion, determines that due to mechanical or technological failures, emergency circumstances, or other circumstances that do not allow the processing, counting, and tabulating of ballots to continue reliably and accurately, the election superintendent shall report as soon as possible in writing to the Secretary of State in the manner prescribed by the Secretary of State the reason the processing, counting, and tabulating of ballots cannot continue reliably and accurately and the estimated time that the processing, counting, and tabulating ballots will resume.

5. Upon the delivery of any election materials from a polling place, the election superintendent or his or her designee shall provide a receipt that clearly states what election materials have been delivered.

6. Upon receiving the paper ballots and the memory cards, the election superintendent shall verify the signatures on the sealed envelopes and containers, verify that the seals are intact, that the envelopes or containers have not been opened, and that there is no evidence of tampering with the envelopes, containers, or their contents.

7. In the case of elections for county, state, and federal office, after verifying that the envelopes and containers are properly sealed and have not been opened or tampered with, the election superintendent shall break the seal and open each envelope and remove the memory card and results tape. The election superintendent or his or her designee shall then insert the memory card into the election management system computer and transfer the vote totals from the memory card into the election management system for official tabulation and consolidation.

8. After transferring all of the vote totals from the memory cards to the election management system and consolidating such totals with the totals from the absentee ballot system and such votes from any provisional ballots which have been found by the registrars to be authorized pursuant to O.C.G.A. § 21-2-419, the election superintendent shall prepare the official consolidated returns for the primary, election, or runoff.

9. The election superintendent shall not list and certify in the official consolidated returns for an election any results for write in candidates who were not properly qualified under O.C.G.A. § 21-2-133.

10. In the case of primaries, elections, and runoffs for county, state, and federal office, the county election superintendent shall transmit to the Secretary of State the election returns by precinct for the county in electronic

format or by electronic means, as may be specified by the Secretary of State, within fourteen days following a primary, election, or runoff.

(c) Publicly Posting Total Number of Ballots Cast After Close of Polls.

1. For the purposes of publicly posting the number of ballots cast, including the total number of ballots scanned into the ballot scanner, the total number of provisional ballots issued at the precinct, and the total number of any cast but unscanned ballots in a scanner emergency bin, as soon as possible after the close of polls and the number of absentee ballots received as soon as possible following the deadline to receive such absentee ballots as required by O.C.G.A. § 21-2-421(a), posting information in a prominent public place means:

a. If the county or municipality maintains a publicly accessible website, publishing information on the homepage of the county's publicly accessible website associated with elections and/or registrations.

b. If the county or municipality does not maintain a publicly accessible website, affixing information on the door of the county or municipality's election office such that the information is viewable to the public.

c. At the same time that such information is publicly posted, it shall be transmitted to the Secretary of State in a manner determined by the Secretary of State.

(d) Election Night Reporting. The election superintendent shall transmit to the Secretary of State unofficial election results for all races for state offices in any primary, election, or runoff as soon as possible after the closing of the polls for such primary, election, or runoff. Such results shall be transmitted in a format prescribed by the Secretary of State. At a minimum, the results shall be transmitted upon one third of the precincts reporting results, upon two thirds of the precincts reporting results, and upon all precincts reporting results, including absentee ballots within all precincts. Except upon prior notice to and consultation with the Secretary of State, no election superintendent shall conclude the tabulation of votes on election night in any primary, election, or runoff in which there are contested races for federal and state offices until and unless all such unofficial results, including absentee ballots, have been transmitted to the Secretary of State.

(e) Reconciliation Report.

1. As soon as possible but no later than 30 days following the certification of election results, the election superintendent shall transmit to the Secretary of State a reconciliation report that reconciles the aggregate total of all ballots cast in each precinct as reported in the precinct-level election results to the aggregate number of voters who received credit for voting in each precinct on the form made available by the Secretary of State. Any discrepancies in the aggregate total of ballots cast in each precinct compared to the aggregate number of voters who received credit for voting in a precinct shall be fully investigated by the election superintendent or designee. The explanation for any discrepancy shall be included in the Reconciliation Report.

(f) Preparing for County Certification.

1. After each election but not later than 3:00 P.M. on the Friday following the date on which the election was held, the Board shall meet to conduct a review of precinct returns.

2. After all absentee ballots received by the close of the polls, including those cast by advance voting, and all ballots cast in person on Election Day and all provisional ballots (that have been validated) have been tabulated, the total number of ballots cast by each vote method shall be reported for each precinct.

3. A list of all voters who voted in the election shall be compiled including by category the number of voters who voted Election Day In Person, Advance Voting, Absentee and Provisionally. The list shall be examined for duplicates. The list shall then be sorted by precinct. The total number of unique voter IDs from each precinct shall be counted. The total number of unique voters who voted by each vote method shall be reported for each precinct.

4. For each precinct, the board members shall compare the total number of ballots cast to the total number of unique voter ID numbers. In any precinct in which the number of ballots exceeds the number of unique voters, the Board

shall determine the method of voting in which the discrepancy exists. The Board shall investigate the discrepancy and no votes shall be counted from that precinct until the results of the investigation are presented to the Board as required in GA Code § 21-2-493(b).

5. If any error is discovered that cannot be properly corrected, the Board shall determine a method to compute the votes justly as required in GA Code § 21-2-493(i). If fraud is discovered, the Board shall determine a method to compute the votes justly and report the facts to the district attorney for action as required in GA Code § 21-2-493(i).

6. Board members shall be permitted to examine all election related documentation created during the conduct of elections prior to certification of results.

(g) Certification Meeting.

1. After all precinct discrepancies have been investigated and resolved as required by GA Code § 21-2-493, the correct or corrected returns shall be recorded until all the returns from each precinct which are entitled to be counted are recorded; then they shall be added together, announced, and verified as accurate.

2. The consolidated returns shall then be certified by the superintendent not later than 5:00 P.M. on the Monday following the date on which such election was held and such returns shall be immediately transmitted to the Secretary of State.

Cite as Ga. Comp. R. & Regs. R. 183-1-12-.12

AUTHORITY: O.C.G.A. §§ 21-2-31**,** 21-2-70(15)**,** 21-2-94**,** 21-2-95**,** 21-2-420**,** 21-2-421**,** 21-2-493(a)**,** 21-2-493(b)**,** 21-2-493(i)**,** 21-2-493(k)**.**

HISTORY: Original Rule entitled "Tabulating Results" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

Amended: F. Sept. 22, 2021; eff. Oct. 12, 2021.

Amended: F. Nov. 1, 2021; eff. Nov. 21, 2021.

Amended: F. Aug. 27, 2024; eff. Sept. 16, 2024.

Department 183. RULES OF STATE ELECTION BOARD

Chapter 183-1. GEORGIA ELECTION CODE

Subject 183-1-14. ABSENTEE VOTING

183-1-14-.02 Advance Voting

(1) All federal, state, and county primaries and elections shall be conducted using electronic ballot markers and ballot scanners for in-person absentee voting during the advance voting period. As used in this rule, the term "registrar" or "registrars" means a county board of registrars, a county board of elections and registration, a joint county-municipal board of elections and registration, a municipal absentee ballot clerk, a municipal registrar, or the designee of a board of registrars, board of elections and registration, or joint county-municipal board of elections and registration.

(2) The registrar shall publish the times, dates. and locations of the availability of advance voting in their jurisdiction on the homepage of the county's publicly accessible website associated with elections and/or registrations, or if the county does not have such a website, in a newspaper of general circulation and by posting in a prominent location in the county, no later than 7 days prior to the beginning of the advance voting period. Any additional advance voting locations added after that deadline shall be published as soon as possible. The registrar shall endeavor not to remove or alter any advance voting locations after they are published, unless there are emergency or unforeseen circumstances make such a change necessary, in which case the registrar shall publish those changes as soon as possible.

(3) Electronic ballot markers and ballot scanners shall be configured and tested in accordance with the provisions of Rule 183-1-12-.08 prior to use in advance voting. Public notice of the time and place for such configuration and testing of the electronic ballot markers and ballot scanners to be used for advance voting shall be given in accordance with O.C.G.A. §§ 21-2-374 and 21-2-379.25 and Rule 183-1-12-.08 prior to such configuration and testing.

(4) The electronic ballot markers and ballot scanners to be used for advance voting shall be set up in a manner to assure the privacy of the elector while casting his or her ballot while maintaining the security of such components against tampering, damage, or other improper conduct. In addition, there shall be at least one electronic ballot marker configured for use by physically disabled electors at each advance voting location.

(5) Voter access cards for use in electronic ballot markers for advance voting may be encoded by use of an electronic poll book or other device approved by the Secretary of State. The registrar may also utilize the correct access code to manually bring up the correct ballot on the touchscreen.

(6) Magnifying devices shall be available at advance voting locations to assist voters in reviewing their paper ballots.

(7) On the first day of the advance voting period, prior to any votes being cast on ballot scanners, the registrars shall verify that the seals for each electronic ballot marker, ballot scanner, and ballot box are intact and that there is no evidence or indication of any tampering with the seal or the component. The registrars shall verify that the number of the seal matches the number of the seal recorded for that component when such component was prepared by the election superintendent for the primary, election, or runoff. If a seal number does not match or if there is any evidence or indication of tampering with the seal or component, the election superintendent shall be immediately notified and such component shall not be used until such matters are resolved by agreement of the election superintendent and the registrars. The set up shall be performed in public and the public may view the set up subject to such reasonable rules and regulations as the registrars may deem appropriate to protect the security of the voting system components and to prevent interference with the duties of the registrars. The registrars and two witnesses sworn as poll officers as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 shall run a zero tape on each ballot scanner

prior to the beginning of advance voting on those scanners, and the registrar and the two witnesses shall sign the zero tape in the space provided. The registrars shall verify that the electronic ballot markers and ballot scanners all indicate zero counts prior to the opening of the polls. If the tape does not show zero votes prior to the start of voting, the election superintendent shall be immediately notified and such component shall not be used until the component is cleared and the matter is resolved by agreement of the election superintendent and the registrars. The registrar and the same two sworn witnesses who signed the zero tape shall inspect and confirm that the ballot box associated with that scanner is empty and contains no ballots or other unauthorized matter, and shall verify that fact in writing on a form to be developed by the Secretary of State. Such form shall include the date and time it was executed, shall be attached to the zero tape generated by the ballot scanner attached to that ballot box, and shall be returned to the election superintendent at the close of the advance voting period with the other paperwork from the voting location. The registrars shall verify that there is no unauthorized matter affixed to the electronic ballot markers, ballot scanners, or voting booths. The registrars shall affix a card of instructions for voting within each voting booth. Prior to voters entering the voting booth, the registrars may also distribute to such voters a card of instructions for voting that has been approved or provided by the Secretary of State.

(8) If at the close of voting on any day during the advance voting period, there are more than 1,500 ballots inside any ballot box, the registrar and two sworn witnesses shall unseal the ballot box, remove the paper ballots, and place the ballots in one or more durable, portable, secure, and sealable containers. The registrars shall complete and affix to each container a form identifying the advance voting location, the advance voting dates that the ballots were cast, the ballot scanner serial number, the number assigned to that ballot scanner for that specific election, the count of the ballots from the ballot scanner, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the registrar and the two witnesses such that it cannot be opened without breaking the seal. The ballot box shall be resealed, and the new seal numbers shall be documented. The registrar and at least one sworn witness shall deliver the ballot container to the election superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The form shall be signed by the registrar and any witnesses who travelled with the registrar indicating that no sealed documents were unsealed enroute and have not been tampered with. In the discretion of the registrar, the same procedure for emptying the ballot box may be followed if there are less than 1,500 ballots in the ballot box at the end of any advance voting day, but the ballot box shall not be opened while voting is taking place except as authorized by Rule 183-1-12-.10(5).

(9) At the close of voting each day during the advance voting period, the registrars shall document the election counter number from the ballot scanner on the daily recap sheet. The memory cards shall remain in the ballot scanner at all times during the advance voting period until the polls close on the day of the primary, election, or runoff. Each electronic ballot marker, ballot scanner, ballot box, electronic poll book, paper backup poll book, and voter access cards shall then be secured overnight. If the room where advance voting is taking place cannot be locked and secured overnight in the reasonable judgment of the superintendent, the superintendent shall cause the voting system components to be stored in a locked, secure container that is reasonably affixed to the polling place; be under visual surveillance of an election official or their designee, a licensed security guard, or a law enforcement official; or if previously listed options are not feasible, in another manner that in the reasonable judgment of the superintendent secures and protects the voting system components from unauthorized access. Any electronic visual surveillance used for security when voting is not taking place shall not record, capture, or otherwise compromise the privacy of an elector's ballot.

(10) Each morning during the advance voting period prior to voting beginning, the registrars shall verify the seal numbers on each electronic ballot marker and ballot scanner to be used for advance voting with the number of the seal recorded on the daily recap sheet from the previous day of advance voting and shall verify that the seals do not show any signs of tampering. If the seal number corresponds to the entry on the daily recap sheet and there is no evidence of tampering, the electronic ballot markers and ballot scanners shall be turned on. If the numbers do not match or there is evidence of tampering, the election superintendent shall be notified immediately and the component shall not be used until such discrepancy is resolved to the satisfaction of the election superintendent and the registrars. After turning on the ballot scanners, the registrars shall verify the election counter number with the number recorded on the daily recap sheet from the previous day of advance voting. If the numbers do not match, the election superintendent shall be immediately notified and the component shall not be used until such discrepancy is resolved to the satisfaction of the election superintendent and the registrars. The election counter number shall then be entered onto the daily recap sheet for that day.

(11) Voters who vote absentee ballots in person shall first complete an absentee ballot application and sign an oath, which may be on the same form and may be on paper or digital. After the registrars determine that the voter is eligible to vote, the registrars shall note the voter's registration number and ballot style on the absentee ballot application. Each voter shall be offered instruction by a registrar in the method of voting on the voting system, including specific instruction to review their printed ballot prior to scanning it. In providing such instruction, the registrar shall not in any manner request, suggest, or seek or persuade or induce any voter to vote any particular ticket or for any particular candidate, or for or against any particular question. The voter shall then be issued a voter access card programmed with the correct ballot style or the registrar shall use the correct access code to manually bring up the correct ballot on the electronic ballot marker. The voter shall then enter the enclosed space in the advance voting location and proceed to vote his or her choices. Upon making his or her selections, the voter shall cause the paper ballot to print, remove his or her printed ballot from the printer, remove the voter access card from the touchscreen unit, review the selections on his or her printed ballot, scan his or her printed ballot into the ballot scanner, and return the voter access card to a poll officer.

(12) The registrars shall cause each advance voting location to be sufficiently staffed. At least one poll officer shall be assigned to assisting voters who have questions while they are in the voting booth, but before they approach the ballot scanner. Another poll officer shall be stationed at every ballot scanner in use in the polling place while voting is occurring. The poll officer stationed at the ballot scanner shall offer each voter specific verbal instruction to review their printed paper ballot prior to scanning it. In addition to the preceding instruction, the poll officer stationed at the ballot scanner shall offer general instruction throughout the period while voting is occurring telling voters that sample ballots and magnifying devices are available to assist them in reviewing their paper ballot. The poll officer shall take all reasonable precautions not to view the selections on an elector's ballot unless it is required due to assistance requested by the elector. If a poll officer observes a voter attempting to leave the enclosed space with a paper ballot, the poll officer shall inform the voter of the consequence of not depositing his or her paper ballot into the ballot scanner prior to leaving the room.

(a) If a voter discovers that the ballot presented on the electronic ballot marker is not correct or, for a partisan primary, is not the ballot that the voter desired to vote, the voter should immediately notify a poll officer. The poll officer shall cancel or void the ballot on the electronic ballot marker without attempting, in any manner, to see how the voter has voted and shall then take the necessary steps to provide the voter with the correct ballot and make any necessary corrections to the voter's certificate of the voter, the electors list, and the numbered list of voters. If the error is due to equipment malfunction, the poll officer shall document the incident on a form developed by the Secretary of State. The poll officer shall inform the election superintendent immediately if one or more electronic ballot markers are associated with a significant number of incidents.

(b) If, while reviewing his or her paper ballot, a voter discovers that the printed ballot does not reflect the voter's desired selections or that the voter was not issued the proper ballot, the voter should immediately inform a poll officer. The poll officer shall spoil the paper ballot and take the necessary steps to allow the voter to make his or her selections again on the electronic ballot marker and cause the correct ballot to be issued. The poll officer shall document the incident on a form circulated by the Secretary of State. The poll manager shall inform the elections superintendent immediately if one or more BMDs are associated with a significant number of incidents.

(13) At the end of the advance voting period, the registrars shall record the election counter number from each ballot scanner on the daily recap sheet. The ballot scanners shall be shut down and sealed. The registrars shall record the seal numbers on the daily recap sheet. The registrar and two sworn witnesses shall unseal the ballot box, remove the paper ballots, and place the ballots in one or more durable, portable, secure, and sealable containers. The registrars shall complete and affix to each container a form identifying the advance voting location, the advance voting dates that the ballots were cast, ballot scanner serial number, the number assigned to that ballot scanner for that specific election, the count of the ballots from the ballot scanner, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the registrar and the two witnesses such that it cannot be opened without breaking the seal. The ballot box shall be resealed, and the new seal numbers shall be documented. The registrar and at least one sworn witness shall deliver the ballot container to the election superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The form shall be signed by the registrar and any witnesses who travelled with

the registrar indicating that no sealed documents were unsealed enroute and have not been tampered with. The ballot scanners and ballot containers shall then be secured until time for the tabulation of votes.

(14) By the close of the polls on the day of the primary, election, or runoff, the registrars shall deliver all of the ballot scanners used for advance voting and all other absentee ballots received to the election superintendent or the tabulating center. The election superintendent or tabulating center personnel shall count all of the absentee ballots in accordance with the procedures required by law and the rules of the State Election Board. The election superintendent or tabulating center personnel shall verify the seal numbers of each ballot scanner with the numbers recorded on the daily recap sheet form and shall inspect each seal and unit to verify that there is no evidence of tampering with the unit. If the seal numbers are not correct or there is evidence of tampering, the Secretary of State and the election superintendent shall be notified immediately and no further action shall be taken with regard to such unit until the reason for the discrepancy has been determined to the satisfaction of the election superintendent.

(15) After verifying the seal number and the integrity of the seal on each ballot scanner, the election superintendent or tabulating center personnel shall open each ballot scanner and turn on the power. The election superintendent or tabulating center personnel shall then compare the numbers shown on the election counters of the ballot scanners with the numbered list of absentee electors and the absentee ballot recap form to verify that there are no discrepancies. If there is a discrepancy, no further action shall be taken until the reason for the discrepancy has been determined to the satisfaction of the election superintendent. The election superintendent or tabulating center personnel shall cause each ballot scanner to print a minimum of three tapes showing the vote totals as cast on that ballot scanner. Three witnesses shall sign each of the tapes or shall write on the tapes the reason why they will not sign the tapes. One copy of the results tape for each ballot scanner shall be made available for the information of the public. One tape shall be placed into an envelope (or reusable document storage container suitable for the same purpose), provided by the election superintendent along with "poll worker" memory cards from the ballot scanner. The envelope shall be sealed by the poll manager and the same two witnesses who signed the tape such that the envelope cannot be opened without breaking such seal. The envelope shall be initialed by the poll manager and the two witnesses indicating that it contains the correct tape and memory card from the indicated ballot scanner. The envelope shall be labelled with the name of the polling place, the serial number of the ballot scanner, and the number assigned to the ballot scanner for that election. The third tape shall be placed into another envelope with the absentee ballot recap form.

(16) After completing the printing of the results, the ballot scanner shall be turned off, secured, and resealed. The ballot scanners shall then be placed in a secure area with appropriate climate control. The envelopes containing the memory cards and results tapes, voter access cards, poll worker cards, ballot encoder devices, numbered lists of absentee voters, absentee ballot recap forms, and other such paperwork shall be transported to the office of the election superintendent by the election superintendent or tabulating center personal, which transportation shall at all times involve at least two authorized individuals. The office of the election superintendent shall receive the materials and shall document delivery. The election superintendent or tabulating center personal who travelled with the materials shall sign a form indicating that no sealed documents were unsealed enroute and that the materials have not been tampered with.

(17) Any notices to the Secretary of State about discrepancies in numbers or seals, zero tapes, or election counters shall also be forwarded to members of the State Election Board, but such information shall be considered confidential if the Secretary of State has initiated an investigation of the matter.

(18) Any absentee ballot drop location, other than the United States Postal Service or authorized and defined drop box under Georgia Law, that receives absentee ballots shall require an absentee ballot form with written documentation, including absentee ballot elector's name, signature and photo ID of the person delivering the absentee ballot, and approved relation to the elector's name on the absentee ballot. An absentee ballot form provided by the Secretary of State shall be completed by the registrar, clerk, deputy, or election official. The form shall serve as a written record of the name of the elector, the name of the person delivering the absentee ballot, the relation to voter, signature of the person depositing the ballot, and type of ID of the person delivering the absentee ballot. The absentee ballot form shall be returned with the absentee ballots and chain of custody forms to the superintendent. Any ballot not included on the recorded absentee ballot form or any ballot delivered without a signed chain of custody shall be considered a provisional absentee ballot. The superintendent shall notify any elector with a

provisional ballot immediately and provide information and instructions of how to cure the provisional absentee ballot.

(19) At the close of the polls each day during early voting and after the last voter has cast his or her ballot, the poll officials shall initiate video surveillance and recording of a drop box at any early voting location. Such surveillance shall include visual recording of the drop box if there is one located at that site. Any drop box that is not under constant and direct surveillance shall be locked or removed and prohibited from use. Video surveillance may be live-streamed but must be recorded and will be considered part of the election documents and retained as provided in Code Section 21-2-390.

Cite as Ga. Comp. R. & Regs. R. 183-1-14-.02

AUTHORITY: O.C.G.A. §§ 21-2-31**,** 21-2-390**.**

HISTORY: Original Rule entitled "Use of DRE Units for Absentee Balloting" adopted. F. Oct. 24, 2003; eff. Nov. 13, 2003.

Amended: New title "Advance Voting." F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

Amended: F. Aug. 15, 2024; eff. Sept. 4, 2024.

Department 205. RULES OF FIREFIGHTER STANDARDS AND TRAINING COUNCIL, GEORGIA

Chapter 205-1. ORGANIZATION

Subject 205-1-2. FIRE DEPARTMENTS OPERATING IN THE STATE OF GEORGIA

205-1-2-.01 Definitions

(1) **"Airport"** means any airport located in this state which has regularly scheduled commercial air carrier service or commuter airline service as required for certification under Section 139.49 of the Federal Aviation Administration regulations.

(2) **"Airport Firefighter"** means any person assigned to any airport located in this state that performs the duties of aircraft fire fighting or rescue.

(3) **"Fire Chief"** means the Chief Commanding Officer of a Fire Department that is either Qualified Volunteer Suppression for volunteer departments or State Certified Firefighter for career and combination departments.

(4) **"Hot Zone"** means the area immediately surrounding a hazardous incident, which extends far enough to prevent adverse effects to individuals outside the area.

(5) **"Records Review"** means a review of records developed at the local fire department to be maintained and available for review upon request by GFSTC.

