

Procedure: 4.5.2p4. [III.U.6.d.] Annual, Sick, and Personal Leave

[Previously titled Accrued Leave]

Revised: January 18, 2017, January 12, 2016; August 29, 2002

Reviewed: January 18, 2017

Adopted: April 2, 1987



I. PURPOSE:

This procedure addresses the accrual and use of annual and sick leave as well as the conversion and use of personal leave and the associated administrative requirements for the utilization of these categories of paid leave.

II. RELATED AUTHORITY:

29 C.F.R., Part 825 – Family and Medical Leave Act
42 U.S.C. 12101 – ADA Amendments Act of 2008
State Personnel Board Rule 16 – Absence from Work
TCSG Procedure 4.1.4p. – Categories of Employment
TCSG Procedure 4.9.1p. - Retirement
TCSG Procedure 4.5.1p. – Family and Medical Leave Act
TCSG Procedure 4.9.9p. – Workers’ Compensation – Reporting an Accident
TCSG Procedure 4.6.2p. – Reasonable Accommodations in Employment
TCSG Procedure 4.9.4p. – Employee Assistance Program

III. APPLICABILITY:

All work units and technical colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS:

Break-in-Service: a voluntary or involuntary separation from employment of at least one full business day. *NOTE: an authorized or unauthorized leave of absence without pay is not considered a formal break-in-service for the purposes of leave accrual or a change in retirement system coverage.*

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. An individual appointed to a part-time position has a work commitment of at least twenty (20) but no more than twenty-nine (29) hours each week.

Immediate Family: an employee’s spouse, child, parent, brother and sister, grandparent, or grandchild including active step and in-law relationships, as well as any other person who resides in the employee’s household and is recognized by law as a dependent of the employee.

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).

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.

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

Work Day: Monday through Friday unless an employee's normal work week includes Saturday and/or Sunday

V. ATTACHMENTS:

Attachment 4.5.2p4.a. Selection of Payment Option – Work-Related Injury or Illness

VI. PROCEDURE:

A. General Provisions

1. An employee serving in a salaried position in a TCSG work unit with a regular work commitment of twenty (20) or more hours each week is eligible to accrue annual and sick leave as provided in this procedure.
2. Individuals who are not eligible to accrue leave include: temporary, hourly-paid employees; adjunct faculty members; part-time salaried employees with a work commitment of less than twenty (20) hours per week; and, employees receiving service retirement, disability retirement, or involuntary separation benefits.
3. An eligible employee who has accumulated more than 120 hours of sick leave as of November 30 of any calendar year is eligible to convert up to twenty-four (24) hours of sick leave to personal leave as provided in Paragraph VI.D. *NOTE: after the conversion an employee's sick leave balance must remain at or above 120 hours.*
4. A full- or partial day absence from work will be charged to available annual, sick, or personal leave only on the day(s) in which an eligible employee would otherwise work and receive pay.
5. In the event a TCSG work unit opens late, has an early release, or is closed for an entire work day due to such factors as inclement weather or other emergency situation, an employee on an existing period of approved leave or who was absent from work and whose request for leave had been previously approved in writing (e.g., a leave request form or by e-mail) or verbally (e.g., a telephone conversation) shall not have the authorized amount of leave reduced for such an occurrence.
6. An employee who is away from his/her regular worksite on official business is in work status and shall not be charged leave for time away from the worksite.
7. Leave cannot be used before it's accrued or converted.
8. Annual, sick, and personal leave may be requested in increments no smaller than a quarter-hour/fifteen (15 minutes) minutes.
9. When a break-in-service occurs (e.g., a resignation, dismissal, etc.), an employee shall be paid for all accrued but unused annual leave as provided in Paragraph VI.B.4. Absent the

possible exception of a service retirement, all accrued but unused sick leave as well as all forfeited leave is lost unless the employee returns to State service at a later date in a position eligible to earn leave.

10. If an employee returns to State service following a break-in-service, the employee's sick and forfeited leave balance(s) from his/her previous period of employment may be used for retirement purposes provided the provisions of Paragraph VI.J. are met. Additionally, the sick leave balance may be restored under the limited conditions outlined in Paragraph VI.I.

