

Procedure: 4.5.2p1. (III.U.6.c)

Miscellaneous Leave

Revised: July 20, 2021; January 8, 2017; and September 15, 2015.

Last Reviewed: September 21, 2022; and January 18, 2017.

Adopted: October 2, 2001.



I. PURPOSE:

This procedure pertains to education support leave, voting leave, blood donation leave, organ, and bone marrow donation leave, disaster volunteer leave, particular injury leave, and paid parental leave.

Each category of leave addresses the conditions for using paid and/or unpaid leave for eligible employees absent from work to participate in the stated activity or response to an injury in the line of duty.

II. Related Authority:

O.C.G.A. §38-3-90 et seq. – Disaster Volunteer Leave.
O.C.G.A. §45-7-9 – Special Injury Leave.
O.C.G.A. §45-20-17 – Parental Leave.
O.C.G.A. §45-20-30 – Blood Donation Leave.
O.C.G.A. §45-20-31 – Organ/Bone Marrow Leave.
O.C.G.A. §45-20-32 – Education Support Leave.
State Personnel Board Rule 16 - Absence from Work.
TCSG Procedure 4.1.4p. – Categories of Employment.
TCSG Procedure 4.5.1p. – Family Leave.
TCSG Procedure 4.4.4p. – Workers Compensation and Return to Work.
TCSG Procedure 4.6.2p. – Reasonable Accommodations in Employment.

III. Applicability:

All work units and Technical Colleges associated with the Technical College System of Georgia

IV. Definitions:

Disaster: a federal disaster declaration issued by the President, or a state of emergency disaster declared by the Governor.

Eligible Employee: An individual appointed to a full- or part-time salaried position in a TCSG work unit and eligible for State of Georgia-sponsored benefits as provided in the TCSG procedure governing Categories of Employment. Within the parameters of this procedure, an individual appointed to a full-time position has a work commitment of thirty (30) or more hours per week. In addition, under SPB Rule 16, Education Support leave and Paid Parental Leave has unique eligibility requirements, as outlined in this procedure.

Immediate Supervisor: a supervisor charged with the responsibility for developing performance plans/expectations and who coaches, develops, and assesses the performance of subordinate employee(s).

Injured in the Line of Duty: an injury arising from or in employment. According to the provisions of O.C.G.A. §45-7-9, traveling to and from work is not considered "in the line of duty."

Organ: a human organ, including an eye, that can be transferred from one person's body to another.

Reviewing Manager: a manager charged with reviewing the performance plans and evaluations prepared by lower-level supervisor(s) in his/her direct line of supervision.

State Agency: a state agency or any branch, department, board, bureau, commission, or, concerning special injury leave, an authority.

TCSG Work Unit: the TCSG System Office, Quick Start Headquarters, Quick Start Regional Office or training center, or an associated Technical College.

V. Attachments: N/A

VI. Procedures:

A. Education Support Leave

1. Education Support Leave may be used by a parent or non-parent who desires to support public, private, and home school achievement through any level of education, within the state of Georgia, from pre-kindergarten/early care and learning through higher education.
2. For administering education support leave, an eligible employee is a full-time, non-temporary employee of a TCSG work unit who works a minimum of forty (40) hours per week, including a full-time Campus Police Officer working an approved law-enforcement work schedule.
3. Eligible employees can utilize eight (8) hours of education support leave in a calendar year, including education support leave taken while working for another state agency during the same calendar year. NOTE: Office of Human Resources staff in the System Office or the employing Technical College is responsible for determining how much education support leave has been used by an employee transferring to a TCSG work unit from another state agency or another TCSG work unit.
4. Education support leave may be requested in increments no smaller than a quarter-hour/fifteen (15) minutes.
5. Only activities directly related to student achievement and academic support within Georgia qualify for education support leave. Related activities include, but are not limited to:
 - a. attendance at parent/teacher conferences.
 - b. participation in classroom activities such as reading to a class or presenting on career day.