(6) **"Volunteer"** means not employed for compensation but appointed, registered with the GFSTC, and enrolled to serve as a firefighter for any municipal, county, state, or private incorporated fire department.

(7) **"Volunteer Support Firefighter"** means a firefighter who has been registered with the GFSTC, trained to the level of Volunteer Support Firefighter and passed the Volunteer Support Firefighter test and Hazardous Materials Awareness written and skills tests as specified by the Council. Volunteer Support Firefighters are not trained or qualified to perform duties in the Hot Zone.

(8) **"Volunteer Suppression Firefighter"** means a firefighter who has been registered with the GFSTC, trained to the level of Volunteer Suppression Firefighter and passed the Volunteer Suppression Firefighter tests, to include live structure fire training, and Hazardous Materials Awareness written and skills tests as specified by the Council.

Cite as Ga. Comp. R. & Regs. R. 205-1-2-.01

AUTHORITY: O.C.G.A. §§ 25-3-21**,** 25-4-2**,** 25-4-7**,** 25-4-10**.**

HISTORY: Original Rule entitled "Definitions" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Amended: F. Oct. 23, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Amended: F. Aug. 13, 2024; eff. Sept. 2, 2024.

205-1-2-.02 Minimum Requirements for Fire Departments

(1) Recognizing that fire departments operating in the State of Georgia cannot function effectively and efficiently as full-time fire departments without meeting or exceeding the minimum requirements established by Official Code of Georgia Annotated, Title 25, Chapter 3 - Article 2. It is the intent of these Rules & Regulations to establish the minimum requirements for all fire departments operating in this state in order to receive a Certificate of Compliance.

(a) Legally organized fire departments shall be established as an entity of the State of Georgia or a political sub-division of the State of Georgia (a city, county, board, etc.).

(b) Legally organized fire departments may exist as a private corporation incorporated either for-profit or not-for-profit through the State of Georgia Secretary of State and have a written contract to provide fire and emergency services with one or more local governments in Georgia.

(c) Every department in the State of Georgia must have a Chief or like title that is Qualified Volunteer Suppression for Volunteer Departments, or a State Certified Firefighter for Combination and Career Departments.

(2) No fire department shall exercise the general and emergency powers set forth in O.C.G.A. § 25-3-1 and § 25-3-2 without obtaining a Certificate of Compliance issued from the Georgia Firefighters Standards and Training Council.

(3) Fire departments operating in the State of Georgia shall be established to provide fire and other emergency and nonemergency services in accordance with the applicable state laws, local government ordinances, and the minimum standards specified by the Georgia Firefighter Standards and Training Council. These fire departments shall:

(a) Be capable of providing fire protection 24 hours a day, 365 days per year. Understanding the nature of the fire service in the State of Georgia, this may be accomplished through the use of mutual-aid or automatic-aid agreements with neighboring fire departments.

(b) Be responsible for a defined area of operations depicted on a map located at the responding fire station(s). This area of operations as depicted on the map shall have been approved and designated by the governing authority of the applicable county, municipality, or other political subdivision in the case of any county, municipal, or private corporation fire department.

(c) Be Staffed with a minimum number of trained Volunteer Suppression or State Certified Firefighters who have successfully completed basic firefighter training as specified by the Council.

1. Minimum Staffing shall be four (4) Volunteer Suppression or State Certified Firefighters per station. An average of six (6) members per station, of which 2 of the 6 may be Volunteer Support Firefighters, is recommended. The minimum number of firefighters will be calculated as an aggregate total for the entire department.

2. Each firefighter must be at least 18 years of age.

3. Each firefighter must be duly appointed by a legally organized and compliant fire department.

(4) A legally organized fire department shall provide and maintain coverage in accordance with Code section 25-3-23(b). Upon cancellation or reinstatement of any policy for the coverage of each member of the fire department, the Executive Director of the Georgia Firefighter Standards and Training Council shall be notified immediately.

(a) ACCG members shall provide proof of insurance coverage for all personnel.

(b) GMA members shall provide proof of insurance coverage for all personnel.

(c) Departments using other insurance carriers or means of being self-insured shall provide a copy of the insurance policy, a council/commission resolution or other proof of coverage.

(5) The GFSTC Compliance Package must be submitted to GFSTC. In addition to the completed Compliance Application, the department shall include the following documentation:

(a) A defined area of operation for each station shall be depicted on a map not less than 8.5 x 11 shall be filed with the application for a Certificate of Compliance.

(b) A letter from the governing authority of the applicable county, municipality or other political subdivision in the case of any county, municipal or private corporation fire department approving the designated area of authority.

(c) An affidavit from the governing authority of the applicable county, municipality, or other political subdivision in the case of any county, municipal or volunteer fire department indicating the operation of the department's intent and purpose of carrying out the duties, functions, powers, and responsibilities normally associated with the operation of a fire department and the ability to provide fire protection for the area of operation filed with the application for Certificate of Compliance 24 hours a day, 365 days per year.

(d) A copy of the insurance certificate or proof otherwise of coverage that complies with Code Section 25-3-23(b). Upon cancellation or reinstatement of any policy for the insurance coverage of each member of the fire department, the executive director of the Georgia Firefighter Standards and Training Council shall be notified immediately but no less than two business days.

(6) Before a fire department may begin legal operations, an on-site review must be conducted by GFSTC Staff to confirm the information contained in the Compliance Package.

(7) Documentation from the Safety Fire Division of the Office of the Insurance and Safety Fire Commissioner indicating that the fire department is, and remains, in compliance with the reporting requirements for fires by state law as specified in O.C.G.A. § 25-2-32(b) and provided for by § 25-3-24.

(8) The Executive Director of the Georgia Firefighter Standards and Training Council shall issue a Certificate of Compliance according to Rules & Regulations and Policy & Procedures of the Georgia Firefighter Standards and Training Council.

Cite as Ga. Comp. R. & Regs. R. 205-1-2-.02

AUTHORITY: O.C.G.A. §§ 25-3-4**,** 25-3-20**,** 25-3-22**,** 25-3-23**,** 25-3-24**.**

HISTORY: Original Rule entitled "Minimum Requirements for Fire Departments" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Amended: F. Sep. 21, 2017; eff. Jan. 1, 2018, as specified by the Agency.

Amended: F. Oct. 23, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Amended: F. Aug. 13, 2024; eff. Sept. 2, 2024.

205-1-2-.03 Minimum Equipment Required for County, Municipal or Private Corporation Fire Departments

(1) Each fire station, unless granted an exemption as approved by the Council shall possess a minimum of one equipped, operable pumper with a capacity of at least 750 gpm at 150 psi and a tank capacity of a minimum 250 gallons. (A minimum of a 500-gallon tank capacity is recommended). Previously approved fire apparatus which does not meet this minimum standard or recommendation may be used in lieu of the minimum required pumper until total replacement or chassis replacement by the local authority until January 1, 2025. The previously approved fire apparatus may be retained for use as a mobile water supply, brush truck, etc., however, not for structure fires involving interior fire attack or search and rescue operations in structures normally occupied by human inhabitants.

(a) Operability of this pumper shall be proven by:

1. Presenting documentation of a current (completed once per calendar year) pump service test.

a. The pump service test shall be conducted by qualified fire service personnel or by a qualified third party.

b. At the discretion of GFSTC staff, departments may be asked to engage the pump during site visits.

(2) A minimum of the following equipment, appliances, adapters, and accessories for structural pumper apparatus shall include:

(a) 400 feet of 1½", 1¾", or 2" double-jacketed, lined fire hose

(b) Two (2) handline nozzles, 95 gpm minimum

(c) Two (2) portable fire extinguishers suitable for use on class A, B, and C fires, with a minimum rating of 80BC for dry chemical, 10BC CO_2 or 2½ gallon water extinguishers

(d) A minimum of two (2) functional positive-pressure Self-Contained Breathing Apparatus on each primary pumping apparatus at each station.

(e) One (1) spare SCBA cylinder for each SCBA carried

(f) One (1) 12 foot or longer fire service rated roof ladder

(g) One (1) 24 foot or longer fire service rated extension ladder

(h) One (1) pick head ax

(i) One (1) flat head ax

(j) One (1) pike pole or plaster hook (minimum 6-feet in length)

(k) One (1) claw tool or multipurpose, forcible entry tool (minimum 30-inches in length)

(l) One (1) bolt cutter (minimum 24-inches in length)

(m) One (1) crowbar or pry bar

(n) Two (2) functioning portable battery-powered hand lights

(o) Wheel chock(s)

(p) One (1) two-way radio assigned to the apparatus

(q) One (1) ANSI approved traffic vest per assigned seating position (exception: if assigned to each member it is not necessary to be on apparatus.)

(r) Two (2) Spanner wrenches or suitable hose fastening wrench

(s) One (1) hydrant wrench

(t) One (1) double male coupling

(u) One (1) double female coupling

(v) One (1) folding ladder

(w) One (1) salvage cover or material suitable for fire service salvage operations.

(x) 500 feet of 2½" diameter or larger supply hose to meet the jurisdiction needs

(3) Personal protective clothing to allow for each on-scene Firefighter to safely perform the duties of a Structural Firefighter while engaged in fighting a structure fire.

(a) Personal protective clothing shall include a helmet, coat, pants, boots, gloves, and hood that meet NFPA standards at the time of manufacture.

(b) All personal protective clothing shall be in good repair.

(c) It is recommended that the condition of all equipment be checked after each use and on an annual basis to ensure that the integrity of the equipment is maintained for emergency use and follows manufacturers' recommendations for cleaning and replacement. A sampling of the department's protective clothing shall be made available to GFSTC Staff during an on-site review.

Cite as Ga. Comp. R. & Regs. R. 205-1-2-.03

AUTHORITY: O.C.G.A. §§ 25-3-23**,** 25-3-24**.**

HISTORY: Original Rule entitled "Minimum Equipment Required for County, Municipal or Private Corporation Fire Departments" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Amended: F. Aug. 13, 2024; eff. Sept. 2, 2024.

Appendix A [Repealed]

Cite as Ga. Comp. R. & Regs. R. dept. 205, ch. 205-1, app A

AUTHORITY: O.C.G.A. § 25-4-7.

HISTORY: "Appendix A. Minimum Equipment Required for Apparatus Other Than Fire Department Pumper and ARFF Apparatus" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Repealed: F. Aug. 13, 2024; eff. Sept. 2, 2024.

Appendix B [Repealed]

Cite as Ga. Comp. R. & Regs. R. dept. 205, ch. 205-1, app B

AUTHORITY: O.C.G.A. § 25-4-7**.**

HISTORY: "Appendix B. List of possible skills that might be used in training of fire service personnel in various levels of State Certification" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Repealed: F. Aug. 13, 2024; eff. Sept. 2, 2024.

Appendix C [Repealed]

Cite as Ga. Comp. R. & Regs. R. dept. 205, ch. 205-1, app C

AUTHORITY: O.C.G.A. § 25-4-7**.**

HISTORY: "Appendix C. Classifications of Fire Service Personnel" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Repealed: F. Aug. 13, 2024; eff. Sept. 2, 2024.

GLOSSARY OF TERMS

(1) **"Airport"** means any airport located in this state which has regularly scheduled commercial air carrier service or commuter airline service as required for certification under Section 139.49 of the Federal Aviation Administration regulations.

(2) **"Airport Firefighter"** means any person assigned to any airport located in this state that performs the duties of aircraft fire fighting or rescue.

(3) **"Authority Having Jurisdiction"** or **"AHJ"** means an organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

(4) **"Candidate"** means a prospective firefighter who has not yet been certified by the Council as having met the requirements of this chapter.

(5) **"Certified"** means any individual requiring state certification who has been certified as having met the requirements established by the Council.

(6) **"Certified Firefighter"** means any firefighter who has been certified by the Council as having met the requirements of this chapter.

(7) **"Compensation"** means paid on an hourly or salaried basis.

(8) **"Continued Annual Training"** means the professional development training needed to meet minimum requirements to maintain certification(s)/qualification each calendar year as approved by the Fire Chief.

(9) **"Continued Certification"** means having met the minimum professional development training required each calendar year for those individuals who are certified by the Georgia Firefighter Standards and Training Council to maintain their certification(s).

(10) **"Council"** means for the purpose of these Rules and Regulations the Georgia Firefighter Standards and Training Council.

(11) **"Decertification"** means an adverse action taken by the Council to revoke an individual's certification when the individual commits any act in violation of Georgia State Law and Rules & Regulations of the Georgia Firefighter Standards and Training Council.

(12) **"Designee"** means the representative designated by the Fire Chief to deal with matters of the Council.

(13) **"Evaluator"** means an individual approved and trained by GFSTC to observe candidates as they perform during a skills evaluation.

(14) **"Executive Director"** means for the purpose of this Chapter the Executive Director of the Georgia Firefighter Standards and Training Council.

(15) **"Explorer Program"** means a program for older youth 14-20 years old that offers hands-on and interactive character and career activities facilitated by fire service personnel from the local community.

(16) **"External Validation"** means a validation conducted by GFSTC Staff and qualified representatives of local fire departments to ensure that questions in the test instrument are legitimate and can be found in the instructional materials used in the training program for which the students are seeking certification.

(17) **"Fire and Life Safety Educator"** means a person who is trained to deliver fire and life safety training programs to the general public.

(18) **"Fire Chief"** means the Chief Commanding Officer of a Fire Department that is either Qualified Volunteer Suppression for volunteer departments or State Certified Firefighter for career and combination departments.

(19) **"Fire Department"** means any department, agency, organization, or company operating in this state with the intent and purpose of carrying out the duties, functions, powers, and responsibilities normally associated with a fire department and which is authorized to exercise the general and emergency powers enumerated in O.C.G.A. 25-3-1 and 25-3-2.

These duties, functions, powers, and responsibilities include but are not limited to the protection of life and property against fire, explosions, or other hazards.

(20) **"Fire Department Training Officer"** means the person responsible for administrative work in planning, organizing, coordinating, and directing training activities of the Fire Department.

(21) **"Firefighter"** means any able-bodied person at least 18 years of age who has been duly appointed by a legally constituted Fire Department and who has the responsibility of preventing and suppressing fires, protecting life and property, and performing other duties enumerated in O.C.G.A. 25-3-1 and 25-3-2.

(22) **"Fire Inspector"** means a person who is trained to perform fire and life safety inspections of all types of new construction and existing occupancies.

(23) **"Fire Investigator"** means a person who is trained to investigate and determine fire cause and origin.

(24) **"Fire Service Instructor"** means the person responsible for delivering instruction effectively from prepared materials at the direction, and often under the supervision, of the Fire Department Training Officer.

(25) **"Full-time"** or **"Career"** means employed for compensation on a basis of at least 40 hours per week by any municipal, county, state, or private incorporated fire department.

(26) **"Georgia Fire Academy"** or **"GFA"** means a division of the Georgia Public Safety Training Center that is responsible for training fire service personnel.

(27) **"GFSTC"** means the Executive Director and personnel of the Georgia Firefighter Standards and Training Council.

(28) **"GFSTC Staff"** means the personnel who work under the direction of the Executive Director.

(29) **"Good Standing"** means a person complied with all of their explicit obligations while not being subject to any form of sanction, suspension, or disciplinary censure.

(30) **"Hot Zone"** means the area immediately surrounding a hazardous incident, which extends far enough to prevent adverse effects to individuals outside the area.

(31) **"Inmate Firefighter"** means an individual currently serving a sentence as a Georgia Department of Corrections inmate and currently enrolled, or who has successfully completed, the Georgia Department of Corrections Inmate Firefighter training program, and is recognized by the Georgia Department of Corrections as such.

(32) **"Instructor Guide"** means instructional materials, including lesson plans, Powerpoint (or similar presentation media), and handouts, used by an instructor to deliver information and skills to students.

(33) **"Internal Validation"** means a validation conducted by GFSTC and GFA Staff before an external validation to ensure that information contained in an Instructor Guide matches questions in the test bank.

(34) **"Live Fire Training"** means a structure fire control class conducted by the Georgia Fire Academy or a structure fire control class conducted at another location where at least one qualified instructor has completed a live fire instructor course conducted in accordance with the current edition of NFPA 1403.

(35) **"Open Enrollment"** means a test event at the GFSTC office or a regional test center that is open to any member of a legally organized Georgia fire department who has met the requirements to take the test.

(36) **"Part-time"** means employed for compensation for an average of less than 30 hours per week by any municipal, county, state, or private incorporated fire department.

(37) **"Pathway Program"** means a firefighter training program conducted in a Georgia high school and sponsored by a compliant Georgia fire department as approved by the Council.

(38) **"Probation"** means an action taken by Council when certified personnel commit acts in violation of the Rules & Regulations and/or Policy & Procedures of the Georgia Firefighter Standards and Training Council.

(39) **"Proctor"** means an individual approved and trained by GFSTC to supervise and administer a written, skills or online test event.

(40) **"Professional Development"** means training that meets a national or state standard, or addresses a specific area of local service delivery (this does not include daily duties such as maintenance, territory study, equipment checks, etc., unless it is for a recruit or probationary personnel) and performed in a classroom, at a conference, a drill field setting, etc. with instruction by an individual deemed to be qualified by the fire chief/designee.

(41) **"Qualified"** means that the recruit has completed required training and testing and that the fire department has submitted necessary paperwork to GFSTC verifying that the recruit has met the necessary requirements as approved by the Council.

(42) **"Recertification"** means restoring the certification(s) to those individuals who have lost their certification(s).

(43) **"Reciprocity"** means the process of reviewing training documentation provided to GFSTC by a candidate or a department requesting the opportunity to enter a training program at the next higher level above the level being requested or credit for prior training to be considered toward qualification/certification requirements.

(44) **"Records Review"** means a review of records developed at the local fire department to be maintained and available for review upon request by GFSTC.

(45) **"Recruit"** means a prospective firefighter or student in technical college, private school, high school, enrolled in an approved Pathway Program or Explorer Program who has not yet been certified or qualified by the Council as having met the requirements of O.C.G.A. 25-4 and these Rules & Regulations.

(46) **"Regional Test Center"** means a location that has the facilities to conduct written and/or online tests.

(47) **"Regional Test Site"** means a location that has the facilities and equipment to conduct skills evaluations along with written and/or online tests.

(48) **"Registered"** means that the department has added the individual to their roster on the GFSTC database.

(49) **"Registered Status"** means an individual's information as listed in the GFSTC database.

(50) **"Request for Hearing"** means a clear written expression by the affected party or authorized representative on his/her behalf to indicate that he/she wants the opportunity to contest his/her case.

(51) **"Re-Registration"** means restoring the registered status to those individuals who have lost their registered status.

(52) **"Suspension"** means an action taken by GFSTC when non-certified personnel commit acts in violation of Rules & Regulations and/or Policy & Procedures of the Georgia Firefighter Standards and Training Council.

(53) **"Test Bank"** means the computer program containing all of the questions used to develop a certification test.

(54) **"Test Event"** means any written, skills, online or oral test occurrence administered by GFSTC Staff or Proctors approved by GFSTC.

(55) **"Test Instrument"** means a written, skills or other approved evaluation method(s).

(56) **"Trained to the Level Of"** means that the candidate has met all of the requirements of a course and has been tested by GFSTC.

(57) **"Validation"** means the process of confirming that the information in test banks and instructor guides match.

(58) **"Volunteer"** means not employed for compensation but appointed, registered with the GFSTC, and enrolled to serve as a firefighter for any municipal, county, state, or private incorporated fire department.

(59) **"Volunteer Support Firefighter"** means a firefighter who has been registered with the GFSTC, trained to the level of Volunteer Support Firefighter and passed the Volunteer Support Firefighter test and Hazardous Materials Awareness written and skills tests as specified by the Council. Volunteer Support Firefighters are not trained or qualified to perform duties in the Hot Zone.

(60) **"Volunteer Suppression Firefighter"** means a firefighter who has been registered with the GFSTC, trained to the level of Volunteer Suppression Firefighter and passed the Volunteer Suppression Firefighter tests, to include live structure fire training, and Hazardous Materials Awareness written and skills tests as specified by the Council.

Cite as Ga. Comp. R. & Regs. R. dept. 205, ch. 205-1, GLOSSARY OF TERMS

AUTHORITY: O.C.G.A. § 25-4-7.

HISTORY: "Glossary of Terms" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Amended: F. Oct. 23, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Amended: F. Aug. 13, 2024; eff. Sept. 2, 2024.

Department 205. RULES OF FIREFIGHTER STANDARDS AND TRAINING COUNCIL, GEORGIA

Chapter 205-1. ORGANIZATION

Subject 205-1-3. MINIMUM REQUIREMENTS FOR FIREFIGHTERS OPERATING IN THE STATE OF GEORGIA

205-1-3-.01 Definitions

(1) **"Authority Having Jurisdiction"** or "AHJ" means an organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

(2) **"Candidate"** means a prospective firefighter who has not yet been certified by the Council as having met the requirements of this chapter.

(3) **"Certified"** means any individual requiring state certification who has been certified as having met the requirements established by the Council.

(4) **"Certified Firefighter"** or **"State Certified Firefighter"** means any firefighter who has been certified by the Council as having met the requirements of this chapter.

(5) **"Compensation"** means paid on an hourly or salaried basis.

(6) **"Continued Annual Training"** means the professional development training needed to meet minimum requirements to maintain certification(s)/qualification each calendar year as approved by the Fire Chief.

(7) **"Continued Certification"** means having met the minimum professional development training required each calendar year for those individuals who are certified by the Georgia Firefighter Standards and Training Council to maintain their certification(s).

(8) **"Designee"** means the representative designated by the Fire Chief to deal with matters of the Council.

(9) **"Explorer Program"** means a program for older youth 14-20 years old that offers hands-on and interactive character and career activities facilitated by fire service personnel from the local community.

(10) **"Fire and Life Safety Educator"** means a person who is trained to deliver fire and life safety training programs to the general public.

(11) **"Fire Department Training Officer"** means the person responsible for administrative work in planning, organizing, coordinating, and directing training activities of the Fire Department.

(12) **"Firefighter"** means any able-bodied person at least 18 years of age who has been duly appointed by a legally constituted fire department and who has the responsibility of preventing and suppressing fires, protecting life and property, and performing other duties enumerated in O.C.G.A. § 25-3-1 and § 25-3-2.

(13) **"Fire Inspector"** means a person who is trained to perform fire and life safety inspections of all types of new construction and existing occupancies.

(14) **"Fire Investigator"** means a person who is trained to investigate and determine fire cause and origin.

(15) **"Fire Service Instructor"** means the person responsible for delivering instruction effectively from prepared materials at the direction, and often under the supervision, of the Fire Department Training Officer.

(16) **"Full-time"** or **"Career"** means employed for compensation on a basis of at least 40 hours per week by any municipal, county, state, or private incorporated fire department.

(17) **"Georgia Fire Academy"** or **"GFA"** means a division of the Georgia Public Safety Training Center that is responsible for training fire service personnel.

(18) **"Good Standing"** means a person has complied with all of their explicit obligations while not being subject to any form of sanction, suspension, or disciplinary censure.

(19) **"Inmate Firefighter"** means an individual currently serving a sentence as a Georgia Department of Corrections inmate and currently enrolled, or who has successfully completed, the Georgia Department of Corrections Inmate Firefighter training program, and is recognized by the Georgia Department of Corrections as such.