B. Annual Leave

1. Accrual of Annual Leave

- a. an eligible full-time employee shall accrue annual leave at the end of each established pay period provided he/she is in pay status for the required number of hours as follows:
 - 1) an employee who is paid semi-monthly must be in pay status for at least forty (40) hours during the pay period; and,
 - 2) an employee who is paid monthly must be in pay status for at least eighty (80) hours during the pay period.
- b. Full-time employees scheduled for at least 40 hours per work week 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

- c. an eligible employee begins accruing leave at the higher rate on the first day of the pay period following completion of the required months of continuous service.
- d. the length of continuous service begins on the first day an employee reports to work in a position eligible to earn leave. Accrual is based on continuous, unbroken service. If there is a break-in-service, the length of continuous service starts over on the date of rehire. Following a break-in-service, an employee who is rehired begins to accrue annual leave at the lowest semi-monthly or monthly accrual rate.
- e. when the first day of the pay period is a regularly scheduled non-work day and an employee reports to work on the first scheduled work day of the pay period, the length of continuous service is calculated from the first day of the pay period.
- f. an eligible part-time employee who works twenty (20) or more hours per week shall accrue annual leave at the end of each established pay period at a pro-rated rate using the following formula: (the number of hours per week ÷ 40) x the accrual rate = the hours accrued. For example, a ¾ time, thirty (30) hour per week employee paid monthly with three (3) years of continuous service shall accrue 7.5 hours of annual leave: 30 hours per week divided by 40 = .75 which is multiplied by ten (10) hours which equals 7.5 hours.
- g. the minimum period an eligible part-time employee must be in pay period to accrue prorated annual leave is similarly pro-rated. An employee that works 75% of a full schedule would need to be in pay status for 75% of the pay period. For example, a ¾ time, thirty (30) hour per week employee paid semi-monthly must remain in pay status for 30 hours during the pay period.

- h. an employee eligible to accrue leave who is not in pay status for the minimum amount of hours referenced in Paragraph VI.B.1.a. or VI.B.1.i. shall not accrue annual leave for that pay period.
- i. accrued annual leave will be available for use at the beginning of the pay period after it's earned.
- j. an eligible employee can accrue up to a maximum of 360 hours of annual leave. Any annual leave accrued in excess of 360 hours is forfeited at the close of business on the last day of the month. Forfeited leave can be restored in instances of illness or disability as provided in Paragraph VI.F.

2. Use of Annual Leave

- a. an employee may use annual leave for any purpose and he/she is not required to provide a reason for requesting leave absent one of the following circumstances:
 - 1. the leave is for an unscheduled/emergency absence;
 - 2. the work unit is short-staffed or the employee has a major assignment pending; or,
 - 3. the employee is working under the restrictions of an attendance plan.
- b. an employee should plan time off in advance and notify his/her supervisor of the need for leave when these plans are finalized to minimize the interruption of work during a projected absence.
- c. an employee must receive prior approval from his/her immediate supervisor or other designated work unit official before using annual leave except in instances of a bona fide emergency.
- d. an employee's supervisor should, when appropriate, approve a request for annual leave; however, as provided in Paragraph VI.A.2.a., the supervisor should consider the impact of the employee's absence on work unit's business needs as well as the timeliness of the request when making a determination to approve or deny an annual leave request.
- e. a non-exempt employee with an existing FLSA Compensatory Time balance must use these hours before using accrued annual leave.
- f. a technical college may prohibit or significantly limit the ability of faculty members to use annual leave during an academic term.
- g. absent an emergency, an employee who is absent from work without providing sufficient advance notice or without the approval of his/her supervisor; who calls in at the start of the business day and leaves a voice mail message; who leaves a message with another employee; or, who sends an e-mail to his/her supervisor indicating that he/she is taking leave may have the leave request denied, may be placed in a non-pay status for the day(s) in question, and may be subject to disciplinary action as provided in the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

3. Lump Sum Payment for Annual Leave

An employee who has been granted a leave of absence without pay for a period of thirty (30) or more calendar days may, upon written request, receive a lump sum payment for all accrued, but unused, annual leave up to 360 hours minus regular deductions. Any such payment will be calculated in the same manner as terminal leave. NOTE: an employee

initiating a request under this Paragraph must be paid for his/her entire annual leave balance. Partial annual leave payouts are not permitted.