- c. tutoring students.
 - d. proctoring examinations.
 - e. attending award and recognition ceremonies or graduation exercises.
 - f. participating in field day activities or field trips.
 - g. attending open house functions.
6. While using education support leave, an employee may not receive payment from an educational entity for any activity/service performed.
 7. Before providing any covered activity/service, an employee must request and receive approval for the use of available education support leave from his/her immediate supervisor, reviewing manager, or other designated TCSG work unit official.
 8. A TCSG work unit may require written verification from a school administrator, teacher, or other school officials before approving a request for education support leave.
 9. A TCSG work unit may approve or deny a request for education support leave based on the operational requirements of the work unit or for any other job-related reason to include established behavior/conduct issues, attendance concerns (e.g., initial placement on an attendance plan), or unsatisfactory work performance.
 10. The provisions of O.C.G.A. §45-20-32 strictly prohibit using education support leave for any political purpose or agenda.

B. Voting Leave

1. All TCSG employees are encouraged to vote in primary and general elections at the local, state, and national levels.
2. Absent the restrictions outlined in Paragraph VI.B.3., an eligible employee may request to use up to two (2) hours of paid leave to vote. NOTE: the TCSG work unit may specify the hour(s) during which paid voting leave will be provided. Voting leave is not available for voting mid-day. It must be taken at the beginning or the end of the workday.
3. Leave for voting may be allowed on early voting days if the TCSG work unit determines that doing so minimally disrupts normal operations.
4. An eligible employee who is scheduled to begin work at least two (2) hours after the polls open or end work at least two (2) hours before the polls close is not eligible for voting leave.
5. An employee not eligible for voting leave may request to use accrued annual leave, personal leave, compensatory time, or, as applicable, leave without pay to vote.

C. Paid Parental Leave

1. Eligible employees may take paid parental leave for one of the following qualifying life events listed below. Paid parental leave is not charged against an employee's accrued leave.

- a. birth of the employee's child
 - b. placement of a minor child for adoption with the employee
 - c. placement of a minor child for foster care with the employee
2. To be eligible, an employee must meet one of the criteria listed below. Rehired retirees of the Employees' Retirement System of Georgia are not eligible for paid parental leave.
- a. If salaried, the employee must have six continuous months of employment with an employer in the executive, legislative or judicial branch of state government or a local board of education.
 - b. If hourly, the employee must have worked 700 hours in the six months immediately preceding the first requested parental leave date for an employer in the executive, legislative or judicial branch of state government or a local board of education.

Note: The State of Georgia is one employer for paid parental leave. Therefore, an employee may meet eligibility requirements through service with one or more employing entities.

3. An eligible employee may take 120 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 120 hours, regardless of the number of qualifying events that occur during that period and regardless of transfers between employing entities. Each TCSG work unit is responsible for conducting due diligence to ensure an employee has not exhausted the 120-hour allotment before approval of paid parental leave.
4. Paid parental leave is unavailable for prenatal appointments or absences due to pregnancy-related medical conditions.
5. Paid parental leave may be requested in increments no smaller than a quarter-hour/fifteen. (15) minutes.
6. Suppose an employee eligible for paid parental leave is also eligible for leave under the federal Family and Medical Leave Act. In that case, the employee will be required to use paid parental leave concurrently with FMLA leave taken for the same purpose.
7. Paid parental leave may be taken in a continuous block or intermittently, provided it is taken concurrently with FMLA leave designated for the same purpose if the employee is eligible for FMLA leave.
8. Paid parental leave may be taken during the 12 months immediately following the qualifying event, provided it is taken concurrently with FMLA leave designated for the same purpose if the employee is eligible for FMLA leave.
9. A TCSG work unit may require employees to submit appropriate supporting documentation for the use of paid parental leave. Any required supporting documentation shall be the same as required for the use of FMLA leave taken for the same purpose.
10. Any paid parental leave remaining 12 months after the initial qualifying event shall not carry over for future use.

11. Unused paid parental leave has no cash value and will not be paid out at the time of an employee's separation from employment.