(20) **"Live Fire Training"** means a structure fire control class conducted by the Georgia Fire Academy or a structure fire control class conducted at another location where at least one qualified instructor has completed a live fire instructor course conducted in accordance with the current edition of NFPA 1403.

(21) **"Part-time"** means employed for compensation for an average of less than 30 hours per week by any municipal, county, state, or private incorporated fire department.

(22) **"Pathway Program"** means a firefighter training program conducted in a Georgia high school and sponsored by a compliant Georgia fire department as approved by the Council.

(23) **"Professional Development"** means training that meets a national or state standard, or addresses a specific area of local service delivery (this does not include daily duties such as maintenance, territory study, equipment checks, etc., unless it is for a recruit or probationary personnel) and performed in a classroom, at a conference, a drill field setting, etc. with instruction by an individual deemed to be qualified by the fire chief/designee.

(24) **"Qualified"** means that the recruit has completed required training and testing and that the fire department has submitted necessary paperwork to GFSTC verifying that the recruit has met the necessary requirements as approved by the Council.

(25) **"Recertification"** means restoring the certification(s) to those individuals who have lost their certification(s).

(26) **"Recruit"** means a prospective firefighter or student in technical college, private school, high school, enrolled in an approved Pathway Program or Explorer Program who has not yet been certified or qualified by the Council as having met the requirements of O.C.G.A. § 25-4 and these Rules & Regulations.

(27) **"Registered"** means that the department has added the individual to their roster on the GFSTC database.

(28) **"Volunteer Support Firefighter"** means a firefighter who has been registered with the GFSTC, trained to the level of Volunteer Support Firefighter and passed the Volunteer Support Firefighter test and Hazardous Materials Awareness written and skills tests as specified by the Council. Volunteer Support Firefighters are not trained or qualified to perform duties in the Hot Zone.

(29) **"Volunteer Suppression Firefighter"** means a firefighter who has been registered with the GFSTC, trained to the level of Volunteer Suppression Firefighter and passed the Volunteer Suppression Firefighter tests, to include live structure fire training, and Hazardous Materials Awareness written and skills tests as specified by the Council.

(30) **"Trained to the Level of"** means that the candidate has met all of the requirements of a course, and has tested through GFSTC.

Cite as Ga. Comp. R. & Regs. R. 205-1-3-.01

AUTHORITY: O.C.G.A. §§ 25-3-21**,** 25-4-2**,** 25-4-7**,** 25-4-10**.**

HISTORY: Original Rule entitled "Minimum Equipment Required for County, Municipal or Private Corporation Fire Departments" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Amended: F. Aug. 13, 2024; eff. Sept. 2, 2024.

205-1-3-.02 Registration

(1) All active fire service personnel, except civilian personnel, must be registered with GFSTC.

(2) All members of any fire department operating in the State of Georgia must be registered with GFSTC prior to participating in any activities with the fire department. As of the approval date for this document, within 30 days the fire department shall review its roster and ensure that all personnel are registered in the GFSTC database. Any personnel not showing on the department's roster shall be added to the roster by the department. The registration process is not completed until a Volunteer Application or Certification Application form is submitted for each individual to GFSTC.

(a) The fire department shall verify the status of all fire service personnel on their roster in the GFSTC database as assigned to one of the following categories:

1. C - Career Firefighter

2. P - Part-Time Firefighter

3. V - Volunteer Suppression Firefighter

4. S - Volunteer Support Firefighter

5. I - Inmate Firefighter

6. R - Recruit

(b) Initial registration shall be reported electronically through the GFSTC database.

(c) The Registration process is not complete until the fire department submits a Volunteer Application Package or Certification Package.

(d) Any time the status of an individual changes this information must be changed on the GFSTC website by the reporting agency reported to GFSTC electronically and/or using a Roster Update form.

(e) A fire department shall submit a Roster Update form notifying GFSTC and requesting a military leave of absence for any fire service personnel receiving orders for a deployment of six (6) months or greater and are not expected to meet the annual 24 hour training requirement.

1. In addition, the fire department shall submit a copy of the individual's deployment orders to GFSTC.

2. The fire department shall submit a copy of the individual's release from duty orders to GFSTC along with a Roster Update form for personnel returning to the fire department from military service.

(f) A fire department shall submit a Roster Update form notifying and requesting an extended medical leave of absence for any fire service personnel that are anticipated to not meet the annual minimum of twenty-four (24) hours of training and/or are expected to be on leave for six (6) months or greater.

1. When requesting an extended medical leave of absence, the fire department shall submit a written doctor's excuse or letter of authorization from the fire chief/designee. GFSTC does not require that the doctor's diagnosis be included, just that the doctor has placed the employee on extended medical leave.

2. Upon their return, the fire department shall submit a doctor's release or letter of authorization from the fire chief/designee for the individual's return to duty.

3. Any leave of absence request shall be considered on a case-by-case basis by the Executive Director.

(3) All registered members of any fire department operating in the State of Georgia shall:

(a) Be at least 18 years of age as verified by the Fire Chief or his/her designee through an inspection of a birth certificate, a valid Georgia Drivers' License, or a government issued photo identification that includes the applicant's date of birth.

(b) Be a legal United States citizen or possess valid and current documentation to be legally employed in the State of Georgia as determined by the AHJ.

(c) Not have been convicted of a felony in any jurisdiction within ten years prior to appointment (except as provided in O.C.G.A. § 25-4-8).**

1. For qualification of volunteer personnel, a criminal history search shall be made of local and state databases to disclose any criminal record. The department shall maintain a signed affidavit containing the technical control number and signatures of the terminal operator and fire chief or designee.

2. Personnel seeking State Certification shall be fingerprinted and a search made of local, state, and national fingerprint files to disclose any criminal record.

3. It is recommended that a search of national criminal information databases be conducted on all applicants in addition to the local and state search.

4. Criminal history documents used to determine eligibility for fire service personnel must be current at the time of hire.

** 5. Inmate firefighters must be enrolled in or have successfully completed the State of Georgia Department of Corrections approved inmate firefighter program. Inmate firefighters must:

- Be minimum security
- Have no physical limitations
- Have no arson convictions
- Have no sexual offense convictions
- Have or be actively working toward a high school diploma or GED

(d) Have a good moral character as determined by investigation of the criminal history of the candidate to verify that there are no recent patterns of criminal involvement or intent related to stealing, cheating, lying, or other offenses that may indicate a disregard for the law or ethical and moral conduct.

(4) To complete requirements for qualification of volunteer fire service personnel, the fire department shall complete and submit the Volunteer Application page.

(5) To complete requirements for registration of State Certified personnel, the fire department shall complete a Certification Package and submit the application page.

Cite as Ga. Comp. R. & Regs. R. 205-1-3-.02

AUTHORITY: O.C.G.A. § 25-4-7**.**

HISTORY: Original Rule entitled "Registration" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Amended: F. Oct. 23, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Amended: F. Aug. 13, 2024; eff. Sept. 2, 2024.

205-1-3-.03 Notification to GFSTC of Personnel Separation and Surrender of Certification

(1) The fire department shall notify GFSTC at any time registered personnel leave the department. This shall be done electronically through the GFSTC database by adding an end date to the member's department history.

(2) If a fire service member is required by a medical doctor to relinquish any or all of the essential duties required to perform their job description, he/she must notify GFSTC and voluntarily surrender his/her certification(s). *For example, a State Certified Firefighter who is also a State Certified Fire Inspector who can no longer perform the essential functions of his/her job as a Firefighter may, at the discretion of the local fire department, continue as a Fire Inspector. This person would be required to voluntarily surrender their State Firefighter Certification but retain their State Certification as a Fire Inspector and would have to continue to meet requirements for continued certification.*

(3) A State Certification may be voluntarily surrendered at any time.

Cite as Ga. Comp. R. & Regs. R. 205-1-3-.03

AUTHORITY: O.C.G.A. § 25-4-7**.**

HISTORY: Original Rule entitled "Notification to GFSTC of Personnel Separation and Surrender of Certification" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Amended: F. Oct. 23, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Amended: F. Aug. 13, 2024; eff. Sept. 2, 2024.

205-1-3-.04 Classifications of Fire Service Personnel

(1) These Rules & Regulations are further established to provide for the Policy & Procedures for various classifications of fire service personnel.

(2) All fire service personnel shall be members of a compliant fire department operating in the State of Georgia.

(3) All fire service personnel shall successfully complete basic training relative to the job description for the position they are appointed or hired to perform.

(4) Upon employment, candidates for State Certification as a Career Firefighter shall have twelve months from the initial hire or appointment date to complete the required training and pass the state certification test with the GFSTC. Candidates seeking qualification as a Volunteer Suppression or Support Firefighter shall have eighteen (18) months from the initial appointment date to complete the required training and pass state qualification tests as approved by the Council.

(a) The recruit may be granted a reasonable extension by the Executive Director if the recruit has not completed this requirement within the above established time frame.

(b) If the recruit has not completed basic training and testing within the allowed time frame, the recruit shall be stricken from the roster of the fire department for a minimum of one year.

(c) Departments shall not remove personnel from roster and add them back in order to reset the timeline for qualification/certification at the same department.

(d) Once the initial test score has been downloaded into the GFSTC system, the Candidate shall successfully complete all testing requirements within ninety (90) days, except for a Georgia Fire Academy (GFA) sponsored course. The GFA requirement is that all testing be completed within thirty (30) days.

(5) Regardless of out of state certifications held by candidates, the Georgia Firefighter Standards and Training Council requires firefighters be tested for Volunteer Support Firefighter, Volunteer Suppression Firefighter, or any State Certifications.

(6) GFSTC shall certify individuals who have successfully completed requirements outlined in the Rules & Regulations of the Georgia Firefighter Standards and Training Council for State Certification.

(7) **State Certified Fire Service Personnel**:

(a) Gain and Continue Certification Classifications:

1. All fire service personnel hired as full-time employees by any fire department in a position that requires State Certification shall obtain and maintain at least one State Certification through GFSTC.

2. For all other fire department positions, state certification is optional unless mandated by the local fire department.

3. For any certifications issued by GFSTC an individual must complete basic training for the level of appointment and pass the State of Georgia certification tests. The individual shall have**:**

(i) Successfully completed the basic training program as approved by the Council relative to the job description for the position they are hired to perform and pass the required certification tests.

(ii) Received training in another state determined by GFSTC to be equivalent to the basic training program described above and passed the required certification tests.

(iii) Received training as a federal firefighter by the United States government determined by GFSTC to be equivalent to the basic training program described above and passed the required certification tests.

4. To complete requirements for any and all State Certifications, the fire department must complete and properly store the Certification Package and complete and submit the Certification Application to GFSTC. The Certification Package will be reviewed during on-site visits, and are used to verify that the candidate:

(i) Is at least 18 years of age.

(ii) Has not been convicted of a felony in the past ten (10) years (except as provided in O.C.G.A. § 25-4-8). Criminal history documents used to determine eligibility for fire service personnel must be current.

(iii) Has an affidavit of good moral character as determined by investigation approved by the Council and signed by the Fire Chief/Designee.

(iv) Has successfully completed the minimum physical agility requirements as established by the Council.

(v) Has a signed medical affidavit indicating that he/she is in good physical condition as determined by a medical examination from a licensed physician, physician's assistant, or nurse practitioner.

(vi) Has a high school diploma from an accredited high school, a state issued general education development equivalency (GED) or the Home School Affidavit (as approved by the Council).

(vii) Has successfully completed the Council-approved minimum training course curriculum or equivalent.

(viii) Has successfully completed the certification examination as approved by the Council within one (1) year.

5. To continue their Qualification and State Certification status fire service personnel who are certified by GFSTC must meet minimum requirements each calendar year following the year of certification:

(i) Successful completion of a total of 24 hours of professional development training each year as approved by the Fire Chief and verified by GFSTC is required for continuation of any or all State Certifications. "Professional Development" means training that meets a national or state standard or addresses a specific area of local service delivery (this does not include daily duties such as maintenance, territory study, equipment checks, etc. unless it is for a recruit or probationary personnel) and performed in a classroom, at a conference, a drill field setting, etc. with instruction by an individual deemed to be qualified by the fire chief/designee. Such hours may be credited toward the maintenance of any and all certifications as approved by the Council.

(ii) Records shall be developed, maintained, and available for review by GFSTC Staff at the local department.

(iii) Documentation of this training shall include certificates, transcripts, or sign-in sheets. All training documentation shall include the training subject, date, beginning and ending times, description of the training, objectives of the training; training records shall be signed by an instructor and students and may include electronic authorization if a learning management system is used by the department.

(iv) Fire Chiefs and Training personnel are urged to continue using the criterion that GFSTC has traditionally used to determine whether or not something is actually training. That criterion is training that meets a national or state standard and is performed in a classroom, at a conference, a drill field setting, etc. with instruction by an individual deemed to be qualified by the Fire Chief/Designee. This does not include daily duties such as maintenance, territory study, equipment checks, etc. unless it is for recruit(s) or probationary personnel.

(v) Fire departments and other agencies that are looking for outside validation of classes, courses and schools can submit a Course Credit Request form to GFSTC and the documentation will be reviewed for course credit acceptance as a courtesy.

(vi) A fire service member shall notify GFSTC in writing of any arrest and/or conviction set out below involving himself/herself within fifteen (15) calendar days of becoming aware of such arrest and/or conviction. This is regardless of any action or lack thereof by the employing agency as a result of such information. Records concerning the disciplinary action shall be made available to the Executive Director of the Council or his/her representative upon request. These records shall include, but are not limited to:

(I) Arrest and/or conviction by local, state, or federal authorities;

(II) Arrest and/or conviction or bond forfeiture in any local, state, or federal court; the term "arrest and/or conviction" includes a finding or verdict of guilt, plea of guilty, or a plea of nolo contendere, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon (this specifically includes pleas under *Alford v. North Carolina*, first-offender pleas, and pre-trial diversion agreements); Minor traffic violations like speeding, traffic control devices and improper passing need not be reported to the Council. DUI, reckless driving, fleeing and eluding a police officer, and homicide by vehicle are hereby listed as specific, but not exclusive, examples of traffic violations that are not minor and are to be reported.

(b) Transfer Certification: Fire service personnel certified by GFSTC may, upon separation from any fire department and upon agreement with a subsequently appointing/employing fire department, transfer such certification(s) to the appointing/employing fire department.

1. Any fire department may refuse to accept the transfer of previously acquired certification(s) and may require any newly appointed/employed fire service personnel to complete the basic training course provided for in O.C.G.A. § 25-4-9 (a).

2. The fire department shall add the Firefighter to their department's roster on the GFSTC database.

(c) Recertification/Requalification: Individuals returning to the fire service and seeking recertification/requalification shall be in one of the following categories:

1. State Certified fire service personnel may leave a fire department in good standing and return within five years with no penalty as long as they maintain continuous training as approved by the Council and reviewed by GFSTC Staff. The hiring/appointing Fire Chief or designee shall submit the following documentation validating the readiness of the candidate for recertification.

(i) Register the candidate electronically as a member of the department through the GFSTC database. Complete a new Certification Package and reference section § 205-1-3-.04(7)(a)4. for instructions on storage and submission.

2. State Certified fire service personnel may leave a fire department in good standing and return within five years with the following penalty if they have not maintained continuous training as approved by the Council:

(i) Register the candidate electronically as a member of the department through the GFSTC database.

(ii) Complete a task book, signed by the Fire Chief or designee, for the level of the Certification they are seeking. Career Firefighters shall have 90 days from the date of hire or appointment to complete the task book. Volunteer Firefighters shall have 180 days from the date of appointment to complete the task book.

(iii) Complete a new Certification Package and reference section § 205-1-3-.04(7)(a)4. for instructions on storage and submission.

3. The following requirements apply to State Certified fire service personnel that leave the fire service for more than five (5) years, but less than ten (10) years, the:

(i) Fire department shall register the candidate electronically as a member of the department through the GFSTC database.

(ii) Complete a task book, signed by the Fire Chief or designee, for the level of the Certification they are seeking. Career Firefighters shall have 90 days from the date of hire to complete the task book. Volunteer Firefighters shall have 180 days from the date of appointment to complete the task book.

(iii) Candidate shall successfully pass the required written and skills tests for their level of State Certification.

(iv) Fire department shall complete a new Certification Package and reference section § 205-1-3-.04 (7)(a)4. for instructions on storage and submission.

4. The following requirements apply to State Certified fire service personnel that leave the fire service for more than ten (10) years, the:

(i) Fire department shall register the candidate electronically as a member of the department through the GFSTC database.

(ii) Candidate shall successfully complete a new training course, including a task book, signed by the Fire Chief or designee, for the level of Certification they are seeking, and pass the required tests for their level of State Certification.

(iii) Complete a new Certification Package and reference section § 205-1-3-.04 (7)(a)4. for instructions on storage and submission.

5. Following recertification, fire service personnel shall complete a total of 24 hours of professional development training each year as approved by the Fire Chief or designee and verified by GFSTC. Professional Development means training that meets a national or state standard or addresses a specific area of local service delivery (this does

not include daily duties such as maintenance, territory study, equipment checks, etc.), unless it is for a recruit or probationary personnel) and performed in a classroom, at a conference, a drill field setting, etc. with instruction by an individual deemed qualified by the fire chief/designee.

6. Records shall be developed, maintained, and available for on-site review at the local department. Documentation of this training shall include the subject, date, time, description of the training, objectives of the course, and signatures of students and instructors.

(d) How to become State Certified by Specific Classification:

1. **State Certified Firefighter**:

(i) To become certified as a Firefighter, the individual shall be required to be trained to the level of State Certified Firefighter and shall complete all requirements to become a State Certified Firefighter within one year of the date of hire to maintain employment and be in compliance with O.C.G.A. Title 25-4-8 & 25-4-9 and Rules & Regulations of the Georgia Firefighter Standards and Training Council.

(e) The Firefighter shall pass the written and skills state certification tests as approved by the Council. The testing shall include written and skills tests for Firefighter I and Hazardous Materials Awareness.

(f) Upon completion of all training and testing requirements, the fire department shall complete a certification Package for all new personnel and reference section § 205-1-3-.04 (7)(a)4. for instructions on storage and submission. The Certification Package shall be maintained for on-site review.

1. The hiring department shall complete a Compliance Package and submit certification application page for anyone appointed to the position of Public Safety Director, Fire Chief, Chief Executive Officer or any comparable title. This shall be someone that is a minimum of Qualified Volunteer Suppression for Volunteer Departments, or a State Certified Firefighter for Combination and Career Departments.

2. **State Certified Airport Firefighter**:

(i) To become certified as an Airport Firefighter, the individual shall be required to be trained to the level of State Certified Firefighter and Aircraft Rescue Firefighter (ARFF) and shall complete all requirements to become a State Certified Airport Firefighter and be in compliance with FAA regulations, O.C.G.A. Title 25-4-8 & 25-4-9 and Rules & Regulations of the Georgia Firefighter Standards and Training Council.

(ii) The Airport Firefighter shall complete the GFSTC required task book and pass the state certification tests as approved by the Council.

(i) Upon completion of all training and testing requirements, the fire department shall complete a Certification Package and reference section § 205-1-3-.04 (7)(a)4. for instructions on storage and submission.

3. **State Certified Fire and Life Safety Educator**:

(i) To become certified as a Fire & Life Safety Educator, the individual shall be required to be trained to the level of Fire & Life Safety Educator I and shall complete all requirements to become a State Certified Fire & Life Safety Educator within one year of appointment (if applicable) and be in compliance with O.C.G.A. Title 25-4-8 & 25-4-9 and Rules & Regulations of the Georgia Firefighter Standards and Training Council.

(ii) The Fire & Life Safety Educator shall pass the state certification tests as approved by the Council.

(iii) Upon completion of all training and testing requirements, the fire department shall complete a Certification Package and reference section § 205-1-3-.04 (7)(a)4. for instructions on storage and submission.

4. **State Certified Fire Inspector**:

(i) To become certified as a Fire Inspector shall be required to be trained to the level of Fire Inspector I and shall complete all requirements to become a State Certified Fire Inspector within one year of appointment (if applicable) and be in compliance with O.C.G.A. Title 25-4-8 & 25-4-9 and Rules & Regulations of the Georgia Firefighter Standards and Training Council.

(ii) The Fire Inspector shall pass the state certification tests as approved by the Council. The testing shall include written and skills tests for Fire Inspector and Hazardous Materials Awareness.

(iii) Upon completion of all training and testing requirements, the fire department shall complete a Certification Package and reference section § 205-1-3-.04 (7)(a)4. for instructions on storage and submission.

5. **State Certified Fire Investigator**:

(i) To become certified as a Fire Investigator, the candidate shall be required to be trained to the level of Fire Investigator I and shall complete all requirements to become a State Certified Fire Investigator within one year of appointment (if applicable) and be in compliance with O.C.G.A. Title 25-4-8 & 25-4-9 and Rules & Regulations of the Georgia Firefighter Standards and Training Council.

(ii) The Fire Investigator shall pass the state certification tests as approved by GFSTC.

(iii) To attain Fire Investigator I a candidate shall successfully complete Fire Investigator modules 1 and 2 through the Georgia Public Safety Training Center or meet the requirements through the reciprocity process.

(iv) Upon completion of all training and testing requirements, the fire department shall complete a Certification Package and submit a Certification Application or Additional Certification form for the candidate. The Certification Package shall be maintained by the department for on-site review.

6. **State Certified Canine Detection Team**

(i) To become certified as a canine team, the canine and handler shall be required to complete a training course designed to meet or exceed International Association of Arson Investigator, Ignitable Liquid Detection Canine Teams training.

(ii) Must be a State Certified Fire Investigator and be in compliance with O.C.G.A. Title 25-4-8 & 25-4-9 and Rules & Regulations of the Georgia Firefighter Standards and Training Council.

(iii) The canine team shall pass the state certification tests as approved by GFSTC.

(iv) Upon completion of all training and testing requirements, the fire department shall complete and submit an Additional Certification form for the candidate.

(v) Recertification must be done annually and/or any time the handler is assigned a different canine.

7. **State Certified Fire Chief:**

(i) If you would like to become certified as a Fire Chief, the individual shall be required to hold the department position of Chief Officer or higher for a minimum of 5 years and have 10 continuous years in the fire service to include fire suppression, be in compliance with O.C.G.A. Title 25-4-8 & 25-4-9 and Rules & Regulations of the Georgia Firefighter Standards and Training Council and petition GFSTC for State Certified Fire Chief Designation.

or

(ii) Shall obtain Fire Officer I through IV and complete and pass GFSTC tests as approved by the Council.

(iii) Upon completion of all training and testing requirements, the fire department shall complete a Certification Package and submit a Certification Application or Additional Certification form for the candidate. The Certification Package shall be maintained by the department for on-site review upon request.

8. **Part-Time Fire Service Personnel:**

(i) A part-time fire service employee shall be trained to the minimum level of Volunteer Suppression Firefighter (including live structure fire control) by or through the Georgia Fire Academy or an equivalent training course approved by the Council. When trained to the level of Volunteer Suppression Firefighter, they shall pass the current State of Georgia Volunteer Suppression Firefighter tests delivered by GFSTC Staff or GFSTC approved Proctors on or before the time of appointment.