4. Terminal Leave

- a. when an employee has a break-in-service for any reason, he/she will receive a lump sum payment for all accrued but unused annual leave, up to a maximum of 360 hours minus regular deductions. *NOTE: the employee has the option of making a deduction from his/her terminal leave pay into the Peach State Reserves (PSR) 457 Plan and defer paying taxes on this lump sum. Refer to the Peach State Reserves for more information.*
- b. when an employee's separation date has been formally established (e.g., a resignation has been accepted), the pay status of the employee may not be extended to permit the employee to be paid for a state holiday or an unanticipated non-work day occurring after his/her last day in pay status.
- c. when an employee has notified his/her supervisor or other work unit official of his/her decision to leave employment, he/she cannot be continued in pay status for the purpose of increasing the rate of leave accrual or the rate at which accrued leave will be delivered in the form of terminal leave or a deferral to his/her 457 Plan.
- d. terminal leave shall be delivered by multiplying the number of accrued, but unused, hours of annual leave by the employee's regular hourly rate (of pay). The regular rate is calculated by dividing the annual salary last received by the employee by 2,080 hours.
- e. forfeited annual leave is not considered when calculating terminal leave pay; instead, forfeited annual leave may only be restored/used for those purposes established in Paragraph VI.F.

C. Sick Leave

1. Accrual of Sick Leave

- a. an eligible full-time employee begins earning sick leave on his/her hire date and shall accrue leave at the end of each established pay period provided he/she is in pay status for the required number of hours as follows:
 1. an employee who is paid semi-monthly must be in pay status for at least forty (40) hours during the pay period; and,
 2. an employee who is paid monthly must be in pay status for at least eighty (80) hours during the pay period.
- b. full-time employees paid on a semi-monthly basis are eligible to accrue five (5) hours of sick leave at the end of each pay period while full-time employees paid on a monthly basis are eligible to accrue ten (10) hours of sick leave at the end of each pay period, regardless of the length of service
- c. an eligible part-time employee who works twenty (20) or more hours per week shall accrue sick leave at the end of each established pay period. The rate of accrual is prorated by the percentage of time worked. For example, a thirty (30) hour per week employee paid monthly shall accrue 7.5 hours of sick leave: 30 hours per week divided by 40 = .75 which is multiplied by ten (10) hours which equals 7.5 hours.
- d. the minimum period an eligible part-time employee must be in pay status to accrue prorated sick leave similarly pro-rated. An employee that works 75% of a full schedule would need to be in pay status for 75% of the pay period. For example, a ¾ time, thirty (30) hour per week employee paid semi-monthly must remain in pay status for 30 hours during the pay period.

- e. an employee eligible to accrue leave who is not in pay status for the minimum amount of hours referenced in Paragraph VI.C.1.a or Vi.C.1.f. shall not accrue sick leave for that pay period.
- f. accrued sick leave will be available for use at the beginning of the pay period after it's earned.
- g. an eligible employee can earn up to a maximum of 720 hours of sick leave. Any sick leave accrued in excess of 720 hours is forfeited at the close of business of the business on the last day of the month. Forfeited leave can be restored in instances of illness or disability as provided in Paragraph VI.F.