D. Blood Donation Leave

1. An eligible employee is permitted to donate blood during his/her regularly scheduled work hours without the need to take annual leave, personal leave, or compensatory time as follows:
 - a. The employee is permitted to take up to two (2) hours of paid time off up to four (4) times per calendar year;
 - b. the maximum amount of paid time off which can be taken in a calendar year is eight (8) hours; and,
 - c. an employee who does not use the entire eight (8) hours in a given calendar year does not accrue any right to any additional paid or unpaid leave.
2. An eligible employee is permitted to donate blood platelets through (platelet) apheresis or granulocytes through (plasma) apheresis during his/her regularly scheduled work hours without the need to take annual leave, personal leave, or compensatory time as follows:
 - a. The employee is permitted to take up to four (4) hours of paid time off up to four (4) times per calendar year;
 - b. the maximum amount of paid time off which can be taken in a calendar year is sixteen (16) hours; and,
 - c. an employee who does not use the entire sixteen (16) hours in a given calendar year does not accrue any right to additional paid or unpaid leave.
3. Employees who donate blood, blood platelets, or granulocytes on non-work time are not eligible to receive paid time off work later.
4. An employee must request and receive approval from his/her immediate supervisor, reviewing manager, or other designed TCSG work unit official to donate these provisions. Time away from work to donate shall be scheduled so as not to interfere with work unit operations.

E. Organ Donation Leave

1. An employee who donates an organ for transplantation shall be placed on an authorized leave of absence with pay for thirty (30) workdays. According to applicable provisions of O.C.G.A. §45-20-31, the employee's absence shall not be charged against or deducted from his/her accrued annual or sick leave balance. All such time shall be considered (compensable) service concerning the computation of retirement benefits.
2. An employee shall not receive a leave of absence with pay for this purpose unless the employee first furnishes his/her immediate supervisor, Human Resources Director (or his/her designee), or other designated System Office/Quick Start or Technical College official with a written statement (e.g., correspondence, memorandum, or, as applicable, FMLA).

documentation) from the medical practitioner who is to perform the transplant procedure or from a hospital administrator indicating that the employee is making an organ donation.

3. If organ donation does not occur, the provisions of Paragraph VI.D.1. shall not be initiated.

F. Bone Marrow Donation Leave

1. An employee who donates his/her bone marrow shall be placed on an authorized leave of absence with pay for seven (7) workdays. According to applicable provisions of O.C.G.A. §45-20-31, the employee's absence shall not be charged against or deducted from his/her accrued annual or sick leave balance, and all such time shall be considered (compensable) service concerning the computation of retirement benefits.
2. An employee shall not receive a leave of absence with pay for this purpose unless the employee first furnishes his/her immediate supervisor, Human Resources Director (or his/her designee), or other designated System Office/Quick Start or Technical College official with a written statement (e.g., correspondence, memorandum or, as applicable, FMLA documentation) from the medical practitioner who is to perform the transplant procedure or from a hospital administrator indicating that the employee is making a bone marrow donation.
3. If the bone marrow donation does not occur, the provisions of Paragraph VI.E.1. shall not be initiated.

G. Disaster Volunteer Leave

1. An eligible employee who is a certified disaster service volunteer of the American Red Cross is eligible for an authorized leave of absence with pay to participate in specialized disaster relief activities based on the following conditions:
 - a. There must be a disaster within Georgia or a contiguous state which has a reciprocal statutory provision;
 - b. the American Red Cross must request the employee's services; and,
 - c. the employee must submit a written request for disaster volunteer leave with supporting documentation, including his/her certification by the American Red Cross. NOTE: The request for leave must specify the number of workdays the employee plans to be absent from work.
2. The request for leave may be approved or denied based on the operational requirements of the work unit or for any other job-related reason, including established behavior/conduct issues, attendance concerns (e.g., initial placement on an attendance plan), or unsatisfactory work performance.
3. If a request for disaster volunteer leave is approved, the employee is eligible for paid leave for up to fifteen (15) workdays as determined by his/her work unit.
4. While on paid leave, the employee will receive his/her regular rate of pay/salary for each scheduled workday the employee is absent from work. NOTE: no employee may be compensated for more than eight (8) hours per day.

5. Disaster volunteer leave is limited to no more than fifteen (15) workdays in a twelve (12) month period.
6. Employees who are not eligible for disaster volunteer leave but who wish to participate in disaster relief activities may request annual leave, personal leave, compensatory time, or leave without pay.