(ii) Upon completion of all training requirements, the fire department shall complete a Volunteer Application Package for the candidate.

(iii) If the part-time firefighter is hired in place of a State Certified Firefighter, he/she shall be a State Certified Firefighter. In this case, the fire department shall complete a Certification Package and submit a Certification Application or a Roster Update form for the candidate. In order to become State Certified, fire service personnel shall meet all requirements for state certification as approved by the Council.

(iv) Part-time fire service personnel shall meet requirements to continue their status each calendar year following the year of qualification/certification(s):

(I) Records shall be developed, maintained, and available for review by GFSTC at the local department. The professional development shall consist of:

I. Successful completion of a total of 24 hours of professional development each year as approved by the Fire Chief and verified by GFSTC is required for maintenance of qualification/certification(s).

II. "Professional Development" means training that meets a national or state standard, or addresses a specific area of local service delivery (this does not include daily duties such as maintenance, territory study, equipment checks, etc., unless it is for a recruit or probationary personnel) and performed in a classroom, at a conference, a drill field setting, etc. with instruction by an individual deemed to be qualified by the Fire Chief/Designee. Such hours may be credited toward the maintenance of qualification/certification(s) as approved by the Council.

(II) Documentation of this training shall include the subject, date, time, description of the training, objectives of the course. Training records shall be signed by an instructor and student and may include electronic authorization if a learning management system is used by the department.

(III) A fire service member shall notify GFSTC in writing of any arrest and/or conviction set out below involving himself/herself within fifteen (15) calendar days of becoming aware of such arrest and/or conviction. This is regardless of any action or lack thereof by the employing agency as a result of such information. Records concerning the disciplinary action shall be made available to the Executive Director of the Council or his representative upon request. These records shall include, but are not limited to:

I. Arrest and/or conviction by local, state, or federal authorities;

II. Arrest and/or conviction or bond forfeiture in any local, state, or federal court; the term "arrest and/or conviction" including a finding or verdict of guilt, plea of guilty, or a plea of nolo contendere, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon (this specifically includes pleas under *Alford v. North Carolina*, first-offender pleas, and pre-trial diversion agreements); Minor traffic violations like speeding, traffic control devices and improper passing need not be reported to the Council. DUI, reckless driving, fleeing and eluding a police officer, and homicide by vehicle are hereby listed as specific, but not exclusive, examples of traffic violations that are not minor and are to be reported.

9. **Volunteer Fire Service Personnel (Volunteer Firefighters)**

(i) All individuals who are appointed as a volunteer member of a fire department in the State of Georgia shall meet minimum requirements for such appointment as established by the Council.

(ii) Volunteer fire service personnel shall be registered in one of the following classifications:

(I) Volunteer Suppression Firefighter

(II) Volunteer Support Firefighter

(III) Part-Time Firefighter

(IV) Inmate Firefighter

(iii) A Volunteer Suppression Firefighter shall be required to be trained and tested to the minimum level of Volunteer Suppression Firefighter to include live structure fire control training, as well as Hazardous Materials Awareness within eighteen (18) months of appointment to be in compliance with O.C.G.A. 25-4-9 and Rules & Regulations for the Administration of the Georgia Firefighter Standards and Training Council. Structure fire control training:

(iv) Volunteer fire service personnel registered as Volunteer Suppression Firefighters since July 1, 2005, shall successfully complete a Structure Fire Control class as approved by the Council.

(v) Structure fire control training may be accomplished in one of the following ways:

(I) A Structure Fire Control class conducted by or through the Georgia Fire Academy.

(II) A structure fire control class conducted at another location where at least one qualified instructor has completed a live fire instructor course conducted in accordance with the current edition of NFPA 1403.

(vi) All structure fire control training shall be conducted in accordance with NFPA 1403, *Standard for Live Fire Training Evolutions*.

(vii) The minimum objectives covered shall be a live fire behavior segment (settee) and an at-grade, above grade, and below grade interior attack.

(viii) Documentation of this training shall include the subject, date, time, description of the training, objectives of the course**,** and may include electronic authorization if a learning management system is used by the department.

(I) The recruit may be granted a reasonable extension by the Executive Director if the recruit has not completed this requirement within the above established time frame.

(II) If the recruit has not completed basic training within the allowed time frame and no extension has been granted, the recruit shall be stricken from the roster of the fire department for a minimum of one year.

(III) Upon completion of all training requirements, the fire department shall complete a Volunteer Application Package for the candidate. The application package and submit a Certification Application for the candidate. The application package shall be maintained by the department for on-site review.

(IV) A Volunteer Support Firefighter will be required to be trained to the minimum level of Volunteer Support Firefighter within eighteen months (18) of appointment to be in compliance with O.C.G.A. 25-4-9 and Rules & Regulations of the Georgia Firefighter Standards and Training Council.

(ix) Volunteer Support Firefighters shall successfully complete the Georgia Volunteer Support course and pass Hazardous Materials Awareness written and skills test as approved by the Council within (18) months of appointment.

(I) Volunteer Support Firefighters are not trained or qualified to perform duties in the Hot Zone.

(II) The recruit may be granted a reasonable extension by the Executive Director if the recruit has not completed this requirement within the above established time frame.

(III) If the recruit has not completed basic training within the allowed time frame or and has not been granted an extension, the recruit shall be stricken from the roster of the fire department for a minimum of one year.

(x) Upon completion of all training requirements, the fire department shall complete a Volunteer Application Package for the candidate and submit a Registration Application. The application package shall be maintained by the department for on-site review.

(xi) An Inmate Firefighter shall be required to be trained to the level of Firefighter I as required by the Georgia Department of Corrections Fire Service within one year of appointment to be in compliance with O.C.G.A. 25-4-9 and Rules & Regulations of the Georgia Firefighter Standards and Training Council.

(xii) Volunteer fire service personnel who wish to become State Certified shall complete a basic training course for the desired certification and pass the State of Georgia test delivered by GFSTC Staff or GFSTC approved Proctors within one (1) year of the start of the course.

(xiii) Volunteer fire service personnel shall meet requirements to continue their status each calendar year following the year of qualification:

(I) Records shall be developed, maintained, and available for review by GFSTC at the local department. The professional development shall consist of:

(II) Successful completion of a total of 24 hours of professional development each year as approved by the Fire Chief and verified by GFSTC is required for maintenance of qualification/certification(s).

(III) "Professional Development" means training that meets a national or state standard, or addresses a specific area of local service delivery (this does not include daily duties such as maintenance, territory study, equipment checks, etc., unless it is for a recruit or probationary personnel) and performed in a classroom, at a conference, a drill field setting, etc. with instruction by an individual deemed to be qualified by the fire chief/designee. Such hours may be credited toward the maintenance of qualification/certification(s) as approved by the Council.

(IV) Documentation of this training shall include the subject, date, time, description of the training, objectives of the course, and signatures of students and instructors.

(xiv) A fire service member shall notify GFSTC in writing of any arrest and/or conviction set out below involving himself/herself within fifteen (15) calendar days of becoming aware of such arrest and/or conviction. This is regardless of any action or lack thereof by the employing agency as a result of such information. Records concerning the disciplinary action shall be made available to the Executive Director of the Council or his/her representative upon request. These records shall include, but are not limited to:

(I) Arrest and/or conviction by local, state, or federal authorities;

(II) Arrest and/or conviction or bond forfeiture in any local, state, or federal court; the term "arrest and/or conviction" including a finding or verdict of guilt, plea of guilty, or a plea of nolo contendere, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon (this specifically includes pleas under *Alford v. North Carolina*, first-offender pleas, and pre-trial diversion agreements); Minor traffic violations like speeding, traffic control devices and improper passing need not be reported to the Council. DUI, reckless driving, fleeing and eluding a police officer, and homicide by vehicle are hereby listed as specific, but not exclusive, examples of traffic violations that are not minor and are to be reported.

(xv) Inmate Firefighters shall pass the Firefighter I written test delivered by GFSTC Staff or GFSTC approved Proctors within the time frame established by the Georgia Department of Corrections Fire Service.

Cite as Ga. Comp. R. & Regs. R. 205-1-3-.04

AUTHORITY: O.C.G.A. § 25-4-7**.**

HISTORY: Original Rule entitled "Classification of Fire Service Personnel" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Amended: F. Oct. 23, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Amended: F. Aug. 13, 2024; eff. Sept. 2, 2024.

Department 205. RULES OF FIREFIGHTER STANDARDS AND TRAINING COUNCIL, GEORGIA

Chapter 205-1. ORGANIZATION

Subject 205-1-5. TESTING AND EVALUATION OF TRAINING FOR FIREFIGHTERS OPERATING IN THE STATE OF GEORGIA

205-1-5-.01 Definitions

(1) **"Evaluator"** means an individual approved and trained by GFSTC to observe candidates as they perform during a skills evaluation.

(2) **"External Validation"** means a validation conducted by GFSTC Staff and qualified representatives of local fire departments to ensure that questions in the test instrument are legitimate and can be found in the instructional materials used in the training program for which the students are seeking certification.

(3) **"Instructor Guide"** means instructional materials, including lesson plans, Powerpoint (or similar presentation media), and handouts, used by an instructor to deliver information and skills to students.

(4) **"Internal Validation"** means a validation conducted by GFSTC and GFA Staff before an external validation to ensure that information contained in an Instructor Guide matches questions in the test bank.

(5) **"Open Enrollment"** means a test event at the GFSTC office or a regional test center that is open to any member of a legally organized Georgia fire department who has met the requirements to take the test.

(6) **"Proctor"** means an individual approved and trained by GFSTC to supervise and administer a written, skills or online test event.

(7) **"Reciprocity"** means the process of reviewing training documentation provided to GFSTC by a candidate or a department requesting the opportunity to enter a training program at the next higher level above the level being requested or credit for prior training to be considered toward qualification/certification requirements.

(8) **"Regional Test Center"** means a location that has the facilities to conduct written and/or online tests.

(9) **"Regional Test Site"** means a location that has the facilities and equipment to conduct skills evaluations along with written and/or online tests.

(10) **"Test Bank"** means the computer program containing all of the questions used to develop a certification test.

(11) **"Test Event"** means any written, skills, online or oral test occurrence administered by GFSTC Staff or Proctors approved by GFSTC.

(12) **"Test Instrument"** means a written, skills or other approved evaluation method(s).

(13) **"Validation"** means the process of confirming that the information in test banks and instructor guides match.

Cite as Ga. Comp. R. & Regs. R. 205-1-5-.01

AUTHORITY: O.C.G.A. § 25-4-7.

HISTORY: Original Rule entitled "Definitions" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Amended: F. Oct. 23, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Amended: F. Aug. 13, 2024; eff. Sept. 2, 2024.

205-1-5-.03 Course Evaluations

(1) GFSTC shall treat all candidates in a fair and impartial manner.

(2) The Georgia Firefighter Standards and Training Council attempts to comply with reasonable accommodation requests set forth in the *Americans with Disabilities Act*.

(a) All requests should be in writing and, when required, accompanied by an affidavit from a qualified medical professional with the doctor's signature.

(b) In the case of a learning disability there should also be documentation from a state accredited high school verifying the candidate has a reading comprehension disability and recommends written exams be administered orally.

(c) Only written or online tests may be read to a candidate. The candidate and the reader shall each be given a copy of the test to use during the test. All tests shall be returned to the Proctor. All candidates wishing to have a test read to them shall indicate the need for this accommodation during preregistration.

(d) Under no circumstance will a reading assistance device that records the information from the test be allowed during test events. If a reading assistance device accommodation is requested, the manufacturer, model and serial number of any reading devices shall be submitted to GFSTC at least fourteen (14) calendar days prior to the test event. GFSTC shall notify the requestors department before the scheduled test whether or not we will allow the use of the device. Reading devices shall not be used on skills tests.

(3) GFSTC Staff or Proctors approved by GFSTC shall administer all tests required by the Council for all fire service personnel to complete the qualification/certification process. All skills tests required to complete a certification shall be observed by an Evaluator approved by GFSTC.

(4) A Prerequisite Form shall be submitted to GFSTC by the fire department before an individual will be allowed to test.

(5) The fire department shall complete and submit a Prerequisite Form to GFSTC at least fourteen (14) calendar days prior to the test event for each level qualification/certification the department wishes an individual to attain. Requests for accommodation shall be made in writing at this time. All requests for accommodation shall be approved by GFSTC Staff before any test event. Test event Proctors shall not have the authority to grant any request for accommodation.

(6) The Prerequisite Form shall be signed by the Fire Chief or his/her Designee to verify completion of all requirements for qualification/certification as approved by the Council.

(7) A Prerequisite Form is required even if the candidate is retesting because he/she failed a test.

(8) The fire department shall complete and submit a Prerequisite Form and pre-register each candidate for online testing prior to the candidate taking the exam.

(9) All prerequisites are validated during the External validation process for the different levels of certification.

(10) Candidates may re-test up to two (2) times in accordance with GFSTC policy and procedures before retaking the course is required.

(a) Reference lists and practice tests for use by the candidate may be found on the GFSTC website at www.gfstconline.org.

(b) Candidates may also request, in writing, a student mastery from GFSTC documenting areas of weakness identified during the test.

Cite as Ga. Comp. R. & Regs. R. 205-1-5-.03

AUTHORITY: O.C.G.A. §§ 25-4-7**,** 25-4-8**,** 25-4-9**.**

HISTORY: Original Rule entitled "Course Evaluations" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Amended: F. Aug. 13, 2024; eff. Sept. 2, 2024.

205-1-5-.04 Test Administration

(1) Procedures shall be in place to ensure security of certification test items, test banks, current and previous versions of test instruments and other associated materials as approved by the Council.

(2) GFSTC shall approve and train individuals to administer and supervise all test events.

(a) Proctors:

1. Written, skills and online certification test events shall be supervised and administered by a Proctor trained and approved by GFSTC.

2. A Proctor shall supervise and administer a test event in accordance with all policies and procedures as approved by the Council.

(b) Evaluators:

1. Each station in a skills evaluation shall be conducted under the supervision of an Evaluator trained and approved by GFSTC.

2. An Evaluator shall supervise his/her assigned station(s) in accordance with all policies and procedures as approved by the Council.

(3) Regional Test Centers and Sites

(a) Testing is available to all candidates and is administered at the GFSTC Office and at Regional Test Sites and Test Centers located throughout the state.

1. Scheduled dates and times of test and their locations are posted on the Test Event Calendar located on the GFSTC website at www.gfstconline.org.

2. The fire department shall complete and submit a Prerequisite Form to GFSTC by a date to be announced prior to each test event for each level qualification/certification the department wishes an individual to attain before they will be allowed to take any tests.

(b) Regional test centers and sites shall be approved by GFSTC.

1. Regional Test Centers are locations that have the facilities to conduct written and/or online tests and shall offer open enrollment testing at least once a month. Open enrollment test events shall be scheduled on the test event calendar accessed through the GFSTC website.

2. Regional Test Sites are locations that have the facilities and equipment to conduct skills evaluations along with written and/or online tests.

(c) Any site may be disassociated from the program at any time by a decision of GFSTC or the Regional Test Site/Center.

Cite as Ga. Comp. R. & Regs. R. 205-1-5-.04

AUTHORITY: O.C.G.A. § 25-4-7**.**

HISTORY: Original Rule entitled "Test Administration" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Amended: F. Oct. 23, 2019; eff. Jan. 1, 2020, as specified by the Agency

Amended: F. Aug. 13, 2024; eff. Sept. 2, 2024.

205-1-5-.05 Maintenance of Test Results

(1) GFSTC shall maintain a record of all test events administered by GFSTC in its database. This record shall be permanent and ongoing. Any Recruit (as defined in 205-1-3-.01) under the age of eighteen (18) and registered with GFSTC will be allowed to test written and skills (FF1, FF2, Hazardous Materials Awareness, and Hazardous Materials Operations) and have their results held for twenty-four (24) months from the date of the test.

(2) GFSTC shall ensure that the test results for each candidate and the associated test instruments are securely maintained for an appropriate period of time. Records may be archived in a time frame as approved by the Council.

Cite as Ga. Comp. R. & Regs. R. 205-1-5-.05

AUTHORITY: O.C.G.A. § 25-4-7**.**

HISTORY: Original Rule entitled "Maintenance of Test Results" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Amended: F. Aug. 13, 2024; eff. Sept. 2, 2024.

205-1-5-.06 Reciprocity

(1) GFSTC will consider individual requests for reciprocity to candidates who are seeking qualification/certification.

(2) Reciprocity allows a candidate to be entered into the GFSTC database and begin training for the next higher level of qualification/certification.

(3) GFSTC shall only grant reciprocity for Pro Board, IFSAC, and/or Department of Defense certifications for which GFSTC is accredited.

(4) GFSTC will grant reciprocity for certifications on a case-by-case basis as determined by the Executive Director. GFSTC shall consider granting reciprocity on two levels.

(a) Personnel who are seeking reciprocity for national certification shall:

1. Submit documentation of completion of training for review to their employing department for equivalency to the minimum training required and approved by the Council. If the department accepts the documented training, they

are accepting responsibility for determining that the Candidate has met the minimum requirements as required by the Council.

(i) Training documentation includes transcripts, certificates, or other supporting records.

(ii) Certificates shall display a legible seal and certification number, if applicable.

2. Shall have the fire department submit the appropriate form to GFSTC for final approval.

(b) Personnel who have completed training, been granted reciprocity and wish to test for State Qualification/Certification shall:

1. Submit documentation of completion of training for review by GFSTC for equivalency to the minimum training required and approved by the Council. Training documentation includes transcripts, certificates, or other supporting records.

2. Be required to pass the State of Georgia tests for the level they are requesting.

(i) Said personnel shall have one opportunity to successfully pass the written and skills tests for the State Certification they are requesting.

(ii) Failure of either portion of the testing process shall require the Candidate to take a course offered by a training entity approved by the Council.

(4) GFSTC acceptance of reciprocity in no way relieves the candidate from training and testing requirements of the local fire department.

Cite as Ga. Comp. R. & Regs. R. 205-1-5-.06

AUTHORITY: O.C.G.A. § 25-4-7**.**

HISTORY: Original Rule entitled "Reciprocity" adopted. F. Nov. 19, 2015; eff. Jan. 1, 2016, as specified by the Agency.

Amended: F. Oct. 23, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Amended: F. Aug. 13, 2024; eff. Sept. 2, 2024.

Department 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD

Chapter 360-3. INVESTIGATIONS AND DISCIPLINE

360-3-.02 Unprofessional Conduct Defined

O.C.G.A. §§ 43-1-19 and 43-34-37 authorize the Board to take disciplinary action against licensees for unprofessional conduct. "Unprofessional conduct" shall include, but not be limited to, the following:

(1) Prescribing controlled substances for a known or suspected habitual drug abuser or other substance abuser in the absence of substantial justification.

(2) Writing prescriptions for controlled substances for personal use or, except for documented emergencies, for immediate family members. For purposes of this rule, "immediate family members" include spouses, children, siblings, and parents.

(3) Prescribing, ordering, dispensing, administering, selling, or giving any amphetamine, sympathomimetic amine drug or compound designated as a Schedule II Controlled Substance under O.C.G.A. T. 16, Ch. 13, to or for any person except in the following situations:

(a) Treatment of any of the following conditions:

1. Attention deficit disorder;

2. Drug induced brain dysfunction;

3. Narcolepsy and/or hypersomnolence;

4. Epilepsy; or

5. Depression or other psychiatric diagnosis.

6. Weight loss management if drug has been approved by the FDA for that indication.

(b) For clinical investigations conducted under protocols approved by a state medical institution permitted by the Georgia Department of Human Services (DHS) with human subject review under the guidelines of the United States Department of Health and Human Services.

(4) Pre-signing prescriptions that have the patient's name, type of medication, or quantity blank.

(5) Prescribing controlled substances (O.C.G.A. T. 16, Ch. 13, Art. 2) and/or dangerous drugs (O.C.G.A. T. 16, Ch. 13, Art. 3) for a patient based solely on a consultation via electronic means with the patient, patient's guardian, or patient's agent. This shall not prohibit a licensee from prescribing a dangerous drug for a patient pursuant to a valid physician-patient relationship in accordance with O.C.G.A. 33-24-56.4 or a licensee who is on-call or covering for another licensee from prescribing up to a 30-day supply of medications for a patient of such other licensee nor shall it prohibit a licensee from prescribing medications when documented emergency circumstances exist.

This shall also not prevent a licensed physician from prescribing Schedule II sympathomimetic amine drugs for the treatment of attention deficit disorder to a patient in the physical presence of a licensed nurse, provided the initial diagnosis was made and an initial prescription was issued in accordance with 21 U.S.C. § 829(e), as amended from time to time, including but not limited to the following:

(a) The physician has conducted at least one in-person medical evaluation of the patient; or

(b) The physician is covering for a licensee who is temporarily unavailable and has conducted at least one in-person medical evaluation of the patient; or

(c) The physician is engaged in the practice of telemedicine in accordance with Board Rule 360-3-.07 and with 21 U.S.C. §§ 802(54) and 829(e)(3)(A), including, but not limited to:

1. Where the patient is being treated by, and physically located in, a hospital or clinic registered with the U.S. Drug Enforcement Agency ("DEA"), the physician is registered with the DEA, and all other requirements of 21 U.S.C. § 802(54)(A) are met; or

2. Where the patient is being treated by, and physically in the presence of, a licensee who is registered with the DEA, and all other requirements of 21 U.S.C. § 802(54)(B) are met; or

3. Where the physician has obtained from the U.S. Attorney General a special registration for telemedicine in accordance with 21 U.S.C. §§ 802(54)(E) and 831(h).

(6) Providing treatment via electronic or other means unless a history and physical examination of the patient has been performed by a Georgia licensee. This shall not prohibit a licensee who is on call or covering for another licensee from treating and/or consulting a patient of such other licensee. Also, this paragraph shall not prohibit a patient's attending physician from obtaining consultations or recommendations from other licensed health care providers.

(7) Failing to maintain appropriate patient records whenever Schedule II, III, IV or V controlled substances are prescribed. Appropriate records, at a minimum, shall contain the following:

(a) The patient's name and address;

(b) The date, drug name, drug quantity, and patient's diagnosis necessitating the Schedule II, III, IV, or V controlled substances prescription; and

(c) Records concerning the patient's history.

(8) Committing any act of sexual intimacy, abuse, misconduct, or exploitation of any individual related to the physician's practice of medicine regardless of consent. The rule shall apply to former patients where the licensee did not terminate in writing the physician patient relationship before engaging in a romantic or sexual relationship with the patient and/or where the licensee used or exploited the trust, knowledge, emotions, or influence derived from the prior professional relationship. The Board will consider the physician patient relationship terminated if the physician has not evaluated or treated the patient for a period of at least two (2) years.

(9) Failing to comply with the provisions of O.C.G.A. Section 31-9-6.1 and Chapter 360-14 of the Rules of Georgia Composite Medical Board relating to informed consent, which requires that certain information be disclosed, and that consent be obtained regarding any surgical procedure performed under general anesthesia, spinal anesthesia, or major regional anesthesia or an amniocentesis procedure or a diagnostic procedure that involves the intravenous injection of a contrast material.