2. Use of Sick Leave

- a. an employee should contact his/her immediate supervisor or other designed work unit official as soon as possible when sick leave is needed. It is permissible for another individual initiate this contact when an employee is incapacitated or otherwise unable due to illness or injury. *NOTE: a TCSG work unit may, based on established organizational and business needs, establish additional protocols/practices an employee must follow to request sick leave.*
- b. after receiving approval from the immediate supervisor or other designated work unit official to be absent from work, an employee may use sick leave for absences due to:
 - 1. personal illness or disability;
 - 2. exposure to a contagious disease when being present at work would potentially endanger the health of others;
 - 3. dental or medical care;
 - 4. dental or medical care, illness, accident or death in the employee's immediate family which requires his/her presence.
 - 5. during the adoption process when the employee's presence is required due to a child's health-related issues; and,
 - 6. a death in the employee's immediate family. *NOTE: sick leave used for this purpose is limited to a period not to exceed five (5) days unless the employee is under the care of a health care provider due to a serious health condition.*
- c. sick leave for medical or dental care should be limited to the time necessary for the appointment(s) and related travel.
- d. absent an emergency situation and/or in instances in which an employee is incapacitated due to injury or illness, an employee who is absent from work without providing sufficient notice or without the approval of his/her supervisor; who calls in at the start of the business day and leaves a voice mail message; who leaves a message with another employee; or, who sends an e-mail to his/her supervisor indicating that he/she is taking leave may have the leave request denied, may be placed in a non-pay status for the day(s) in question, and may be subject to disciplinary action as provided in the TCSG Procedure governing Positive Discipline or the TCSG Procedure governing Adverse Employment Actions.
- e. an employee who is injured/ill for three (3) or more scheduled work days during a period of annual leave may substitute sick leave for the annual leave during the period of injury/illness provided:
 - 1. the employee submits a request to his/her supervisor to substitute sick leave for annual leave within two (2) weeks after returning to work; and,
 - 2. a statement/documentation from the employee's treating health care provider that supports the (employee's) use of sick leave during this time period.

- f. an employee may request to use annual leave, personal leave, or compensatory time in lieu of sick leave.
- g. An employee with an existing FLSA compensatory time balance must use these hours before using accrued sick leave.
- h. an employee electing to receive Short-term or Long-term Disability Insurance benefits through the Flexible Benefits program cannot use sick leave in conjunctions with these benefits. An employee may, however, use sick leave during the qualifying period. *NOTE: during the period an employee receives these benefits, he/she must request to be placed in a leave without pay status or he/she may elect to use annual leave, personal leave or compensatory time to supplement these payments.*

3. Documentation to Support Use of Sick Leave

- a. an employee may be required to report each day by telephone to his/her supervisor or other designated work unit official and/or submit documentation to support the use of sick leave for an absence from work to include:
 - 1. a completed Certification of Health Care Provider Form for an Employee's or Family Member's Serious Health Condition when the reason for the absence is considered qualifying under the provisions of the Family and Medical Leave Act; or,
 - 2. medical documentation submitted by a health care provider to support an employee's absence from work which may not be considered FMLA qualifying or an absence following placement of an employee on an attendance plan or an absence following a determination that an employee has engaged in excessive or abusive use of leave or a pattern of sick leave use.
- b. all submitted medical documentation referenced in Paragraph VI.C.3.a.1 and VI.C.3.a.2. must be signed by the treating health care provider. For example, a stamped physician's signature on a required FMLA form or a medical statement is not acceptable. Similarly, a required form or a medical statement signed by a nurse or signed by a nurse or any other office staff member on behalf of a physician is not acceptable. *NOTE: an employee will not generally be required to provide documentation for the use of fewer than seventeen (17) hours of sick leave in a thirty (30) calendar day period unless he/she has demonstrated excessive or abusive use of sick leave to include placement on an attendance plan.*
- c. excessive or abusive use of sick leave is considered a pattern of intermittent, short-term sick leave usage. Potential examples include, but are not limited to:
 - 1. frequent use of sick leave in conjunction with holidays or scheduled days off (e.g., Mondays or Fridays);
 - 2. frequent use of sick leave when scheduled for an undesirable work assignment, during a peak work load period, etc.;
 - 3. initiating a request for sick leave for an absence for which annual leave has previously been denied;
 - 4. frequent occurrences of illness during the workday;
 - 5. peculiar and increasingly improbably excuses;
 - 6. repetitive use of fewer than seventeen (17) hours of sick leave in a thirty (30) day period; or,
 - 7. an absence after receiving prior written notification of failure to adhere to procedures for approval of leave, inappropriate attendance or, prior placement on an attendance plan.
- d. an employee's submission of medical documentation or a medical statement from his/her attending health care provider does not ensure that his/her use of sick leave will be

approved if there are questions regarding the appropriateness of the referenced information.