H. Line of Duty Injury Leave (Special Injury Leave)

1. General Provisions

- a. Pursuant to the provisions of O.C.G.A. §45-7-9, an eligible employee who becomes physically disabled as a result of a physical injury incurred in the line of duty and caused by a willful act of violence committed by a person other than a fellow employee shall be entitled to receive his/her regular compensation for the period of time the employee is physically unable to perform the duties of his/her position up to a maximum of 180 work days.
- b. Special injury leave shall be subordinate to any workers' compensation benefits the employee is awarded and shall be limited to the amount of worker's compensation benefits paid and the amount of the employee's regular compensation.
- c. Special injury leave shall not be delivered for injuries resulting from a single incident beyond the 180 workday thresholds referenced in Paragraph VI.G.1. NOTE: an employee who remains physically disabled after 180 workdays may continue to receive workers' compensation benefits. However, in this instance, the employee should be transitioned from special injury leave (i.e., a leave of absence with pay) to a leave of absence without pay or, as applicable, sick, or annual leave or compensatory time if the employee elects to suspend his/her worker's compensation salary benefits to receive his/her regular salary.
- d. While on special injury leave, the System Office or Technical College Office of Human Resources should (as applicable) assist the employee with efforts to continue his/her health insurance and/or flexible benefits either through payroll deduction or through direct payments.

2. Coordination of Special Injury Leave and Workers' Compensation Benefits

- a. Extraordinary injury claims should be reported similarly to other workers' compensation claims following the provisions of TCSG Procedure 4.4.4p. and corresponding Georgia Department of Administrative Services (DOAS) Risk Management Division guidelines.
- b. Any request for special injury leave potentially meets the provisions of Paragraph VI.G.1.(a). should be carefully reviewed with particular attention paid to the circumstances relating to the injury and associated medical documentation provided by the employee's treating health care provider(s).
- c. The System Office or Technical College Office of Human Resources should notify the employee in writing whether the employee is eligible for special injury leave. If the employee is eligible for special injury leave, the notification should include the time frame the benefit will be delivered if this information is known.

- d. If supported by satisfactory evidence of physical disability, any absence during the first seven (7) days of the disability is covered by special injury leave and must not be charged to sick leave, annual leave, personal leave compensatory time, or leave without pay. Any leave charged in error should be restored and a salary adjustment made if the employee was inadvertently placed on leave without pay.
- e. During the first seven (7) days of physical disability, the employee is not eligible for workers' compensation benefits and should, instead, receive his/her regular compensation.
- f. If the period of disability extends beyond seven (7) days, the System Office or Technical College Office of Human Resources must coordinate with DOAS Risk Management regarding the coordination of benefits. From the eighth (8th) day forward, an employee eligible for special injury leave benefits will receive one-third (1/3) of his/her regular salary in conjunction with Worker's Compensation salary benefits equaling two-thirds (2/3) of his/her regular salary. As noted in this paragraph, an appropriate transaction should be entered into PeopleSoft by the System Office or Technical College, reducing the employee's pay.
- g. Suppose the employee is physically disabled for twenty-one (21) consecutive calendar days. In that case, the employee becomes eligible for worker's compensation salary benefits for the first seven (7) days of his/her physical disability. NOTE: if an employee has already received his/her regular salary for the first seven (7) days, an adjustment to the employee's next paycheck should be initiated to recoup the overpayment.

3. Return to Work

- a. An employee who desires to return to work after a period of special injury leave must notify his/her immediate supervisor and the System Office or Technical College Human Resources Director in writing and submit written documentation from his/her treating health care provider indicating that the employee can return to work without reasonable accommodation. The request will be managed pursuant to the provisions of the TCSG Procedure(s) governing Workers' Compensation and Return to Work and, as applicable, the Family and Medical Leave Act and/or Reasonable Accommodations in Employment.

VII. Records Retention

All employment-related documents collected pursuant to this procedure shall be maintained consistent with the Georgia Archive's Retention Schedule for State Government Paper and Electronic Records.

NOTE: All medical information obtained/collected in conjunction with an employee's return to work after a period of exceptional injury leave/worker's compensation salary benefits shall be maintained in a file separate from the employee's official personnel file.