(10) Failing to conform to the recommendation of the Centers for Disease Control for preventing transmission of the Human Immunodeficiency Virus, Hepatitis B Virus, Hepatitis C Virus, and Tuberculosis to patients during exposure-prone invasive procedures. It is the responsibility of all persons currently licensed by the Board to maintain familiarity with these recommendations, which the Board considers the minimum standards of acceptable and prevailing medical practice.

(11) Failing to timely respond to an investigative subpoena issued by the Board.

(12) Conducting a physical examination of the breast and/or genitalia without a chaperone present, unless the patient or the patient's parent or guardian specifically requests that a chaperone not be present for this portion of the clinical encounter which shall be documented in the patient's medical record. Physicians at their discretion may refuse to conduct an examination of the breast and/or genitalia without a chaperone present.

(13) Practicing medicine while mentally, physically, or chemically impaired.

(14) Failing to use such means as history, physical examination, laboratory, or radiographic studies, when applicable, to diagnose a medical problem.

(15) Failing to use medications and other modalities based on generally accepted or approved indications, with proper precautions to avoid adverse physical reactions, habituation, or addiction in the treatment of patients. However, nothing herein shall be interpreted to prohibit investigations conducted under protocols approved by a state medical institution permitted by DHS and with human subject review under the guidelines of the United States Department of Health and Human Services.

(16) Failing to maintain patient records documenting the course of the patient's medical evaluation, treatment, and response.

(a) A physician shall be required to maintain a patient's complete medical record, which may include, but is not limited to, the following: history and physical, progress notes, X-ray reports, photographs, laboratory reports, and other reports as may be required by provision of the law. A physician shall be required to maintain a patient's complete treatment records for a period of no less than 10 years from the patient's last office visit.

(b) The requirements of this rule shall not apply to a physician who has retired from or sold his or her medical practice if:

1. such physician has notified his or her active patients of retirement from or sale of practice by mail, at the last known address of his or her patients, offering to provide the patient's records or copies thereof to another provider of the patient's choice and, if the patient so requests, to the patient;

2. has caused to be published, in the newspaper of greatest circulation in each county in which the physician practices or practiced and in a local newspaper that serves the immediate practice area, a notice which shall contain the date of such retirement or sale that offers to provide the patient's records or copies thereof to another provider of the patient's choice, and if the patient so requests, to the patient; and

3. has placed in a conspicuous location in or on the facade of the physician's office, a sign announcing said retirement or sale of the practice. The sign shall be placed 30 days prior to retirement or the sale of the practice and shall remain until the date of retirement or sale.

4. Both the notice and sign required by rule 360-3-.02 shall advise the physician's patients of their opportunity to transfer or receive their records.

(c) The period specified in this rule may be less than the length of time necessary for a physician to protect himself or herself against other adverse actions. Therefore, physicians may wish to seek advice from private counsel or their malpractice insurance carrier.

(17) Continuing to practice after the expiration date of the license.

(18) Any other practice determined to be below the minimal standards of acceptable and prevailing practice.

(19) Providing a false, deceptive, or misleading statement(s) as a medical expert.

(20) Failing to report to the Board within 30 days of becoming unable to practice medicine with reasonable skill and safety by result of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition, unless the physician has reported to the Physician Health Program.

(21) (For a physician) Delegating the injection of botulinum toxin and/or dermal fillers to medical assistants.

(22) Failing to comply with Rule 360-3-.06.

(23) (a) Performing the irreversible procedures and therapies on a minor for the treatment of gender dysphoria:

1. Sex reassignment surgeries, or any other surgical procedures, that are performed for the purpose of altering primary or secondary sexual characteristics; and

2. Hormone replacement therapies.

(b) Limited exceptions to the prohibitions contained in subsection (a) include:

1. Treatments for medical conditions other than gender dysphoria or for the purpose of sex reassignment where such treatments are deemed medically necessary;

2. Treatments for individuals born with a medically verifiable disorder of sex development, including individuals born with ambiguous genitalia or chromosomal abnormalities resulting in ambiguity regarding the individual's biological sex;

3. Treatments for individuals with partial androgen insensitivity syndrome; and

4. Continued treatment of minors who are, prior to July 1, 2023, being treated with irreversible hormone replacement therapies.

Cite as Ga. Comp. R. & Regs. R. 360-3-.02

AUTHORITY: O.C.G.A. §§ 16-13-41**,** 16-13-74**,** 31-9-6.1**,** 31-33-2**,** 43-1-19**,** 43-1-25**,** 43-34-5**,** 43-34-8**,** 43-34-15**,** 43-34-21**,** 43-34-23**,** 43-34-24**,** 43-34-24.1**,** 43-34-25**,** 43-34-37**,** 21 U.S.C. § 802(54) **(the Ryan Haight Act).**

HISTORY: Original Rule entitled "Unprofessional Conduct Defined" adopted. F. Jan. 24, 2002; eff. Feb. 13, 2002.

Amended: F. Sept. 18, 2003; eff. Oct. 8, 2003.

Amended: F. Dec. 10, 2004; eff. Dec. 30, 2004.

Amended: F. May 10, 2005; eff. May 30, 2005.

Amended: F. Feb. 10, 2006; eff. Mar. 2, 2006.

Amended: F. Sept. 19, 2007; eff. Oct. 9, 2007.

Amended: F. Nov. 10, 2008; eff. Nov. 30, 2008.

Repealed: New Rule of same title adopted. F. May 18, 2010; eff. June 7, 2010.

Repealed: New Rule of same title adopted. F. Jan. 13, 2012; eff. Feb. 2, 2012.

Amended: F. Oct. 21, 2014; eff. Nov. 10, 2014.

Amended: F. May 3, 2016; eff. May 23, 2016.

Repealed: New Rule of same title adopted. F. June 12, 2019; eff. July 2, 2019.

Repealed: New Rule of same title adopted. F. June 23, 2020; eff. July 13, 2020.

Amended: F. Apr. 20, 2023; eff. May 10, 2023.

Amended: F. Aug. 7, 2024; eff. Aug. 27, 2024.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-5. DRIVER TRAINING AND DRIVER IMPROVEMENT

Subject 375-5-6. DUI ALCOHOL OR DRUG USE RISK REDUCTION PROGRAM

375-5-6-.10 History of Compliance

(1) When any Person who is or ever has been certified by the Department within any regulated area applies for Certification as a Program Owner or Instructor, the Department may consider that Applicant's history of compliance when determining eligibility for Certification.

(2) When any Program Owner or Instructor applies to be recertified, the Department may consider that Program Owner or Instructor's history of compliance in determining eligibility for recertification.

(3) Cancellation, Suspension, or Revocation of Certification in another program area regulated by the Department may result in the Cancellation, Suspension, or Revocation of Certification granted in this Program.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.10

AUTHORITY: O.C.G.A. §§ 40-5-82**,** 40-5-83**.**

HISTORY: Original Rule entitled "History of Compliance" adopted. F. July 24, 2009; eff. August 13, 2009.

Amended: F. Aug. 19, 2024; eff. Sept. 8, 2024.

375-5-6-.11 Program Employees

(1) Each Program employee, volunteer, agent, or representative who provides any Program service to Students or potential Students, or has access to Program records, shall meet the following requirements:

(a) Be at least 18 years of age;

(b) Sign a confidentiality statement provided by the Department agreeing to hold the identity of Students and Student records confidential;

(c) Sign a statement provided by the Department affirming that he or she is not excluded by any of the provisions of Ga. Comp. R. & Regs. R. 375-5-6-.03;

(d) Sign a statement cosigned by the Program Owner that the employee has received orientation on Program rules and regulations; and

(e) Never have been found to have participated in the falsification of records or the issuance of false or fraudulent certificates.

(2) The Department may cancel, suspend, or revoke the Certification of any Program if it is determined that the Program or Program employees, volunteers, agents, or representatives have violated any provision of this chapter.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.11

AUTHORITY: O.C.G.A. §§ 40-5-82**,** 40-5-83**.**

HISTORY: Original Rule entitled "Program Employees" adopted. F. July 24, 2009; eff. August 13, 2009.

Amended: F. Aug. 19, 2024; eff. Sept. 8, 2024.

375-5-6-.12 General Program Owner Responsibilities

In addition to meeting all other Program requirements, every Program Owner is responsible for adhering to the Department's policies and procedures governing the Risk Reduction Program.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.12

AUTHORITY: O.C.G.A. §§ 40-5-82**,** 40-5-83**.**

HISTORY: Original Rule entitled "General Program Owner Responsibilities" adopted. F. July 24, 2009; eff. August 13, 2009.

Amended: F. Mar. 25, 2014; eff. Apr. 14, 2014.

Amended: F. Aug. 19, 2024; eff. Sept. 8, 2024.

375-5-6-.13 General Program Instructor Responsibilities

In addition to meeting all other Program requirements, every certified Instructor shall be responsible for adhering to the Department's policies and procedures governing the Risk Reduction Program.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.13

AUTHORITY: O.C.G.A. §§ 40-5-82**,** 40-5-83**.**

HISTORY: Original Rule entitled "General Program Instructor Responsibilities" adopted. F. July 24, 2009; eff. August 13, 2009.

Amended: F. Aug. 19, 2024; eff. Sept. 8, 2024.

375-5-6-.14 Assessment Component

Programs shall only use the Assessment provider designated by the Department and should adhere to its policies and procedures governing the Risk Reduction Program.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.14

AUTHORITY: O.C.G.A. §§ 40-5-82**,** 40-5-83**.**

HISTORY: Original Rule entitled "Assessment Component" adopted. F. July 24, 2009; eff. August 13, 2009.

Amended: F. Aug. 19, 2024; eff. Sept. 8, 2024.

Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-2. COASTAL RESOURCES

Subject 391-2-5. COASTAL INCENTIVE GRANT PROGRAM DESCRIPTION

391-2-5-.01 Coastal Incentive Grant Program, Match, Term and Reimbursement

The Georgia Department of Natural Resources (GDNR), Coastal Resources Division (CRD), solicits proposals for Coastal Incentive Grants (CIG) awarded under the Georgia Coastal Management Program (GCMP). The following announcement provides background and describes funding priorities, selection criteria, and application procedures.

This Request for Proposals solicits projects that are related to the themes identified by the Coastal Advisory Council (CAC) for the FY 2024-2025 Cycle 28 awards. Projects that are acceptable but for which there are no available funds may be awarded a CIG at a later date if funds become available.

All CIG applications must be matched annually $1.00 federal to $1.00 local (1:1). Match may be either cash from local, state or private sources or "in-kind" service(s).

If selected, CIG Cycle 28 contracts will run for one year beginning October 1, 2025, through September 30, 2026. Applications will be accepted for two-year sub-grant requests with the second year of support contingent upon approval and receipt of federal funds. Year 1 funding is not transferable to Year 2, if applicant submits a two (2) year project.

CIGs are reimbursable sub-grants. A Request for Reimbursement of federal project costs, along with a report of applicable non-federal match, is to be submitted with the Final Report, using the format provided by the DNR. Reimbursement will be made following completion of the terms of the sub-grant contract and receipt and performance of all deliverables for each sub-grant year.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.01

AUTHORITY: O.C.G.A. §§ 12-5-323**,** 28-5-122**.**

HISTORY: Original grant description entitled "Coastal Incentive Program" submitted Oct. 1, 1997.

Submitted: Sept. 14, 1998.

Submitted: Oct. 9, 2003.

Submitted: Oct. 24, 2005.

Submitted: Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Grant description entitled "Coastal Incentive Grant Program, Match, Term and Reimbursement" received Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sept. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: F. Sept. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sept. 6, 2016.

Submitted: Sept. 19, 2017.

Submitted: Sept. 4, 2018.

Submitted: Mar. 9, 2020.

Submitted: Aug. 27, 2020.

Submitted: Aug. 26, 2021.

Submitted: Aug. 31, 2023.

Submitted: Aug. 29, 2024.

391-2-5-.06 Funding Themes

The themes of the FY 2025-2026 Cycle 28 CIG Program as adopted by the CAC are (*bulleted items are provided only as examples*):

Oceans and Wetlands

- Maintaining or improving the quality of wetlands
- Conservation and restoration of wetland habitats
- Improved understanding of ocean and wetland habitats and functions

Public Access and Land Conservation

- Add or enhance physical access for the public to coastal water resources (i.e., rivers, wetlands, beaches)
- Public access planning in support of the "Outdoors Beyond Barriers" initiative
- Conservation of riparian habitats through acquisition
- Land conservation, preservation, and/or management, especially for sea level rise retreat

Sustainable Communities

- Strengthen local capacity to implement sustainable approaches in planning and development

- Identification and preservation of unique community qualities, historical and cultural features, including public education of the above
- Design stormwater BMPs recommended by the Georgia Coastal Stormwater Supplement

Disaster Resiliency and Coastal Hazards

- Improve understanding of coastal hazards and potential impacts
- Develop, implement or incorporate adaptation and mitigation strategies/plans or policies
- Strengthen local capacity to implement FEMA's Community Rating System

Nature-Based Solutions

- Planning & design of Nature-Based projects within the 11- coastal county area
- Implementation via Low-cost construction
    - Actions to protect, conserve, restore, sustainably use and manage ecosystems in a way that addresses the needs of CRD

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.06

AUTHORITY: O.C.G.A. §§ 12-5-323**,** 28-5-122**.**

HISTORY: Original grant description entitled "Minimum Eligibility Requirements" submitted Oct. 1, 1997.

Submitted: Sept. 14, 1998.

Terminated: Oct. 9, 2003.

Submitted: Grant description entitled "Funding Themes" received Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sept. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: F. Sept. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sept. 6, 2016.

Submitted: Sept. 19, 2017.

Submitted: Sept. 4, 2018.

Submitted: Mar. 9, 2020.

Submitted: Aug. 27, 2020.

Submitted: Aug. 26, 2021.

Submitted: Aug. 31, 2023.

Submitted: Aug. 29, 2024.

391-2-5-.12 RFP Application Submittal

The FY 2025-2026 Cycle 28 CIG opportunity will involve a competitive Pre-Application process followed by an invitation only competitive Full Application process. The detailed CIG pre- and Full Application instructions, format, and standard required forms are available on the DNR-CRD website.

Pre-Application Process: Pre-Applications must be submitted online by **4:30pm on Friday, December 6, 2024**. Applicants must submit a completed profile form (as provided by DNR-CRD) and succinctly summarize the project goals, relevance to coastal management, tasks to be performed, and an overall estimated budget as outlined in the pre-Application instructions found on the aforementioned DNR-CRD website. Pre-Applications must be submitted online by the due date and time. A notice of receipt will be sent via email. Pre-Applications will be competitively reviewed and only those selected will be invited to submit a Full Application. Applicants will be notified by January 10, 2025, if they have been selected, or not.

Full Application Process: Applicants with selected Pre-Applications will be invited to submit a Full Application. Full Applications must be submitted online by **4:30pm on Friday, February 7, 2025**. In addition to the pre-application information, the full application should also include specific and detailed task descriptions by year, a project timeline with major milestones, project management information, a detailed yearly budget breakdown with narrative, and all supporting documentation as outlined in the full application instructions found on the aforementioned DNR-CRD website. Facsimiles and email submissions of the full application will not be accepted. The full application packet must be submitted online by the due date and time.

Applications received after the deadline will not be accepted.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.12

AUTHORITY: O.C.G.A. §§ 12-5-323**,** 28-5-122**.**

HISTORY: Original grant description entitled "RFP Application Submittal" submitted Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sept. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: Title changed to "RFP Application Submittal and Letter of Intent." F. Sept. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Grant description entitled "RFP Application Submittal," Sept. 6, 2016.

Submitted: Sept. 19, 2017.

Submitted: Sept. 4, 2018.

Submitted: Mar. 9, 2020.

Submitted: Aug. 27, 2020.

Submitted: Aug. 26, 2021.

Submitted: Aug. 31, 2023.

Submitted: Aug. 29, 2024.

391-2-5-.13 Application Review Process

Applications must be submitted with a profile form, proposal, other required forms, and supporting documentation as described in the detailed CIG application instructions located on the DNR-CRD website.

Pre-Application Process: Following the submittal of the Pre-Application, the CZM Grants Specialist will schedule the Pre-Application Review Team, which may be comprised of Coastal Zone Management (CZM) Technical Assistance staff; the CZM Program Manager; and GADNR-CRD Habitat, Fisheries, Shellfish, and/or Education and Outreach staff. The Team will review and competitively rank the pre-applications based on 1) applicability to the GCMP mission, goals, and policies, 2) a demonstrated coastal management need, 3) clear project goals, 4) budget soundness, 5) an applicant's past performance, and 6) relationship to other federal funding. Selected applicants will be invited to submit a full application.

Full Application Process: Upon selection of the pre-applications, the CZM Grants Specialist will schedule the CIG Technical Review Committee, which is comprised of five (5) coastal community professionals from the following fields: state resource management, local government, non-governmental organization, academia, and citizen-at-large. The Committee will review and preliminarily score the applications based on the criteria provided in Sections 391-2-5-.17 and 391-2-5-.18. The Committee will consider the applications in a roundtable forum from highest to lowest preliminary score. After careful consideration, final ranking will be determined by consensus. Full applications that are recommended for funding by the Committee will be included in the DNR application for annual funding from the National Oceanic and Atmospheric Administration (NOAA) GCMP CZM Grant. NOAA makes the final review and approval of all CIG sub-grants. All applicants will be notified of the Committee's recommendation by April 25, 2025. All applicants will be notified of final NOAA approval by August 29, 2025.

Late, incomplete, and ineligible pre- and full applications will be returned to the applicant. Unsuccessful applicants may contact the CZM Grants Specialist within 30 days of pre- or full application notification to discuss reason(s) for denial.

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.13

AUTHORITY: O.C.G.A. §§ 12-5-323**,** 28-5-122**.**

HISTORY: Original grant description entitled "Application Review Process" submitted Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sept. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: F. Sept. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sept. 6, 2016.

Submitted: Sept. 19, 2017.

Submitted: Sept. 4, 2018.

Submitted: Mar. 9, 2020.

Submitted: Aug. 27, 2020.

Submitted: Aug. 26, 2021.

Submitted: Aug. 31, 2023.

Submitted: Aug. 29, 2024.

391-2-5-.15 Timeline

December 6, 2024, 4:30pm	Pre-application deadline
February 7, 2025, 4:30pm	Full application deadline
August 29, 2025	NOAA approval (anticipated)
October 1, 2025	Project start date

Cite as Ga. Comp. R. & Regs. R. 391-2-5-.15

AUTHORITY: O.C.G.A. §§ 12-5-323**,** 28-5-122**.**

HISTORY: Original grant description entitled "Timeline" submitted Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sept. 4, 2012; eff. Sept. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sept. 16, 2013.

Amended: F. Sept. 3, 2014; eff. Sept. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sept. 6, 2016.

Submitted: Sept. 19, 2017.

Submitted: Sept. 4, 2018.

Submitted: Mar. 9, 2020.

Submitted: Aug. 27, 2020.

Submitted: Aug. 26, 2021.

Submitted: Aug. 31, 2023.

Submitted: Aug. 29, 2024.

Department 478. RULES OF THE STATE PERSONNEL BOARD

Chapter 478-1. RULES OF THE STATE PERSONNEL BOARD

478-1-.16 Absence from Work

(1) **Introduction**:

The State recognizes value in providing a reasonable amount of time off to assist employees with balancing work and personal needs. To be a responsible steward of public funds, however, the State must account for any pay provided to employees for time not worked. Paid time off must be charged to appropriate paid leave, accumulated compensatory time, paid holiday time, or suspension with pay.

This Rule defines the available types of paid and unpaid leave and the eligibility for each. It further provides a framework for leave, compensatory time, and holiday administration. Information about paid suspension is available in Rule 478-1-.15, Changes to Employment Status, and more detailed information about compensatory time can be found in statewide policy #7 - Rules, Regulations, and Procedures Governing Working Hours, the Payment of Overtime, and the Granting of Compensatory Time, jointly issued by the Governor's Office of Planning and Budget and the Department of Administrative Services.

(2) **Applicability**:

(a) The policies and procedures described in this Rule apply to all agencies of the Executive branch, excluding the Board of Regents of the University System of Georgia.

(b) In accordance with State law (O.C.G.A. § 45-20-32), Section (18) of this Rule, Education Support Leave, is applicable to all branches and entities of State government.

(3) **Definitions**:

For the purposes of this Rule, the following terms and definitions apply in addition to those in Rule 478-1-.02, Terms and Definitions:

(a) "Administrative Leave" means paid time off for specified reasons defined in State law. This paid time off is not charged to accrued leave, and the duration is defined in applicable statute.

(b) "Immediate family" means the employee's spouse, child, parent, grandparent, grandchild, brother, and sister, including active step and in-law relationships. Immediate family also includes any other person who resides in the employee's household and is recognized by law as a dependent of the employee.

(c) "Seasonal activity" means work during periods of significantly increased demand, which are of a regular and recurring nature.

(d) "Workday" means a day an employee is regularly scheduled to work.

(4) **General Leave Administration Provisions**:

(a) Each agency should establish procedures for employees to request and receive approval for absence from work.

(b) Employees are expected to properly request and receive approval for absence from work. Failure to follow the employer's procedures may result in denial of the request and/or other employment action deemed appropriate by the agency, up to and including termination of employment.

(c) If a request for absence is denied, the employee is expected to work, as scheduled. Failure to do so might result in leave without pay and/or other employment action deemed appropriate by the agency, up to and including termination of employment.

(d) The agency may require an employee on leave with an uncertain end date to provide periodic reports during the leave regarding the employee's status and intent to return to work.

(e) An employee absent on official agency business is not considered to be on leave.

(f) An employee is expected to return to work as scheduled at the expiration of approved absence. If an extension is desired, the employee must request it in writing from her/his supervisor prior to the leave expiration or adhere to other agency procedures for timely requesting an extension.

(g) Failure to obtain approval for additional time off beyond the expiration of an approved absence may result in separation from employment or other employment action deemed appropriate by the agency.

(h) Each agency may, as a condition of return, require an employee who is absent from work because of illness or injury to supply an appropriate medical release or certification that the employee is able to return to work. The release or certification must explain the extent to which the employee is able to perform the essential functions of her/his position, with or without reasonable accommodation.

1. Each agency must comply with the requirements of the Americans with Disabilities Act, as amended, including providing reasonable accommodation to its qualified employees with disabilities.

2. A limitation exists for employees returning to work from using intermittent or reduced schedule Family and Medical Leave. An agency may require fitness-for-duty certification only if the agency reasonably believes the return could pose significant risk of harm to the employee or others. Such certification may be required no more often than every 30 calendar days.

3. If the medical certification does not release the employee to perform essential functions, and there is no available reasonable accommodation, as defined in the Americans with Disabilities Act, as amended, or if the employee fails to provide the required release, the agency may take the employment action it deems appropriate, up to and including termination of employment.

(i) Prior to engaging in other employment, including self-employment, while on leave employees must comply with the notice and other requirements set forth in Rule 478-1-.07, Outside Employment.

(j) Misrepresenting reasons for requesting or continuing an absence may result in disciplinary action, up to and including termination of employment.

(k) Exceptions to this Rule will occur if necessary to comply with applicable laws.