4. Disapproving Sick Leave

- a. sick leave may be denied and an employee placed in a non-pay status for reasons including, but not limited to, the following:
 1. excessive or abusive use of sick leave;
 2. failure to follow procedures for reporting the absence or requesting the use of sick leave; or,
 3. falsification of documents or submission of medical documentation or a medical statement in conflict with the provisions of this procedure.
- b. a supervisor's recommendation/decision that an employee's use of sick leave be denied should be discussed with other work unit official(s) [e.g., a representative of the Office of Human Resources] before a final decision is made.

D. Personal Leave

1. Eligibility to Convert Sick Leave to Personal Leave

- a. an eligible employee who has accrued more than 120 hours of sick leave as of November 30 of any calendar year is eligible to convert up to twenty-four (24) hours of sick leave in excess of the required 120 hours to personal leave.
- b. the conversion must be authorized in the PeopleSoft HCM system no later than December 31 of the calendar year and the personal leave will be available for use in the following year.

2. Use of Personal Leave

- a. personal leave may only be used in the calendar year following the conversion request. Any personal leave that is not used by the end of the calendar year is lost.
- b. personal leave may be used for any purpose and an employee is not required to provide a reason for requesting leave absent one of the following circumstances:
 1. the leave is for an unscheduled/emergency absence;
 2. the work unit is short-staffed or the employee has a major assignment pending; or
 3. the employee is working under the restrictions of an attendance plan.
- c. an employee should generally plan time off using personal leave in advance and notify his/her supervisor of the need for leave when these plans are finalized to minimize the interruption of work during his/her absence.
- d. an employee must receive prior approval from his/her immediate supervisor or other designated work unit official before using personal leave except in instances of a bona fide emergency.
- e. an employee's supervisor should make every effort to approve a request for personal leave

E. Limitations on the Use of Paid Leave

1. An employee is not permitted to use any type of paid leave (e.g., sick, annual, FLSA compensatory time, etc.) in conjunction with an absence for which he/she is also receiving any form of state-funded wage substitute including, but not limited to, workers' compensation.

2. As provided in the TCSG Procedure governing Workers' Compensation – Reporting an Accident, an employee may elect, in writing (using Attachment 4.5.2p4.a.), to use paid leave in lieu of workers' compensation benefits. Any such leave will be credited on a day-for day basis as compensation in lieu of an indemnity award by the State Board of Worker's Compensation.

F. Restoration of Forfeited Leave

1. Conditions governing the restoration of an employee's forfeited annual and/or sick leave are as follows:
 - a. all paid leave and accumulated compensatory time must be exhausted before forfeited leave can be restored;
 - b. only leave forfeited during an employee's current period of employment is eligible to be restored; and,
 - c. the amount of leave which may be restored is limited to the period of an absence resulting from an employee's personal illness/disability or the illness/disability of immediate family member(s);
2. In conjunction with a projected absence from work for a purpose that would support the use of sick leave, an employee should submit a written request to his/her immediate supervisor that his/her forfeited leave be restored to cover the projected period of absence. A copy of the request should also be submitted to his/her Director of Human Resources. Additionally, documentation from the employee's health care provider/professional supporting the projected period of absence should be attached unless the reason for the absence has been satisfactorily established. If approved, a sufficient amount of forfeited leave will be restored by the System Office or technical college Office of Human Resources to cover the absence and all such leave will be designed as sick leave.

