

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

## Miscellaneous Leave

**Revised:** July 20, 2021; January 18, 2017, September 15, 2015

**Last Reviewed:** 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, special injury leave, paid parental leave. Each category of leave addresses the conditions for the use of paid and/or unpaid leave for eligible employees who are absent from work to participate in the stated activity or in response to an injury suffered 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 who is 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 accordance with SPB Rule 16, Education Support leave and Paid Parental Leave have special 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 which arises out of or in the course of employment. Pursuant to the provisions of O.C.G.A. §45-7-9, traveling to and from work is not considered as being “in the line of duty”.

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

**Reviewing Manager:** a manager charged with the 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, with respect to 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 purposes of 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 or more per week to include a full-time Campus Police Officer working an approved law-enforcement work schedule.
3. Eligible employees can utilize a total of eight (8) hours of education support leave in a calendar year, inclusive of 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 are responsible for determining how much education support leave has been used, if any, 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 the state of Georgia will 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; and,
  - g. attending open house functions.
6. While using education support leave, an employee may not receive pay 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 official prior to 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., prior placement on an attendance plan), or unsatisfactory work performance.
  10. The use of education support leave for any political purpose or agenda is strictly prohibited by the provisions of O.C.G.A. §45-20-32.

## **B. Voting Leave**

1. All TCSG employees are encouraged vote in primary and general elections at the local, state, and national level.
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 who is 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. In order 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 considered one employer for the purposes of paid parental leave, therefore, an employee may meet eligibility requirements through service with one or more employing entities.

3. An eligible employee may take a maximum of 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 prior to approval of paid parental leave.
4. Paid parental leave is not available for prenatal appointments or absences due to medical conditions during pregnancy.
5. Paid parental leave may be requested in increments no smaller than a quarter-hour/fifteen (15) minutes.
6. If an employee eligible for paid parental leave is also eligible for leave under the federal Family and Medical Leave Act, 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 at point 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 that 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 is as follows:
  - a. he/she 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 is as follows:
  - a. he/she 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. An employee who donates blood, blood platelets, or granulocytes on non-work time is not eligible to receive paid time off work at a later date.
4. An employee must request and receive approval from his/her immediate supervisor, reviewing manager, or other designed TCSG work unit official to make a donation under these provisions. Time away from work to make a donation 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 a period of thirty (30) workdays. Pursuant 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 with respect to the computation of retirement benefits.
2. An employee shall not receive a leave of absence with pay for this purpose unless he/she 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 the 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 a period of seven (7) workdays. Pursuant 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 with respect to the computation of retirement benefits.
2. An employee shall not receive a leave of absence with pay for this purpose unless he/she 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 within 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 to include his/her certification by the American Red Cross. NOTE: The request for leave must specify the number of work days 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 to include established behavior/conduct issues, attendance concerns (e.g., prior 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 work day he/she is absent from work. NOTE: no employee may be compensated more than the equivalent of eight (8) hours per day.

5. Disaster volunteer leave is limited to no more than fifteen (15) work days 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 to use 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 he/she 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 which the employee is awarded and shall be limited to the difference between the amount of worker's compensation benefits actually 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 work day threshold referenced in Paragraph VI.G.1. NOTE: an employee who remains physically disabled after 180 work days may continue to receive workers' compensation benefits. 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. special injury claims should be reported in the same manner as 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 meeting 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 employee should be notified in writing by the System Office or technical college Office of Human Resources as to whether he/she is eligible for special injury leave. If he/she 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 eight (8<sup>th</sup>) 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. An appropriate transaction should be entered into PeopleSoft by the System Office or technical college reducing the employee's pay as noted in this paragraph.
- g. if the employee is physically disabled for twenty-one (21) consecutive calendar days, he/she then becomes eligible for worker's compensation salary benefits for the 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 pay check 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 he/she 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 in a manner 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 special injury leave/worker's compensation salary benefits shall be maintained in a file separate from the employee's official personnel file.