(5) **Types of Paid Leave**:

(a) The State's paid leave program offers a combination of accrued, personal, and administrative leave for eligible employees.

(b) The following employees are not eligible for any paid leave benefits:

1. All temporary employees except for those eligible to receive Paid Parental Leave under Section (26) of this Rule,

2. All hourly employees except for those eligible to receive Paid Parental Leave under Section (26) of this Rule, and

3. Active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia (ERS) while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

Eligibility for other employees is defined in the applicable leave section within this Rule.

(c) Accrued Leave:

1. Accrued leave includes annual leave and sick leave. Both annual and sick leave are earned based on time in pay status and automatically accrue to eligible employees. (See Section (6) Annual Leave and Section (7) Sick Leave of this Rule).

2. Each agency, by written policy, may set a minimum period of annual and/or sick leave to be charged for any use which is only a fraction of that period. The minimum leave period cannot be greater than 15 minutes.

3. Dual Eligibility Relating to Leave Accrual:

(i) An employee who is simultaneously employed in two different agencies and is entitled to earn leave under each position s/he holds will independently accrue leave in accordance with each agency's policies.

(ii) If employment is terminated with one agency but not the other, all leave accruals will be combined and available in the remaining position, provided both agencies use the same leave accrual program. An exception applies when one of the agencies is a Community Service Board, County Board of Health, or Board of Health Community Operated Program. Leave accrued in these organizations cannot be transferred to an Executive Branch agency.

(iii) If the leave programs differ or if leave cannot otherwise transfer, the terminating agency will payout/divest the employee's leave as provided in the Annual, Sick, and Personal Leave sections of this Rule.

(d) Administrative Leave:

State law provides paid administrative leave to eligible employees for certain activities. Such leave is in addition to, and not charged against, an employee's accrued leave. Administrative leave is available for/during the following:

1. Absence Due to Emergency Office Closures (See Section (12) of this Rule.),

2. Blood Donation Leave (See Section (13) of this Rule.),

3. Bone Marrow Donation Leave (See Section (14) of this Rule.),

4. Organ Donation Leave (See Section (15) of this Rule.),

5. Court Leave (See Section (16) of this Rule.),

6. Employee Voting Leave (See Section (17) of this Rule.),

7. Education Support Leave (See Section (18) of this Rule.),

8. Disaster Volunteer Leave (See Section (19) of this Rule.),

9. Line-of-Duty Injury Leave, also known as Special Injury Leave (See Section (20) of this Rule.),

10. Leave for Contracting TB or infectious Hepatitis on the job (See Section (21) of this Rule.),

11. Military Leave (See Rule 478-1-.19, Military Leave.), and

12. Paid Parental Leave (See Section (26) of this Rule).

(e) Limitation on Concurrent Use of Paid Leave and Wage Substitutes:

An employee is not allowed to use any type of paid leave, except in special situations discussed in Section (20) of this Rule, for any time that the employee receives any form of State of Georgia-funded wage substitute, including but not limited to Workers' Compensation.

(6) **Annual Leave**:

(a) Eligibility:

1. Each agency provides paid annual leave for non-temporary salaried employees who are regularly scheduled to work 20 or more hours a week.

2. The Georgia Industries for the Blind provides paid annual leave for non-temporary manufacturing employees who are regularly scheduled to work 20 hours or more a week.

3. The following employees are not eligible to accrue annual leave:

(i) All temporary employees,

(ii) All hourly employees, and

(iii) Active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

(b) Accrual:

1. The accrual process begins on the first date of employment. Annual leave is credited to eligible employees at the end of each pay period.

2. Annual leave accrues on a graduated scale based on an employee's length of continuous, unbroken State service in a position entitled to accrue leave under this Rule.

3. Full-time employees scheduled for at least 40 hours per workweek accrue annual leave at the following rates:

Complete Months of Continuous Service	Paid Semi-Monthly	Paid Monthly
0 through 60	5 hours per pay period	10 hours per pay period
60+ through 120	6 hours per pay period	12 hours per pay period
120+	7 hours per pay period	14 hours per pay period

(i) Employees paid semi-monthly must be in pay status for at least 40 hours during the pay period to accrue annual leave at the end of that pay period.

(ii) Employees paid on a monthly basis must be in pay status for at least 80 hours during the pay period to accrue annual leave at the end of that pay period. An agency that compensates employees on a monthly basis may choose to administer annual leave as if those employees were compensated on a semi-monthly basis.

4. Part-time employees scheduled to work at least 20 (but fewer than 40) hours per workweek accrue annual leave as outlined for full-time employees, but at a prorated rate.

(i) The prorated rate is determined by dividing the employee's standard weekly work hours by 40. For example, a part-time employee scheduled for 20 hours per workweek would accrue annual leave at 50% of the rate a full-time employee accrues annual leave (20 hours ÷ 40 = .5 or 50%). A new 20-hour employee would earn 2.5 hours of annual leave semi-monthly or 5 hours monthly.

(ii) The minimum periods of time in pay status required for annual leave accrual noted in Section (6)(b)3(i)-(ii), above, are similarly prorated for part-time employees. A 20-hour employee would need to be in pay status at least 20 hours during a semi-monthly pay period, or 40 hours during a monthly pay period, in order to accrue leave at the end of that pay period.

(c) Use and Limitations of Annual Leave:

1. Annual leave may be used for vacation or other personal reasons.

2. Employees may not take annual leave before it is actually earned.

3. An agency may by written policy require its employees to use compensatory time and/or deferred holiday time before using annual leave.

4. An agency may by written policy require its employees to use available sick leave before using annual leave when the absence involves medical reasons that would qualify for sick leave.

5. In scheduling annual leave, agencies should try to accommodate employee preferences. However, employees who request annual leave during busy periods or at times when coworkers have already requested leave might need to make alternate plans. Supervisors must weigh the agency's business needs and the timeliness of the requests in approving annual leave.

(d) Carryover and Forfeiture of Annual Leave:

1. An employee may accrue up to 360 hours of annual leave. Any leave balance in excess of 360 is forfeited at the end of each month.

2. Annual leave that is forfeited may be restored as sick leave by the agency if an employee exhausts all paid leave and compensatory time and must be absent because of a personal or immediate family medical condition. The restoration of leave is limited to:

(i) The amount required by the circumstances of the medical condition; and

(ii) The leave forfeited during the current period of employment. Forfeited leave accrued prior to a break in service cannot be restored except as outlined in Section (7)(h) of this Rule.

(e) Annual Leave Payout:

1. Annual leave payout can occur in four circumstances:

(i) Payout Upon Separation. Employees are paid for their accrued and unused annual leave, which has not been forfeited, upon separation from State employment for at least one full workday for any reason.

A. Annual leave payout is limited to a maximum of 360 hours.

B. Annual leave is not paid out when an employee transfers between State agencies with no break in service or when annual leave will otherwise transfer to the new employer. (See Section (10) of this Rule.)

C. Once a separation date has been determined, the pay status of an employee cannot be extended for the purpose of granting a holiday or unanticipated non-workday occurring after the last day in pay status. Once an employee notifies the agency of the intent to terminate employment, the employee cannot be continued on the payroll on leave with pay status for the purpose of increasing the current salary, the rate of leave accrual, or the rate at which accrued leave would be paid.

(ii) Extended Leave of Absence Payout: An employee who is taking an approved leave of absence without pay of 30 calendar days or more may request and receive an annual leave payout for all accrued annual leave excluding

forfeited leave, up to a maximum of 360 hours. The lump sum payment will be calculated as outlined in (6)(e)2, below.

(iii) Payout Upon Transfer to Position Ineligible to Earn Leave: Upon transfer into a position that is not entitled to earn annual leave (i.e., temporary position, hourly position for which the employee is paid only for the time worked, or part-time position scheduled for fewer than 20 hours per week) an employee will be paid for accrued and unused annual leave, up to a maximum of 360 hours.

(iv) Annual Leave Conversion Payout: Employees may convert annual leave into a cash payout once per fiscal year upon notice of the availability of this payout option.

A. The availability of the annual leave conversion program shall be determined on an annual basis by the Governor's Office of Planning and Budget. The Governor's Office of Planning and Budget shall determine both the availability of funding and timing of the annual leave conversion payout.

B. Agencies shall annually certify to the Governor's Office of Planning and Budget the intention to participate in the program and the availability of sufficient funding within individual agency budgets to do so.

C. Upon notice of the availability of the annual leave conversion payout, an employee may elect to irrevocably convert an increment of 40 hours of annual leave to a cash payout if the employee has an accrued annual leave balance of at least 160 hours and a sick leave balance of 80 hours at the time of request.

D. Agencies should ensure that employees who are absent in a protected leave status (e.g., FMLA, military leave) during the election period are advised of any eligibility to convert annual leave to a cash payout and provided reasonable opportunity to make the conversion.

E. Each agency is required to track employee transfers between state agencies to ensure that the payout limitation of 40 hours per fiscal year per employee is not exceeded.

2. To calculate annual leave payout for a full-time employee, the annual base pay last received by the employee is divided by 2,080 hours to determine the value of each hour of leave. (Annual base pay for a part-time employee must first be converted to the equivalent full-time salary for purposes of this calculation.) The hourly rate is then multiplied by the number of hours to be paid. Decimal fractions of an hour will be rounded to the next highest hundredth of an hour.

3. Each agency has discretion to determine whether it will pay out accrued annual leave for its active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia when they become ineligible for paid leave benefits upon reinstatement of retirement annuity payments at the beginning of each calendar year. If any agency chooses not to pay out the accrued annual leave, the leave balance will remain credited to the rehired retiree who can then use the leave upon regaining eligibility for paid leave benefits.

(7) **Sick Leave**:

(a) Eligibility:

1. Each agency provides paid sick leave for non-temporary salaried employees who are regularly scheduled to work 20 or more hours a week.

2. The Georgia Industries for the Blind provides paid sick leave for non-temporary manufacturing employees who are regularly scheduled to work 20 or more hours a week.

3. The following employees are not eligible to accrue sick leave:

(i) All temporary employees,

(ii) All hourly employees, and

(iii) Active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

(b) Accrual:

1. The accrual process begins on the first date of employment. Sick leave is credited to eligible employees at the end of each pay period.

2. Full-time employees paid on a semi-monthly basis will accrue five (5) hours of sick leave at the end of each pay period, provided the employee is in pay status for at least 40 hours during the pay period.

3. Full-time employees paid on a monthly basis will accrue 10 hours of sick leave at the end of each pay period, provided the employee is in pay status for at least 80 hours during the pay period. An agency that compensates employees on a monthly basis may choose to administer sick leave as if those employees were compensated on a semi-monthly basis.

4. Part-time employees scheduled to work at least 20 (but fewer than 40) hours per workweek accrue sick leave as outlined for full-time employees, but at a prorated rate.

(i) The prorated rate is determined by dividing the employee's standard weekly work hours by 40. For example, a part-time employee scheduled for 20 hours per workweek would accrue sick leave at 50% of the rate a full-time employee accrues sick leave (20 hours ÷ 40 = .5 or 50%). A 20-hour employee would earn 2.5 hours of sick leave semi-monthly or five (5) hours monthly.

(ii) The minimum periods of time in pay status required for sick leave accrual noted in Section (7)(b)2-3, above, are similarly prorated for part-time employees. A 20-hour employee would need to be in pay status at least 20 hours during a semi-monthly pay period or 40 hours during a monthly pay period in order to accrue leave at the end of that pay period.

(c) Use and Limitations of Sick Leave:

1. Provided the employee adheres to the procedures for approval of leave, an employee may use accrued sick leave for any absence due to:

(i) Personal illness, injury, or disability;

(ii) Adoption of a child by the employee when the employee's presence is required for health-related reasons;

(iii) Dental or medical care;

(iv) Illness, injury, or disability in the employee's immediate family which requires the employee's presence; or,

(v) Death in the employee's immediate family which requires the employee's presence; however, sick leave used for this purpose shall be limited to five (5) workdays or the equivalent of a workweek.

2. Sick leave may also be used to allow an employee paid time off from work because s/he has been exposed to a contagious disease and may reasonably expose others and endanger their health by being present at work.

3. Employees may not use sick leave before it is actually earned.

4. An agency may by written policy require its employees to use compensatory time and/or deferred holiday time before using sick leave.

5. An employee may be required to furnish evidence to support the use of sick leave if the employee uses 17 or more hours of sick leave in a 30 calendar day period or has demonstrated excessive or abusive use of sick leave.

6. Employees using sick leave during a period of Family and Medical Leave (FMLA) are also subject to the medical certification provisions associated with FMLA. (See Rule 478-1-.23, Family and Medical Leave.)

(d) Excessive or Abusive Use of Sick Leave:

Excessive or abusive use of sick leave is defined as a pattern of intermittent, short-term usage that includes, but is not limited to, the following:

1. Frequent use of sick leave in conjunction with holidays, scheduled off days, weekends, or paydays;

2. Frequent use of sick leave when scheduled for undesirable temporary shifts or assignments, or during periods of peak workload;

3. A request for sick leave for an absence for which other paid leave has previously been denied;

4. Frequent occurrences of illness during the workday;

5. Peculiar and increasingly improbable excuses;

6. Repetitive use of fewer than 17 hours of sick leave in 30-day periods; or,

7. Prior written notification of failure to adhere to procedures for approval of leave, inappropriate attendance, or inappropriate use of leave (e.g., written warning, active attendance plan, etc.).

(e) Illness during Annual Leave:

If an employee is ill for three (3) workdays or more during a period of annual leave, the period of illness may be charged to sick leave if the employee provides satisfactory written evidence supporting the illness during annual leave. A request for substitution of sick leave for annual leave must be made to the agency within two (2) weeks after the employee has returned to duty. No substitution will be allowed for illness that does not last for three (3) or more workdays.

(f) Exhaustion of Sick Leave:

If an absence because of illness, injury, or disability extends beyond available sick leave, the absence may be charged to available annual leave, personal leave, compensatory time, or deferred holiday time, unless the employee applies for, and the agency approves, a leave of absence without pay. Leave donations may be available to an employee who must be absent for an extended period of time after exhausting all paid leave and compensatory time. (See Rule 478-1-.17, Leave Donation, for program details.)

(g) Carryover and Forfeiture of Sick Leave:

1. An employee may accrue up to 720 hours of sick leave. Any leave balance in excess of 720 is forfeited at the end of each month.

2. Sick leave that is forfeited may be restored by the agency if an employee exhausts all paid leave and compensatory time and must be absent because of a personal or immediate family medical condition. The restoration of leave is limited to:

(i) The amount required by the circumstances of the medical condition; and,

(ii) The leave forfeited during the current period of employment. Forfeited leave accrued prior to a break in service cannot be restored except as outlined in Section (7)(h) of this Rule.

(h) Divestment and Restoration of Sick Leave:

1. Upon a break in State service (i.e., separation from State employment for at least one full workday), an employee's accrued sick leave is divested and not paid out. (See Section (10)(e) of this Rule for an exception in such case as when a Community Service Board, County Board of Health, or Board of Health Community Operated Program agrees to accept an employee's leave upon transfer without a break in service.)

2. An employee's accrued sick leave is divested and not paid when an employee transfers into a position that is not entitled to earn sick leave (i.e., temporary position, hourly position for which the employee is paid only for the time worked, or part-time position scheduled for fewer than 20 hours per week).

3. Each agency has discretion to determine whether it will divest accrued sick leave for its active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia when they become ineligible for paid leave benefits upon reinstatement of retirement annuity payments at the beginning of each calendar year. If an agency chooses not to divest the accrued sick leave, the leave balance will remain credited to the rehired retiree who can then use the leave upon regaining eligibility for paid leave benefits.

4. Employees who return to State employment on or after July 1, 2003, and remain employed for a period of two (2) consecutive years in a position entitled to accrue leave in accordance with this Rule, are eligible to regain sick leave divested when their most recent previous period of State service ended.

5. Divested sick leave includes any sick leave that was available for use at the time of the employee's last separation from State service. It does not include any sick leave forfeited prior to the employee's last separation.

6. The maximum amount of divested sick leave the employee may regain is 720 hours. Divested leave will only be restored to the extent that the restored leave and current unused sick leave total 720 hours. Any remaining balance of divested sick leave will be credited to the employee's current forfeited leave balance.

7. If a Community Service Board, County Board of Health, or Board of Health Community Operated Program accepts leave upon transfer from the State, then sick leave is not considered divested at the time the employee leaves State service. Should the employee later return to State employment, sick leave divested at the time the employee returns to the Executive Branch would not be eligible for reinstatement.

8. To obtain restoration of divested sick leave, an employee must apply in writing to the employing agency and include supporting documentation. The agency will determine the appropriate amount of divested sick leave to be restored.

9. Employees returning to State employment within one year of being laid off by a State agency in accordance with a reduction-in-force plan will immediately receive restoration of the sick and forfeited leave that was lost at the time of layoff, provided they return to a position entitled to accrue leave in accordance with this Rule. (See Section (11) of this Rule.)

(8) **Personal Leave**:

Each year, an employee who has an accrued sick leave balance of more than 120 hours as of November 30 may convert up to 24 hours of the excess sick leave to personal leave.

(a) The employee must have a remaining sick leave balance of at least 120 hours after conversion.

(b) The employee must notify the agency of such a conversion no later than December 31 of that year. Agencies should ensure that employees who are absent in a protected leave status (e.g., FMLA, military leave) during the election period are advised of any eligibility to convert sick leave to personal leave and provided a reasonable opportunity to make the conversion.

(c) Sick leave that is converted during December becomes personal leave on January 1 and cannot be reversed after it is converted. Personal leave is available for use only during the calendar year following conversion.

(d) Each agency, by written policy, may set a minimum period of personal leave to be charged for any use which is only a fraction of that period. The minimum leave period cannot be greater than fifteen (15) minutes.

(e) Personal leave may be used for any reason, upon receiving supervisory approval, with the following exceptions:

1. Employees cannot use personal leave while they are receiving Georgia State-funded wage substitutes, such as Workers' Compensation wage loss benefits.

2. An agency may by written policy require its employees to use available sick leave before using personal leave when the absence involves medical reasons that would qualify for sick leave.

(f) Agencies should make every reasonable effort to accommodate requests to utilize personal leave. An employee is, however, expected to give as much advance notice as possible to minimize disruptions.

(g) Personal leave not used by December 31 of the year the leave was available will be divested and cannot be restored.

(h) Any unused personal leave at the time of an employee's break in State service of at least one full workday is divested and not paid to the employee.

(i) When an employee transfers into a position that is not entitled to earn leave (i.e., temporary position, hourly position for which the employee is paid only for the time worked, or part-time position scheduled for fewer than 20 hours per week) any unused personal leave is divested and not paid.

(j) Personal leave carries no cash value if unused. There will be no payout for unused personal leave upon termination.

(9) **Election to Use Accrued Leave or Personal Leave for Workers' Compensation Absence**:

(a) An employee may not use annual, sick, or personal leave for an accidental injury or occupational disease which is compensable under the Georgia Workers' Compensation Act, unless the employee elects in writing to use paid leave in lieu of receiving Workers' Compensation wage loss benefits.

(b) The leave granted for such purpose will be credited on a day-for-day basis as compensation against any indemnity award by the State Board of Workers' Compensation.

(c) An employee may prospectively submit to the agency a written election to use annual, sick, and/or personal leave in lieu of receiving Workers' Compensation wage loss benefits.

(10) **Transfer of Accrued Leave and Personal Leave**:

The following provisions define the transfer of accrued leave and personal leave when employees transfer to a different State government agency or entity without a break in service from a position entitled to accrue leave into another position entitled to accrue leave. Note that accumulated compensatory time does not transfer between State entities. Upon transfer, the losing organization must payout unused FLSA compensatory time, and unused State compensatory time balances are divested and not paid. (See Sections (23) FLSA Compensatory Time and (24) State Compensatory Time of this Rule.)

(a) Transfer between Executive Branch Agencies:

Unused sick, annual, and personal leave and the record of forfeited leave will transfer between Executive branch agencies.

(b) Transfer between Branches of State Government:

1. Unused sick, annual, and personal leave and the record of forfeited leave will transfer from an Executive branch agency into the Legislative or Judicial branch to the extent the receiving organization agrees to accept the transfer. The employee will be paid for unused annual leave that cannot be transferred, up to a maximum of 360 hours, once the agency has received confirmation that the employee cannot receive credit. Accrued personal leave and sick leave balances that cannot be transferred are not paid and are divested.

2. The unused leave and record of forfeited leave will transfer into an Executive branch agency from the Legislative or Judicial branch only when the losing and receiving organizations have the same leave accrual program. If the Legislative or Judicial branch entity's leave program deviates from this Rule, leave balances and the record of forfeited leave will not transfer into the Executive branch agency, and the employee will be considered a new hire for purposes of graduated annual leave accrual.

(c) Transfer between Board of Regents and Executive Branch:

1. Unused sick, annual, and personal leave and the record of forfeited leave will transfer from an Executive branch agency into a unit of the Board of Regents/University System of Georgia to the extent the receiving organization agrees to accept the transfer. The employee will be paid for unused annual leave that cannot be transferred, up to a maximum of 360 hours, once the agency has received confirmation that the employee cannot receive credit. Accrued personal leave and sick leave balances that cannot be transferred are not paid and are divested.

2. Unused leave and the record of forfeited leave will not transfer into an Executive branch agency from the Board of Regents/University System of Georgia. Transferring employees are considered new hires for purposes of graduated annual leave accrual.

(d) Transfer between Authorities and Executive Branch:

1. Unused sick, annual, and personal leave and the record of forfeited leave will transfer from an Executive branch agency into an authority to the extent the receiving organization agrees to accept the transfer. The employee will be paid for unused annual leave that cannot be transferred, up to a maximum of 360 hours, once the agency has received confirmation that the employee cannot receive credit. Accrued personal leave and sick leave balances that cannot be transferred are not paid and are divested.

2. The unused leave and record of forfeited leave will transfer into an Executive branch agency from an authority only when the losing and receiving organizations have the same leave accrual program. If the authority's leave program deviates from this Rule, leave balances and the record of forfeited leave will not transfer into the Executive branch agency, and the employee will be considered a new hire for purposes of graduated annual leave accrual.

(e) Transfers between Community Service Boards (CSB), County Boards of Health, and Board of Health Community Operated Programs (BOHCOP) and Executive Branch:

1. Unused sick, annual, and personal leave and the record of forfeited leave will transfer from an Executive branch agency into a unit of a CSB, County Board of Health, and BOHCOP to the extent the receiving organization agrees to accept the transfer. The employee will be paid for unused annual leave that cannot be transferred, up to a maximum of 360 hours, once the agency has received confirmation that the employee cannot receive credit. Accrued personal leave and sick leave balances that cannot be transferred are not paid and are divested.

2. Unused leave and the record of forfeited leave will not transfer into an Executive branch agency from any CSB, County Board of Health, or BOHCOP. Transferring employees are considered new hires for purposes of graduated annual leave accrual. An exception applies to classified employees whose unused sick, annual, and personal leave and record of forfeited leave will transfer into the Executive branch.

(11) **Credit for Leave on Return from Layoff**:

The provisions in this section apply to employees rehired into State service in a position entitled to accrue leave in accordance with this Rule within one (1) year of being laid off as a result of agency downsizing or reorganization.