G. Transfer of Leave

1. The following provisions will determine the transfer of leave for employee transferring without a break-in-service between a position entitled to earn leave in one state agency or entity of state government to a position entitled to earn leave in another agency or entity of state government:
 - a. An employee transferring without a break in service from a TCSG work unit to an Executive branch agency will have all unused sick, annual, and personal leave and the record of forfeited leave transferred to the new agency.
 - b. An employee transferring without a break in service from a TCSG work unit to the Legislative or Judicial branch will have all unused sick, annual, and personal leave and the record of forfeited leave transferred to the new agency, to the extent the agency will accept the transfer. An employee transferring to a TCSG work unit from the Legislative or Judicial Branch will have all unused leave transferred only if both agencies share the same leave accrual program. If the leave programs differ, the leave will not transfer, and the employee will be treated as a new hire for the purpose of annual leave accruals.
 - c. An employee transferring without a break in service from a TCSG work unit to the Board of Regents will have all unused sick, annual, and personal leave and the record of forfeited leave transferred to the new agency, to the extent the agency will accept the transfer. Unused leave and the record of forfeited leave will not transfer in to a TCSG work unit from the Board of Regents/University System of Georgia. Transferring employees are considered new hires for the purposes of annual leave accruals.

- d. An employee transferring without a break in service from a TCSG work unit to an authority will have all unused sick, annual, and personal leave and the record of forfeited leave transferred to the new agency, to the extent the agency will accept the transfer. An employee transferring to a TCSG work unit from an authority will have all unused leave transferred only if both entities share the same leave accrual program. If the leave programs differ, the leave will not transfer, and the employee will be treated as a new hire for the purpose of annual leave accruals.
 - e. An employee transferring without a break in service from a TCSG work unit to a Community Service Board, County Board of Health, and Board of Health Community Operated Programs will have all unused sick, annual, and personal leave and the record of forfeited leave transferred to the new agency, to the extent the agency will accept the transfer. Unused leave and the record of forfeited leave will not transfer in to a TCSG work unit from a Community Service Board, County Board of Health, and Board of Health Community Operated Programs. Transferring employees are considered new hires for the purposes of annual leave accruals. *Note: An exception is granted for transferring classified employees with unused leave and a record of forfeited leave.*
2. An employee transferring to a TCSG work unit from another state agency/entity will not be given credit for more leave than he/she could have earned had the employee been continuously employed in a TCSG work unit.
 3. No TCSG employee transferring without a break-in-service to another state agency/entity in a position eligible to earn leave may be paid for his/her accrued, but unused, annual leave.
 4. An employee transferring to a State entity that does not accept the unused leave of the employee must be paid for all accrued, but unused annual leave that cannot be transferred with the employee, up to 360 hours. Accrued personal and sick leave balances that cannot be transferred are not paid and are divested. The payment for the annual leave will be calculated in the same manner as referenced in Paragraph VI.B.4.d.

H. Employment in Two Positions

1. An individual who is employed in a TCSG work unit in a position eligible to earn leave and, simultaneously, with another State agency/entity in a position eligible to earn leave shall accrue and use leave independently in each position.
2. If employment is terminated with one agency but not the other, all leave accruals will be combined and available in the remaining position.
3. If employment is terminated with both agencies, each agency is responsible for the delivery of terminal leave as provided in the provisions of State Personnel Board Rule 16 and, as applicable, the provisions of this Procedure.

I. Restoration/Divestment of Leave

1. The following leave provisions apply to a former TCSG employee who is subsequently reinstated/re-employed with a TCSG work unit in a position eligible to earn leave within one (1) year following a staff reduction/reduction-in-force initiated in response to downsizing, reorganization, or the abolition of an academic program and which resulted in the individual's separation from employment:
 - a. all previously accrued but unused sick leave will be restored;
 - b. any personal leave converted but unused will be restored except for instances in which an employee failed to use the leave prior to its expiration as provided in Paragraph VI.D.3;