(a) Upon rehire, the employee's sick leave balance existing at the time of layoff will be reinstated.

(b) Any record of forfeited leave existing at the time of layoff will be reinstated, but the leave will not be available for the employee's use, except as provided for in Section (7), Sick Leave, of this Rule.

(c) The period of absence for the layoff will not constitute a break in service for purposes of graduated annual leave accrual.

(d) Upon rehire, the employee's personal leave balance will be reinstated, unless the employee returns in the calendar year after the personal leave would have expired.

(12) **Absence Due to Emergency Office Closures**:

When the Governor, or an agency upon delegated authority by the Governor, closes an office or facility because of weather conditions or other emergency circumstances, affected employees are excused from duty without loss of pay as provided in this Rule section. Employees who are not directly affected by an emergency office closure will not be excused from work.

(a) Employees considered directly affected by a closure:

1. Employees who were scheduled to work in an affected area during an emergency office closure are considered affected by the closure.

2. Non-temporary salaried employees affected by the closure are paid for the scheduled work time they do not work because of the closure. This paid time off is not charged against their accrued leave.

3. The following employees are not eligible for compensation for absences due to emergency closure:

(i) Unaffected employees,

(ii) All temporary employees,

(iii) All hourly employees, and

(iv) Active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

(b) Employees considered unaffected by the closure:

Employees who were not scheduled to work in an affected area during an emergency office closure are considered unaffected by the closure. Employees scheduled to use leave or compensatory time during an emergency office closure will be charged for that pre-approved leave or compensatory time because they are considered unaffected by the closure.

(c) Essential Staff:

An agency may determine that it is essential to continue certain functions during an emergency office closure. Employees whose functions are deemed essential may be required to work, rather than excused from duty.

1. Such employees will be compensated as usual for the time worked during their normal work schedule and do not have any right to additional absence or compensation for this time as a result of paid absence authorized for non-essential staff.

2. Essential employees who are required to work additional time because of an office or facility closing will be compensated in accordance with the provisions of statewide policy #7 - Rules, Regulations and Procedures Governing Working Hours, the Payment of Overtime and the Granting of Compensatory Time.

(d) If an employee is absent from duty because of severe weather conditions or other emergencies that do not cause her/his office or facility to close, the agency may permit the employee to:

1. Make up time lost from work. In order to comply with the Fair Labor Standards Act, a non-exempt employee must make up time during the same workweek as the time lost;

2. Charge the period of absence to accrued compensatory time;

3. Charge the period of absence to accrued annual leave;

4. Charge the period of absence to personal leave;

5. Charge the period of absence to deferred holiday time;

6. Telework (if determined appropriate by the agency); or,

If none of the above options are available, place the employee on leave without pay for the period of absence.

(13) **Blood Donation Leave**:

(a) Non-temporary salaried employees are permitted to take up to two (2) hours of paid time off to donate blood, up to four (4) times each calendar year. Employees who donate blood platelets or granulocytes through the plasmapheresis process may take up to four (4) hours of paid time off, up to four (4) times a calendar year.

(b) An eligibility exception applies to active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia. Such employees are not eligible for blood donation leave while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

(c) The agency may specify the hours during which an employee may be absent in order to donate blood. An employee who does not use the entire time allowed at the time of each donation does not accrue any right to any subsequent paid or unpaid leave.

(14) **Bone Marrow Donation Leave**:

(a) Non-temporary salaried employees are granted seven (7) workdays of paid leave to donate bone marrow for transplantation. The amount of leave will not be deducted from any accrued leave balance and will be included as service time for purposes of computing any retirement or pension benefits.

(b) An eligibility exception applies to active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia. Such employees are not eligible for bone marrow donation leave while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

(c) To receive paid bone marrow donation leave, the employee must have approval from the agency for absence and provide the agency with a written statement from a medical practitioner performing the procedure. If the donation does not occur, bone marrow donation leave is not applicable.

(15) **Organ Donation Leave**:

(a) Non-temporary salaried employees are granted 30 workdays of paid leave to donate an organ for transplantation. The term "organ" means any human organ, including an eye, which is capable of being transferred from the body of

one person to another. The amount of leave will not be deducted from any accrued leave balance and must be included as service time for purposes of computing any retirement or pension benefits.

(b) An eligibility exception applies to active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia. Such employees are not eligible for organ donation leave while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

(c) To receive paid organ donation leave, the employee must have approval from the agency for absence and provide the agency with a written statement from a medical practitioner performing the transplant procedure or a hospital administrator indicating that the employee is making an organ donation. If the donation does not occur, organ donation leave is not applicable.

(16) **Court Leave**:

(a) The State recognizes employees' obligation to perform civic duties when summoned as a potential juror or witness and grants time off to employees for such purposes. An employee may not be discharged, disciplined, or otherwise penalized because the employee is absent from employment for the purpose of attending a judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process which requires the attendance of the employee.

(b) Leave Request and Supporting Documentation:

1. An employee who is summoned to perform jury duty or to serve as a witness during scheduled work time and needs to be absent from work is expected to provide a copy of the summons, subpoena, or other court order when requesting leave.

2. Because employees will typically not know in advance how much time will be required to fulfill their court obligation, employees may be required to update the agency at reasonable intervals concerning the time needed for absence from duty.

(c) Paid Court Leave:

1. Paid court leave is granted to non-temporary salaried employees, as outlined in this Rule Section, for the purpose of attending a judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process which requires the attendance of the employee during scheduled work hours. Such paid time off is not charged to an employee's accrued leave.

2. The following employees are not eligible for paid court leave:

(i) All temporary employees,

(ii) All hourly employees, and

(iii) Active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

(d) Jury Duty:

1. Eligible employees will receive paid court leave while on jury duty for the time they are otherwise scheduled to work. Employees will be paid only for the time they are required to appear by the court, plus any additional time that is reasonably necessary, in the opinion of the agency, for the employee to prepare for or return from jury duty.

2. Employees will not receive any compensation for time spent serving as a juror that exceeds the employee's regular work schedule.

3. Employees may keep any juror fees and travel allowances they receive from the court.

(e) Court Attendance and Witness Duty Leave:

1. An employee summoned to appear as a witness or required by a court to attend a proceeding will typically be paid in the same manner as an employee serving on a jury. However, an employee will not receive paid court leave to attend a trial, arbitration hearing, or other judicial proceeding in which s/he:

(i) Is charged with a crime;

(ii) Is a plaintiff or defendant;

(iii) Voluntarily appears as a witness;

(iv) Is a witness in a case arising from or related to her/his outside employment or outside business activity;

(v) Is testifying for a fee as an expert witness; or,

(vi) Has any other personal or familial interest in the proceeding.

2. When paid court leave is not applicable, the employee must use annual leave, personal leave, compensatory time, deferred holiday time, or take leave without pay.

(f) Return from Court Leave:

Employees are required to report back to work as soon as they are released from jury duty or other court ordered appearance if the release occurs before the end of the scheduled workday. Management may require verification from the court showing the time served. Failure to return timely from court leave is treated as an unexcused absence.

(17) **Voting Leave**:

The State encourages employees to exercise their right to vote in all federal, state, and local elections. Paid voting leave is not charged to an employee's accrued leave.

(a) Eligibility for Voting Leave:

1. Paid voting leave is available to non-temporary salaried employees and may be taken on Election Day or on a day designated for advance in-person voting.

2. Active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia are not eligible for voting leave while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

(b) Voting leave is limited to two (2) hours per election.

(c) For those employees not eligible for voting leave, agencies have the discretion to arrange flexible work schedules for voting purposes. Agencies may also allow employees to use other available paid leave, other than sick leave, if they are not eligible for voting leave or need more than two (2) hours to vote.

(d) Notification Requirement:

Employees are responsible for requesting and obtaining approval from their supervisor in advance of taking time off to vote. The agency may specify the hours during which an employee uses voting leave to ensure minimal disruption of normal agency operations.

(18) **Education Support Leave**:

To supplement work-life balance options for State employees, the State provides up to eight (8) paid hours of leave per calendar year to eligible employees for the purpose of promoting education in Georgia. Such leave is in addition to, and not charged against, an employee's accrued leave.

(a) Education support leave may be taken in increments of fewer than eight (8) hours utilizing the same minimum period an agency has established for other forms of paid leave.

(b) Eligibility:

All eligibility criteria defined below must be met before an employee can use education support leave.

1. Any non-temporary, full-time employee of the State of Georgia, or of any branch, department, board, bureau, or commission thereof, may request to use and be considered for education support leave. An exception applies to active, salaried, non-temporary employees in the Executive branch who are rehired retirees of the Employees' Retirement System. Such employees are not eligible for education support leave while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

2. Only activities directly related to student achievement and academic support will qualify for education support leave. Such activities may range from early care and learning through higher education. Each State employer maintains the authority to determine, in accordance with the provisions outlined in this Rule, whether an activity would qualify for education support leave.

3. To use education support leave, an employee may be, but is not required to be, the parent of a student.

4. Employees must not receive pay for services they perform while using education support leave.

5. Employees must receive prior approval from their supervisor before providing the services for which they are requesting education support leave. The State employer has discretion to require written verification from a school administrator, teacher, or other official prior to approval.

6. The State employer maintains discretion to approve or deny requests for education support leave based on operational needs or other reasons, such as conduct, attendance, or unsatisfactory work performance. The State employer should ensure that denials are applied consistently for all similarly situated employees.

7. Use of education support leave for any political purpose or agenda is prohibited.

(c) Education support leave does not accumulate, and unused leave does not roll over into subsequent calendar years. Rather, eligible employees may use education support leave for qualifying absences that occur during their regular scheduled work hours, up to a total of eight (8) hours in any calendar year.

(d) Employees can use no more than eight (8) paid hours of education support leave in a calendar year regardless of transfer from one State employer to another. Each State employer is responsible for conducting due diligence to ensure an employee has not exhausted education support leave prior to approving the paid leave.

(e) Education support leave carries no cash value if unused. There will be no payout for unused education support leave upon termination.

(f) Education support leave is not available to support education outside of the State of Georgia.

(19) **Disaster Volunteer Leave**:

The State recognizes that cooperation among government agencies and volunteer service agencies is vital in coping with natural disasters and other emergencies. To help prevent the loss and destruction of life and property, the State believes that employees who are trained and experienced in disaster relief should be able to provide assistance for brief periods without loss of pay and benefits.

(a) Eligibility:

1. To be eligible for paid disaster volunteer leave, an employee must be a certified disaster service volunteer of the American Red Cross whose services have been requested by the American Red Cross or by the Civil Air Patrol Auxiliary of the United States Air Force. The request for leave is subject to approval by the employee's agency and must be coordinated through the Director of Emergency Management.

2. The following employees are not eligible for disaster volunteer leave:

(i) All temporary employees,

(ii) All hourly employees, and

(iii) Active, salaried, non-temporary employees who are rehired retirees of the Employee's Retirement System of Georgia while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

(b) Paid Disaster Volunteer Leave:

An eligible employee may be granted leave with pay to participate in specialized disaster relief services for the American Red Cross or for the Civil Air Patrol Auxiliary of the United States Air Force. Paid leave to participate in specialized disaster relief services for the Civil Air Patrol Auxiliary of the United States Air Force is available only for service on a numbered mission in support of a county emergency management agency, the Georgia Emergency Management and Homeland Security Agency, or a comparable federal agency.

1. Paid leave under this section cannot exceed 15 workdays in any 12-month period and can be granted only for services related to a disaster occurring within the State of Georgia or in a bordering state which has a reciprocal statutory provision.

2. Paid disaster volunteer leave is not charged against an employee's accrued leave.

3. The employee will be compensated at the rate of pay for the regularly scheduled hours during which the employee is absent from work as a result of disaster volunteer leave.

(20) **Line-of-Duty Injury Leave (Special Injury Leave)**:

A non-temporary salaried employee scheduled to work 30 or more hours per week who becomes physically disabled as a result of an injury incurred in the line-of-duty and caused by a willful act of violence committed by a non-agency employee is entitled to a leave of absence for the period the employee is physically unable to perform her/his duties. Such a leave of absence will be provided in lieu of using accrued leave, and the employee will continue to receive regular compensation, subject to the limitations below.

(a) Leave granted under this provision cannot exceed 180 workdays for any single incident.

(b) An employee seeking leave under this section must submit documentation of disability to the agency.

(c) The following employees are not eligible for line-of-duty injury leave:

1. All temporary employees,

2. All hourly employees, and

3. Active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

(d) Benefits received under this provision of the Rule will be subordinate to any Workers' Compensation wage loss benefits that the employee is awarded and will be limited to the difference between the amount of Workers' Compensation benefits actually paid and the amount of the employee's regular compensation.

(e) Injury to Employees of the Department of Transportation:

When an employee of the Department of Transportation is disabled while working in the proximity of traffic movements or equipment movements doing maintenance, construction, or other activities which may be construed as hazardous, the reasons that qualify for line-of-duty injury leave are expanded. Qualifying reasons include: an act of violence, accident, or injury that is caused by a person other than an employee of the agency or an employee of a contractor or subcontractor performing duties under a contract with the agency.

(f) Permanent Disability to Law Enforcement Personnel:

Law enforcement personnel who are permanently disabled by an act of external violence or injury on the job and who qualify for a disability retirement benefit under O.C.G.A. § 47-2-221 are not eligible to receive line-of-duty injury leave under this provision.

(21) **Leave for Contracting TB or Hepatitis on the Job**:

(a) A non-temporary salaried employee who contracts tuberculosis or infectious hepatitis while charged with the care, treatment, or diagnosis of a person infected with tuberculosis or infectious hepatitis, and who has exhausted all available sick and annual leave will be granted a paid leave of absence of one-half her/his total compensation or $150 per month, whichever is less, for the duration of the disability due to the tuberculosis or infectious hepatitis, not to exceed 350 weeks.

(b) The following employees are not eligible for paid leave for contracting TB or hepatitis on the job:

1. All temporary employees,

2. All hourly employees, and

3. Active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

(c) An employee receiving leave under this special situation will be given credit for all salary adjustments and advancements, which would have been received had the employee remained in the same position with the same capacity and status held at the time the leave was granted.

(22) **Leave Without Pay**:

(a) Leave without pay may be used in the following situations:

1. When an employee is authorized for absence but does not have available paid leave to cover the absence;

2. When an employee is authorized for absence but foregoes the use of available paid leave for a Workers' Compensation-related absence or for other absence with the concurrence of the agency;

3. When an employee does not have approval for an absence (See Section (22)(g), below);

4. When there is insufficient funding for salaries (See Section (22)(h), below); and

5. When there is insufficient work available (See Section (22)(i), below).

(b) Leave without pay is not included as service time for purposes of computing retirement or pension benefits, unless otherwise specified.

(c) Short-Term Authorized Leave without Pay:

Agencies may grant an employee who is absent, but does not have accrued leave to cover the period of absence, leave without pay for a period of not more than 10 consecutive workdays in any one continuous absence. At the expiration of the approved leave, the employee shall be returned to the same position without any loss of rights provided the employee returns within the terms of the leave granted.

(d) Regular Leave of Absence without Pay:

1. A regular leave of absence without pay allows an employee to take unpaid time off for up to 12 continuous months and be granted return to work if the employee returns within the terms of the leave approval.

2. The employee must submit a written request to the agency. If approved, a written notice specifying the terms and conditions of the approval must be provided to the employee, including a statement indicating that the employee will be reinstated to the former position or to a position of equal grade and pay without loss of any rights provided the employee returns within the terms of the leave granted.

3. Although a regular leave of absence without pay does not constitute a break in service and does not result in divestment of leave, an employee who is taking an approved leave of absence without pay of 30 calendar days or more may request and receive an annual leave payout for all accrued annual leave excluding forfeited leave, up to a maximum of 360 hours. (See Section (6)(e) 4 of this Rule.)

(e) Contingent Leave of Absence without Pay:

1. A contingent leave of absence without pay is similar to a regular leave of absence, but does not guarantee a position will be available for the employee's return.

2. The employee may submit a written request to the agency to take a continuous leave without pay for a period not exceeding 12 months. The notice of approval must include the terms and conditions of the approval including a statement that the employee's right to return at the expiration of leave is not guaranteed and will be contingent upon a suitable vacancy being available.

3. Because a contingent leave of absence without pay does not guarantee an employee the right to return to work at the expiration, it may not be considered a reasonable accommodation under the Americans with Disabilities Act, as amended.

4. Although a contingent leave of absence without pay does not constitute a break in service and does not result in divestment of leave, an employee who is taking an approved leave of absence without pay of 30 calendar days or more may request and receive an annual leave payout for all accrued annual leave excluding forfeited leave, up to a maximum of 360 hours. (See Section (6)(e)4 of this Rule.)

(f) Extending a Leave of Absence without Pay:

1. The agency may extend an approved leave of absence without pay when such extension is properly requested. The employee must submit a written request for extension before the expiration of approved leave or follow other agency procedures. If approved, a written notice specifying the terms and conditions of the extension, including any rights to reinstatement, must be provided.

2. A continuous unpaid leave of absence may not exceed 24 months, unless otherwise required as a reasonable accommodation.

(g) Unauthorized Leave without Pay:

1. An employee who is absent without approval may be placed in non-pay status and may be subject to disciplinary action, up to and including termination of employment.

2. An unclassified employee who is absent from duty for three (3) consecutive workdays or equivalent without proper authorization may be considered to have voluntarily resigned. (See Rule 478-1-.15, Changes to Employment Status.)

3. A classified employee who is absent from duty for five (5) consecutive workdays or the equivalent of a scheduled workweek without proper authorization may be considered to have voluntarily resigned. (See Rule 478-1-.28, Voluntary Separations for Classified Employees.)

(h) Furlough - Insufficient Funding:

1. Due to a curtailment of funds, an agency may place employees in a non-pay status as a temporary reduction-in-force pursuant to a plan filed with the Department of Administrative Services.

2. On furlough days, an employee does not perform work and does not receive pay.

3. Employees may not be placed in non-pay furlough status for more than a total of 30 workdays in any 12-month period.

4. Absences under these circumstances will not be charged against accrued leave or compensatory time, will not be considered a break in service, and will not affect eligibility for salary increases.

(i) Temporary Layoff - Insufficient Work:

1. If sufficient work is temporarily unavailable or not feasible, the supervisor may, pursuant to a prior written employment agreement with an employee, place the employee in a non-pay status during the period.

2. The agreement should clearly specify the terms and conditions of the leave without pay and any rights to reinstatement.

3. An employee affected by a temporary layoff because of insufficient work may request the use of accrued annual leave, personal leave, deferred holiday time, or compensatory time to remain in pay status.

4. This provision may not be used in lieu of an adverse action against an employee.

(23) **FLSA Compensatory Time**:

Overtime for non-exempt employees will be governed by the provisions of the Fair Labor Standards Act (FLSA). Overtime worked by non-exempt employees will normally be credited as FLSA compensatory time at a rate of one and one-half hours of compensatory time for each hour of overtime worked. (See statewide policy #7 - Rules, Regulations and Procedures Governing Working Hours, the Payment of Overtime and the Granting of Compensatory Time.)

(a) Overtime:

1. Each agency is responsible for the control of all overtime worked in the agency and for accurately approving and recording such overtime worked in the agency time and leave system.

2. For most non-exempt employees, overtime is credited when the employee actually works more than 40 hours in a defined workweek. The overtime threshold is defined differently for law enforcement, fire protection, hospital, and nursing home employees if they use extended FLSA work period options as provided in statewide policy #7 - Rules, Regulations and Procedures Governing Working Hours, the Payment of Overtime and the Granting of Compensatory Time.

3. Time worked does not include paid time off, such as leave, holidays, or suspension.

4. Unscheduled and unauthorized overtime worked by non-exempt employees will be compensated. However, disciplinary action determined appropriate by the agency, up to and including separation from employment, may be taken against a non-exempt employee who works unscheduled or unauthorized hours.

(b) Use and Limitations of FLSA Compensatory Time:

1. An employee must be granted FLSA compensatory time off within a reasonable time after making the request if the use of such time off does not unduly disrupt operations.

2. An agency may by written policy require its employees to use accumulated FLSA compensatory time before using annual and/or sick leave.

3. For most employees, the maximum FLSA compensatory time accrual is 240 hours at any given time. The maximum accrual is 480 hours for employees in a public safety activity, emergency response activity, or seasonal activity. Compensatory time in excess of 240 hours (480 hours for employees in a public safety activity, emergency response activity, or seasonal activity) must be paid out.

(c) Payment for Overtime:

1. Employees receive pay for overtime only in the following situations:

(i) When the agency approves payment in lieu of FLSA compensatory time as provided in statewide policy #7 - Rules, Regulations and Procedures Governing Working Hours, the Payment of Overtime and the Granting of Compensatory Time.

(ii) Upon exceeding the accumulation limits of FLSA compensatory time. (See Section (23)(b)2.)

(iii) Upon separation from employment with the agency, including transfer from the agency to another State employer.

2. Payment for overtime is typically made the pay period following the pay period in which the overtime is earned. Payment for law enforcement, fire protection, hospital, and nursing home staff with unique FLSA work periods is made the pay period following the FLSA work period during which the overtime is earned.

(24) **State Compensatory Time**:

State compensatory time is hour-for-hour paid time off for employees who work longer than the normally assigned hours in a work period but do not qualify for FLSA compensatory time. Each agency by written policy defines which of its employees, if any, are eligible for state compensatory time as provided in statewide policy #7 - Rules, Regulations and Procedures Governing Working Hours, the Payment of Overtime and the Granting of Compensatory Time.

(a) The maximum state compensatory time accrual allowed is 240 hours at any given time. Any state compensatory time earned in excess of 240 hours is lost and not paid out.

(b) Generally, state compensatory time not used within one (1) year of the date that it is earned is lost and not paid out.

1. An agency may, by written policy, allow state compensatory time earned during the Public Health State of Emergency declared on March 14, 2020, and ended on July 1, 2021, to be used within two (2) years of the date it is earned.

2. Such written policy may be applied to an entire agency or may identify eligible employees or job classes of employees that were so impacted by the increased workload during the Public Health State of Emergency that the state compensatory time was unable to be used prior the regular one (1) year expiration.

(c) Unused state compensatory time is lost upon separation from employment. The employee will not be compensated for such time in any manner, and it will not transfer with the employee to another State entity.

(d) An agency may by written policy require its employees to use accumulated state compensatory time before using annual and/or sick leave.

(25) **Holidays**:

(a) Observing State Holidays:

The State observes 13 public holidays each calendar year on dates declared by the Governor. State offices are closed and employees do not report for work on declared holidays, except as noted below.

1. 24-7 operations, such as hospitals and correctional facilities, will remain open on holidays, and designated staff will report for work.

2. State operations with seasonal fluctuations that result in insufficient availability of work during certain times of the year may establish a policy for its employees to observe holidays during the work down cycle, rather than on the dates declared by the Governor. The policy must be in writing and communicated to all affected employees, and the alternate holidays must be observed within the same calendar year as the dates declared by the Governor.

3. In emergency situations or to meet essential business needs, an agency may require one or more employees to work on a holiday.

(b) Eligibility for Paid Holiday:

1. Salaried employees and other employees designated by the Georgia Industries for the Blind are eligible to receive paid time off for State holidays they observe, as provided in this Rule section.

2. To be eligible for pay on a State holiday, an employee must be in pay status for the full scheduled work shift on either the workday immediately before or immediately after the holiday. "Pay status" means either working or taking approved paid time off.

3. Employees are not paid for a holiday that occurs the day before they enter or reenter State service.

4. Employees are not paid for a holiday that occurs the day after they leave State employment.

5. Employees are not paid for a holiday that occurs on their last day of State employment, unless the holiday is at the end of their normal workweek. (See item 6, below, for an exception.)

6. The compensation for employees retiring from State employment will not be reduced when their last day of employment before retirement falls on a holiday.

7. The following employees are not eligible for paid State holidays:

(i) All temporary employees,

(ii) All hourly employees, and

(iii) Active, salaried, non-temporary employees who are rehired retirees with the Employees' Retirement System of Georgia while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

8. Part-time salaried employees and part-time employees of the Georgia Industries for the Blind are not paid for a holiday that falls on a day they would not have otherwise been scheduled to work. For example, a part-time employee who is scheduled to work Mondays, Wednesdays, and Fridays, would not be paid for a holiday that falls on a Thursday.

(c) Pay for Holidays and Provisions for Employees on Alternative Work Schedules:

1. Employees eligible for a paid holiday receive pay for the time they would otherwise have worked that day, up to a maximum of eight (8) hours.

2. An agency with full-time salaried employees on alternative work schedules will define the options available to its employees who would have been scheduled for shifts longer than eight (8) hours on the holiday. Such options include allowing employees to:

(i) Revert to an 8x5 work schedule during the week of the holiday (or for a 2-week cycle for employees on a 9-hour workday schedule);

(ii) Use paid leave to supplement the holiday pay and receive full pay for the day; or,

(iii) Work additional time during the week of the holiday to remain in pay status the full workweek.

3. An agency with full-time salaried employees on alternative work schedules whose scheduled day off falls on a holiday may allow such employees to revert to an 8x5 schedule, as indicated in Section 25(c)2, above, or allow them to remain on their alternative schedule and receive equivalent time off for the holiday, as defined in Section (25)(d), below.

(d) Equivalent Time Off or Deferred Holiday Payout:

1. Equivalent time off (i.e., deferred holiday time) will be made available to employees who would otherwise have been eligible for a paid holiday but were either required to work on part or all of a holiday or whose scheduled day off occurred on a holiday. See exceptions in (i) and (ii), below.

(i) Neither equivalent time off, nor additional compensation, will be given to those employed on an academic school year basis whose annual compensation is based on a specified number of workdays, and the holiday is a workday on which their salary is based.

(ii) Part-time employees whose scheduled day off occurred on a holiday are not given equivalent time off or additional compensation for the holiday.

2. Equivalent time off to observe the holiday will not exceed the time actually worked on the holiday or eight (8) hours, whichever is less.

3. An agency may by written policy require its employees to use deferred holiday time before using annual leave, sick leave, personal leave, or compensatory time.

4. Deferred holiday time must be used within 365 days after the day proclaimed as a holiday; otherwise, it must be paid out by the agency.

5. An employee who separates from an agency will be paid for any deferred holiday time not used or paid out prior to separation.

6. An employee will not be paid for a holiday in advance of the observance of the holiday.

7. An employee scheduled to work on a holiday who, without prior approval, fails to report for any portion of the scheduled duty will not be granted deferred holiday time for the time (if any) that was worked on the holiday. Such employee may be subject to leave without pay for the scheduled time not worked and/or other appropriate.

(e) Request to Observe Other Religious Holiday:

1. An employee may request priority consideration for time off from work to observe a religious holiday that is not observed as a State holiday. To receive priority consideration, the request should be made at least seven (7) calendar days in advance.

2. An employee may request priority consideration for up to three (3) workdays in each calendar year.

3. A request by an employee for time off for religious observance cannot be denied unless:

(i) The duties performed by the employee are urgently required, and the employee, in the agency's judgment, is the only person available who can perform the duties; or,

(ii) The agency can otherwise show that accommodating the request would be an undue hardship.

4. Any paid time off granted to observe a religious holiday will be deducted from the employee's accrued annual leave, personal leave, compensatory time, or deferred holiday time available at the time of the observance. If the employee does not have sufficient annual leave, personal leave, compensatory time, or deferred holiday time to cover the period of absence, the agency must allow leave without pay for the absence, unless doing so would be an undue hardship.

(26) **Paid Parental Leave**:

To enhance work-life balance for employees, the State provides full-time employees, as well as hourly employees who meet the criteria noted in subsection (a) 2 (ii) below, with up to 240 hours of paid parental leave in a 12-month period. Paid parental leave is not charged against an employee's accrued leave.

(a) Eligibility:

1. Eligibility for paid parental leave is based on one of the following qualifying life events:

(i) birth of the employee's child;

(ii) placement of a minor child for adoption with the employee; or

(iii) placement of a minor child for foster care with the employee.

2. To be eligible to use paid parental leave for a qualifying life event, an employee must meet one of the two following criteria:

(i) if salaried, the employee must have six continuous months of employment with an employing entity (as defined in O.C.G.A. 45-20-17(a)(2)(A)); or,

(ii) if hourly, the employee must have worked 700 hours for an employing entity (as defined in O.C.G.A. 45-20-17(a)(2)(A)) in the six months immediately preceding the first requested paid parental leave date.

Rehired retirees of the Employees' Retirement System of Georgia, whether salaried or hourly, are not eligible for paid parental leave while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

(b) Usage of Paid Parental Leave

1. An eligible employee may take a maximum of 240 hours of paid parental leave in a rolling 12-month period. The rolling period will be measured backward from the first date of leave taken. The amount of leave in a rolling 12-month period cannot exceed 240 hours, regardless of the number of qualifying events that occur during that period and regardless of transfers between employing entities (as defined in O.C.G.A. § 45-20-17(a)(2)(A)). Each state employer is responsible for conducting due diligence to ensure an employee has not exhausted the 240-hour allotment prior to approval of paid parental leave.

2. Leave may be taken as needed and in increments of less than eight hours, using the same minimum period an agency has established for other forms of paid leave.

(c) If an employee eligible for paid parental leave is also eligible for leave under the federal Family and Medical Leave Act (FMLA) (see Rule 478-1-.23, Family and Medical Leave), an agency may, by written policy, require paid parental leave to run concurrently with FMLA leave.

(d) Agencies may require employees to submit appropriate supporting documentation for the use of paid parental leave. Any required supporting documentation shall be the same as that required for the use of federal family and medical leave under Section (7) of Rule 478-1-.23, Family and Medical Leave, for the same qualifying event.

(e) Any paid parental leave remaining 12 months after the initial qualifying event shall not carry over for future use.

(f) Unused paid parental leave shall have no cash value and shall not be paid out at the time of the employee's separation from employment.

(g) Agencies must provide notice of paid parental leave benefits to all employees anticipated to become eligible for paid parental leave upon hire and annually thereafter.

Cite as Ga. Comp. R. & Regs. R. 478-1-.16

AUTHORITY: O.C.G.A. §§ 45-20-3**,** 45-20-3.1**,** 45-20-4**,** 45-20-16**.**

HISTORY: Original Rule entitled "Veteran's Preference" adopted. F. July 31, 1985, eff. July 1, 1985, as specified by the Board.

Amended: F. Jan. 22, 1988; eff. Nov. 12, 1987, as specified by the Board.

Amended: R. 478-1-.0 C repealed and renumbered R. 478-1-.16 of same title adopted. F. Aug. 11, 1992; eff. July 2, 1992, as specified by the Board.

Amended: F. Oct. 17, 1994; eff. Oct. 6, 1994, as specified by the Board.

Amended: F. Apr. 22, 1997; eff. Apr. 9, 1997, as specified by the Board.

Amended: F. Oct. 8, 1997; eff. Sept. 25, 1997, as specified by the Board.

Amended: F. Jan. 13, 2003; eff. Dec. 4, 2002, as specified by the Board.

Amended: F. Jan. 5, 2006; eff. Dec. 22, 2005, as specified by the Board.

Repealed: New Rule entitled "Absence from Work" adopted. F. Dec. 23, 2008; eff. Dec. 17, 2008, as specified by the Board.

Amended: F. Oct. 28, 2009; eff. Aug. 27, 2009, as specified by the Board.

Amended: F. July 30, 2010; eff. July 16, 2010, as specified by the Board.

Amended: F. Dec. 30, 2013; eff. Sept. 25, 2013, as specified by the Board.

Amended: F. July 1, 2015; eff. June 25, 2015, as specified by the Board.

Amended: F. Jan. 17, 2017; eff. Jan. 9, 2017, as specified by the Board.

Amended: F. July 15, 2021; eff. June 22, 2021, as specified by the Board.

Amended: F. Nov. 23, 2021; eff. Nov. 3, 2021, as specified by the Board.

Amended: F. Mar. 29, 2023; eff. Mar. 16, 2023, as specified by the Board.

Amended: F. Sept. 19, 2023; eff. Aug. 11, 2023, as specified by the Board.

Amended: F. Aug. 19, 2024; eff. Aug. 1, 2024, as specified by the Board.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-5. BOARD ACTIONS AND CODE OF CONDUCT

480-5-.04 Impaired Pharmacists, Interns or Externs

Pursuant to O.C.G.A. T. 26, Ch. 4 and O.C.G.A. § 43-1-19, whenever a pharmacist, intern or extern becomes unfit to practice pharmacy with reasonable skill and safety by reason of a mental or physical condition including impairment due to the use of alcohol, narcotics, stimulants, or other habit-forming drugs, the Board has the duty and authority to place appropriate conditions or limitations on that person's license, including suspension or revocation. Whenever such pharmacist, intern or extern is impaired or has otherwise endangered the public health and welfare while engaged in the practice of pharmacy, and any other Board licensee is aware of such impairment he/she has the obligation and duty to notify the Board of such impaired persons and their actions.

Cite as Ga. Comp. R. & Regs. R. 480-5-.04

AUTHORITY: O.C.G.A. §§ 43-1-19**,** 26-4-27**,** 26-4-28**,** 26-4-60**.**

HISTORY: Original Rule entitled "Impaired Pharmacists, Interns or Externs" adopted. F. Sept. 28, 01; eff. Oct. 18, 2001.

Amended: F. Dec. 18, 2014; eff. Jan. 7, 2015.

Amended: F. Aug. 7, 2024; eff. Aug. 27, 2024.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-7A. LISTED CHEMICAL WHOLESALE DISTRIBUTOR

480-7A-.06 Records and Recordkeeping; Reporting Requirements

(1) Listed chemical wholesale distributors and other wholesale distributors shall, at a minimum, maintain records regarding the distribution of listed chemicals as follows:

(a) Produce and maintain, for a minimum of three years from the date of the transaction, inventories and records of all transactions regarding the receipt, sale, credit, transfer, disposition, and distribution of all listed chemicals to any firm, person, or retail outlet located in this State. Inventories and records shall be made available for inspection and photocopying by any authorized agent of any State or federal agency for a period of three (3) years following their creation date.

(b) Records described in this section that are kept at the inspection site or that can be immediately retrieved by computer or other electronic means shall be readily available for authorized inspection during the retention period. Records kept at a central location apart from the inspection site and not electronically retrievable shall be made available for inspection within two working days of a request by an authorized official of any State and federal governmental agency charged with enforcement of these rules.

(c) Maintain an up-to-date list of firms, persons or retail outlets with whom they do business in regards to listed chemicals.

(2) Listed chemical wholesale distributors and other wholesale distributors shall, at a minimum, maintain and provide documents and reports regarding the distribution of listed chemicals as follows:

(a) Supply a copy of their Board issued permit to any firm, person, or retail outlet in this state which has received, purchased, or gained access to any product containing a listed chemical.

(b) Supply each firm, person, or retail outlet with a copy of all records involving sales, credits, transfers or the like whenever such transaction involves a product containing a listed chemical.

(c) Report to GDNA of shortages or losses of listed chemicals within seven (7) business days.

(d) Within seven days, notify the GDNA of any purchases of a product containing a listed chemical from the listed chemical wholesale distributor which the wholesaler judges to be excessive, or have knowledge or suspicion of said purchases being used in the unlawful manufacture of a controlled substance or file with the GDNA any reportable transaction. A reportable transaction should be sent to the attention of the Director of the GDNA. Such reports should be sent to GDNA located at 254 Washington Street SW, Suite G2000, Atlanta, GA 30334.

(e) Upon verbal or written request from the GDNA, the GBI, or the sheriff of a county or the police chief of a municipality located in this state, submit reports to account for the transactions of any listed chemicals with persons or firms located within this state; such transactions shall include all sales, distribution, or transactions dealing with products containing a listed chemical; All such records shall be submitted by the distributor within two working days.

(3) Any and all retail outlets or persons receiving a listed chemical product from a licensed listed chemical wholesale distributor, licensed by this State, are required to maintain records of all such transactions for a minimum of three years, and upon request, by law enforcement officials, are required to provide such records for review within five business days, with failure to provide such records accounting for the presence of such products shall result in the embargo or seizure of such products.

(4) Changes in any information required on the initial application shall be submitted to the Board no less than 30 days prior to such change.

Cite as Ga. Comp. R. & Regs. R. 480-7A-.06

AUTHORITY: O.C.G.A. §§ 16-13-30.3**,** 16-13-30.4**,** 26-4-28**,** 26-4-112**,** 26-4-113**,** 26-4-115**.**

HISTORY: Original Rule entitled "Records and Recordkeeping; Reporting Requirements" adopted. F. Aug. 31, 2005; eff. Sept. 20, 2005.

Amended: F. Aug. 7, 2024; eff. Aug. 27, 2024.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-15. PHARMACY TECHNICIANS AND OTHER PHARMACY PERSONNEL

480-15-.02 Registration of Pharmacy Technicians and Continuing Education Requirements

(1) Effective August 1, 2011, a pharmacy may only employ registered pharmacy technicians to perform pharmacy technician duties.

(2) In order to be registered as a Pharmacy Technician in this State, an applicant shall:

(a) Submit an application to the Board on the form prescribed by the Board;

1. Mere submission of an application to the Board is not registration pursuant to this Rule.

2. No applicant shall be deemed registered until such time as his/her application has been completely processed by the Board's administrative office, to include receipt and processing of any applicable fees, and a registration number has issued to the applicant;

(b) Attest that applicant is at least 17 years old;

(c) Attest that applicant is currently enrolled in high school, or has a high school diploma, or has a GED, or has a postsecondary education or college degree;

(d) Consent to, provide the necessary information to conduct, and pay for a background check to be conducted by the Board, its agent or a firm or firms approved by the Board, which background check will include a criminal history, driver license history and other information as the Board deems necessary, and will authorize the Board and the Georgia Drugs and Narcotics Agency to receive the results;

(e) Submit the name and address of employer and place of employment;

(f) Pay application fees; and

(g) If certified, submit evidence of training supporting designation as certified.

(3) The Board may deny registration or conditionally grant registration for any of the reasons set forth in Code sections 26-4-60 or 43-1-19. This includes convictions, pleas of nolo contendere and guilty pleas related to misdemeanor crimes of moral turpitude or marijuana and to felonies. In addition, no pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes shall be eligible to be registered as a pharmacy technician.

(4) The denial of an application for registration as a pharmacy technician shall not be a contested case and the applicant shall not be entitled to a hearing under the Georgia Administrative Procedures Action, O.C.G.A. T. 50, Ch. 13, but such applicant may be entitled to an appearance before the Board.

(5) A registration, once issued, is renewable biennially, upon payment of a fee. Registrations shall expire on June 30th of each odd-numbered year. If the application for renewal is not made and the fee paid before September 1st of the odd-numbered year, the registration shall lapse and shall not be renewed. An application for a new registration shall be required.

(6) On and after July 1, 2023, as a requirement for the biennial renewal of his/her registration, a pharmacy technician must complete not less than twenty (20) hours of approved continuing education.

(a) "Approved continuing education" means courses approved by the Board as described in Rule 480-3-.03.

(b) One hour of C.E. is defined as 0.1 C.E.U. Each pharmacy technician in the State of Georgia must obtain 20 hours of continuing education or 2.0 C.E.U.'s per biennium for registration renewal.

1. Certificates documenting 20 hours of approved continuing education or 2.0 C.E.U.'s must be completed and date within the biennium.

(c) C.E. requirements during the technician's first biennial registration cycle:

1. A pharmacy technician registered during the first six (6) months of the biennium (July 1, Year-One to December 31, Year-One), shall be required to obtain 20 hours of C.E.

2. A pharmacy technician registered during the following twelve (12) months (January 1, Year-Two to December 31, Year-Two), shall be required to obtain 10 hours of C.E.

3. A pharmacy technician registered during the last six (6) months (January 1, Year-Three to June 30, Year-Three) of the biennium, shall be exempt from continuing education for that biennium only.

(d) In the event of an audit and a pharmacy technician fails to submit certificates, which document his/her required continuing education credits, the Board will not process his/her request to renew the registration until the continuing education requirements are provided to the Board.

1. The pharmacy technician may not carry over continuing education credits from one registration period to the next.

2. Nothing is meant to prohibit representatives from the Georgia Drugs and Narcotics Agency (GDNA) from checking, auditing, or verifying a pharmacy technician's continuing education certificates as needed.

3. Each registered pharmacy technician shall maintain these certificates of attendance at continuing education meetings for a period of two (2) years from the date of the preceding renewal period.

(e) The staff of the Georgia Board of Pharmacy may audit, or otherwise select randomly, the continuing education of a percentage of registrants as determined by the Board.

(7) A registrant has a responsibility to update the Board with a change of home address and employment address within ten (10) days of such change.

Cite as Ga. Comp. R. & Regs. R. 480-15-.02

AUTHORITY: O.C.G.A. §§ 16-13-111**,** 26-4-5**,** 26-4-20**,** 26-4-27**,** 26-4-28**,** 26-4-60**,** 26-4-80**,** 26-4-84**,** 26-4-85**,** 26-4-88**,** 26-4-110**,** 43-1-19**.**

HISTORY: Original Rule entitled "To Provide for the Revocation and Suspension of Licenses and Registration for Certain Causes" adopted. F. Oct. 6, 1970; eff. Oct. 26, 1970.

Repealed: New Rule entitled "Use of Pharmacy Technicians and Other Pharmacy Personnel" adopted. F. Nov. 14, 2007; eff. Dec. 4, 2007.

Repealed: New Rule entitled "Registration of Pharmacy Technicians" adopted. F. Feb. 21, 2011; eff. Mar. 13, 2011.

Amended: F. Sept. 1, 2011; eff. Sept. 21, 2011.

Amended: F. June 29, 2015; eff. July 19, 2015.

Amended: New title, "Registration of Pharmacy Technicians and Continuing Education Requirements." F. Jan. 31, 2023; eff. Feb. 20, 2023.

Amended: F. Aug. 7, 2024; eff. Aug. 27, 2024.

Note: Correction of error in Rule History, *"**Amended:** F. Jan. 31, 2023; eff. Feb. 20, 2023."* corrected to *"**Amended:** New title, "Registration of Pharmacy Technicians and Continuing Education Requirements." F. Jan. 31, 2023; eff. Feb. 20, 2023."* Rule title change was adopted on September 14, 2022 and amendment subsequently submitted on January 31, 2023 with citation of the title change erroneously omitted, as specified by the Board in August 7, 2024 filing. Effective Aug. 27, 2024.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-19. EXEMPT OVER-THE-COUNTER (OTC) SCHEDULE V CONTROLLED SUBSTANCES

480-19-.04 Record Keeping for Over-the-counter (OTC) Sales of Exempt Schedule V Controlled Substance Drug Products Containing Pseudoephedrine

(1) A record created this rule must be maintained in the pharmacy at which the transaction occurred, except that records may be kept either at a single, central location for the pharmacy or by a third-party information technology company on behalf of the pharmacy only if the pharmacy has notified the GDNA of its intention to do so and received GDNA approval.

(a) Written notification must be submitted by registered or certified mail, return receipt requested, to the Director, Georgia Drugs and Narcotics Agency, 254 Washington Street SW, Suite G2000, Atlanta, GA 30334.

(b) This notification must include telephone and address contact information as well as a telephone number and email address for a point of contact person who is responsible for providing requested record for either the pharmacy's central record keeping location or any third-party information technology company.

(c) The Director of the Georgia Drugs and Narcotics Agency shall issue written approval of any central record keeping location or third-party information technology company prior to records being maintained in such a manner.

(2) The records required to be kept under this rule must be readily retrievable and available for inspection and copying by GDNA or other law enforcement officers as requested as provided for under the provisions of 21 U.S.C. 880, and the U.S. Combat Methamphetamine Epidemic Act of 2005.

(a) A record developed and maintained to comply with federal law may be used to meet the requirements of this rule if the record includes the information specified by this rule.

(b) Readily retrievable shall mean records must be produced by the pharmacy or the pharmacy's third-party information technology company in less than 6 hours for all electronically maintained records or 24 hours for any handwritten records.

(3) If a pharmacy fails to produce records or to produce records in the required time, such failure shall be considered a violation of O.C.G.A. §§ 16-13-37, 16-13-39, and 16-13-42.

Cite as Ga. Comp. R. & Regs. R. 480-19-.04

AUTHORITY: O.C.G.A. §§ 16-13-22**,** 16-13-29**,** 16-13-29.2**,** 16-13-34**,** 16-13-35**,** 26-4-27**,** 26-4-28**,** 26-4-60**.**

HISTORY: Original Rule entitled "Record keeping for Over-the-counter (OTC) Sales of Exempt Schedule V Controlled Substance Drug Products containing Pseudoephedrine" adopted. F. Nov. 11, 2011; eff. Dec. 18, 2011.

Amended: F. Aug. 7, 2024; eff. Aug. 27, 2024.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-34. CONTROLLED SUBSTANCES

480-34-.16 Naloxone Hydrochloride Nasal Spray

(1) This rule was adopted to protect the health, safety, and welfare of the public. Four mg naloxone hydrochloride nasal spray, is hereby deleted from the dangerous drug list as referenced in the Official Code of Georgia Annotated (O.C.G.A.) §§ 16-13-71(b)(635) and 16-13-71(c)(14.25).

(2) This rule is based on the following findings of the Board:

(a) that Narcan, 4mg naloxone hydrochloride nasal spray, does not have a high potential for abuse;

(b) that the Board has considered the scientific evidence of its pharmacological effects; the state of current scientific knowledge regarding the drug; the history and current pattern of abuse; the scope, duration, and significance of abuse; the potential of the drug to produce psychic or physiological dependence liability; and

(c) that the drug, when in nasal spray form of 4 mg per spray has been approved for non-prescription status by the Federal Food and Drug Administration.

Cite as Ga. Comp. R. & Regs. R. 480-34-.16

AUTHORITY: O.C.G.A. §§ 16-13-71**,** 26-4-5**,** 26-4-27**,** 26-4-28**.**

HISTORY: Original Rule entitled "Naloxone Hydrochloride Nasal Spray" adopted. F. Aug. 7, 2024; eff. Aug. 27, 2024.