- c. any forfeited leave accumulated at the time of the individual's separation will be credited to the employee but such leave can only be restored and used pursuant to the provisions of Paragraph VI.F; and,
 - d. the period of absence between an individual's separation and reinstatement/re-employment within the defined one (1) year period shall not constitute a break-in-service for the purpose of graduated annual leave accrual.
2. The following leave provisions apply to an individual with previous State service in a position entitled to earn leave who returns to State employment in a TCSG work unit on or after July 1, 2003 in a position entitled to earn leave and remains employed for two (2) consecutive years:
- a. as provided in Paragraph VI.I.2., the employee is eligible to regain accrued sick leave divested when his/her previous period of employment/State service ended;
 - b. to regain the sick leave, the employee must request the restoration of the leave, in writing, to the System Office or technical college Director of Human Resources and provide/attach documentation regarding the amount of divested sick leave to which he/she is entitled;
 - c. for purposes of this procedure, divested sick leave includes any sick leave that was available for use at the time of the employee's last separation but does not include sick leave forfeited prior to the employee's last separation;
 - b. the maximum amount of divested sick leave an employee may regain is 720 hours; and,
 - c. the total amount of divested sick leave and an employee's current sick leave balance cannot exceed 720 hours. Any balance of sick leave above 720 hours will be forfeited.

J. Accrued and Forfeited Leave for Retirement Purposes

1. Membership in the Employees' Retirement System of Georgia
- a. a TCSG employee who is an active member of the Employees' Retirement System of Georgia (ERS) shall, in conjunction with his/her retirement, receive additional creditable service for forfeited annual and sick leave, as well as accrued, but unused sick leave (to include, in certain circumstances, sick leave that was previously accrued before a break-in-service), provided these leave balances total at least 960 hours.
 - b. if the provisions of Paragraph VI.J.1.a. apply, an ERS member receives one month of creditable service for every 160 hours of leave.
 - c. all forfeited leave must be certified by a member's last employer before he/she receives service credit for the accumulated hours.
2. Membership in the Teachers Retirement System of Georgia
- a. for a TCSG employee to receive unused sick leave credit to apply to his/her creditable service for retirement purposes, each Teachers Retirement System of Georgia (TRS) covered employer, including one or more TCSG work unit(s), must certify the member's sick leave as part of the retirement process.
 - b. unused sick leave credit is awarded on the basis of one (1) month of service for every twenty (20) days of unused sick time.
 - c. nine (9) months of sick leave credit equals one (1) year of creditable service.
 - d. a TRS member must have at least sixty (60) days of unused sick leave combined from all TRS covered employers to be eligible for a sick leave credit at retirement.

VII. RECORD RETENTION:

All employment related documents collected pursuant to this procedure shall be maintained in a manner consistent with the Georgia Archives Retention Schedule for State Government Paper and Electronic Records and state and federal law.

**[Attachment: 4.5.2p4.a1.] ADMINISTRATION OF EMPLOYEE LEAVE
PROGRAM SELECTION OF PAYMENT OPTION**

Name of Injured/Ill Employee (As shown on Payroll)	Date
Job Title	Social Security #
Work Location	Work Phone

On _____ (Date), [*Check appropriate box*] I was injured I became ill I was exposed to an occupational disease while on the job with the Technical College System of Georgia. I have been advised that if I have to lose any time from work because of the above, I will need to choose how I will be paid. I have been given the opportunity to read TCSG's Personnel Procedure - Leave and Payment for Workers' Compensation and Special Injury Claims, and have selected the following payment option: [**CHOOSE ONE ONLY**]

I have elected to use some or all of my **accrued FLSA compensatory time, sick, annual and/or personal leave** while absent due to the above. I understand that if I use all of my accrued time and leave, I will receive workers' compensation payments if I am still unable to work. I have been advised that I cannot receive workers' compensation payments and regular salary (i.e. use of accrued time or leave) at the same time. I am requesting the following amount of time and leave:

OR

I have selected to receive **workers' compensation benefits for lost salary** instead of using accrued FLSA compensatory time or accrued leave. I understand that I will be placed in a leave without pay status while receiving workers' compensation payments.

I understand that all absences from work due to an injury and/or illness that qualifies as a serious health condition will be charged to available family leave.

Signature of Injured and/or Ill Employee

If the employee is unable to sign, a representative may sign on the employee's behalf.

Signature of Representative	Relationship to Employee
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MAIL TO: Department of Administrative Services
Workers' Compensation
P. O. Box 38198, Capitol Hill Station
Atlanta, Georgia 30334-5529