TABLE OF CONTENTS

I. Introduction

Welcome from the Office of Human Resources ........................................................................... 4
Purpose of Handbook .................................................................................................................... 5
President’s Bio ............................................................................................................................ 6-7
Mission ........................................................................................................................................ 8
GN TC Vision ............................................................................................................................... 9
Our Beliefs ................................................................................................................................... 10
Board of Directors ..................................................................................................................... 11
Executive Leadership ................................................................................................................ 12
GN TC Organizational Chart .................................................................................................... 12
Faculty/Staff Participation ........................................................................................................... 13-14
GN TC Campuses & Academic Calendar .................................................................................. 15
Accreditations ............................................................................................................................ 16-17
State of Georgia Code of Ethics ............................................................................................... 18
Academic Freedom .................................................................................................................... 18
Athletic Program ....................................................................................................................... 19
GN TC E-Store Lands End ......................................................................................................... 20
Foundation .................................................................................................................................. 21
History of GN TC ..................................................................................................................... 22-26

II. Administration

Petty Cash Fund .......................................................................................................................... 27
Auditing ....................................................................................................................................... 27

III. Operational Policies

Use of Vehicles ............................................................................................................................ 28-29
Acceptable Computer & Internet Use ...................................................................................... 30-33
Alcohol on Campus .................................................................................................................... 34-35
Tobacco Use ................................................................................................................................ 36
Inventory Management ............................................................................................................. 37-38
Firearms, Weapons, & Explosives ............................................................................................ 39-42
Severe Inclement Weather ........................................................................................................ 43-44
Open Records Act ..................................................................................................................... 45-52

IV. Emergency Preparedness, Health, Safety and Security

Emergency Operations & Safety Plan ....................................................................................... 53
Severe Weather Policy & Procedure ......................................................................................... 54
GN TC e2Campus Alert! ........................................................................................................... 55
Campus Security ....................................................................................................................... 56-59
Contact Campus Security ......................................................................................................... 60

V. Intellectual Property

Intellectual Property .................................................................................................................... 61
Patentable or Copyrightable Materials ....................................................................................... 62-65
VI. Identity Theft Prevention

Identity Theft Prevention ........................................................................................................ 66-71

VII. Employment

Statement of Equal Opportunity ........................................................................................ 72-74
Unlawful Harassment ........................................................................................................ 75-80
Recruiting and Hiring ......................................................................................................... 81-85
Categories of Employment ................................................................................................. 86-95
Verification of Employment ............................................................................................... 96
Performance Management ................................................................................................. 97-98
Promotions .......................................................................................................................... 99

Adverse Employment Actions .......................................................................................... 100-111
Reduction in Force ............................................................................................................. 112-121
Employment of Relatives ................................................................................................. 122
Ethics and Standards of Conduct for Employees .............................................................. 123
Ethical Responsibilities ....................................................................................................... 124-128
Consensual Relationships ................................................................................................. 129-132
Gifts, Honoraria, & Expenses ........................................................................................... 133-136
Standards of Business Conduct ...................................................................................... 137-150
Political Activity ................................................................................................................ 151-154
Other Employment Procedure ........................................................................................... 155-166
Children in the Workplace ................................................................................................ 167-169
Employee Complaint Resolution Policy ........................................................................... 170-177

Drug-Free Workplace ......................................................................................................... 178-181
Defense & Indemnification ................................................................................................. 182
Normal Working Schedule ............................................................................................... 183
Instructional Staff Work Assignments .............................................................................. 184-187
Travel .................................................................................................................................. 188-189
Positive Discipline ............................................................................................................. 190-199
Dress Code ........................................................................................................................ 200
Security ID Badge ............................................................................................................ 200
Family Member/Visitor ..................................................................................................... 201
Faculty/Staff Parking ........................................................................................................ 201
New Employee Training .................................................................................................. 202
Family Educational Rights and Privacy Act of 1974 .......................................................... 203

VIII. Compensation and Related Benefits

Pay Periods for Employees ............................................................................................... 204
Payroll Deductions .......................................................................................................... 204-205
Direct Deposit of Pay ....................................................................................................... 206-210
Overtime & Compensatory Time .................................................................................... 211
Flexible Benefits Programs ............................................................................................. 212
Retirement & Georgia Defined ......................................................................................... 213
Accrued Leave .................................................................................................................. 214-221
Leave Donation ................................................................................................................ 222-226
Leave of Absence without Pay .......................................................................................... 227-231
Military Leave .................................................................................................................. 232-234
Miscellaneous Leave ....................................................................................................... 235-237
Family & Medical Leave ................................................................................................. 238-251
Staff Development .......................................................................................................... 252-255
Holidays ............................................................................................................................. 256-260
Workers Compensation & Return to Work .................................................................... 261-270
Tuition Remission & Reimbursement for Approved Staff Development
Reasonable Accomodations in Employment
Employee Self Service
GNTC Employee Discounts
Faculty Salary Increases

IX. Reserved

Background Investigations
Workplace Violence
Driver Qualification Procedure
Employee Assistance Program

X. Employee Handbook Acknowledgement Form

Employee Handbook Acknowledgement Form
WELCOME FROM THE OFFICE OF HUMAN RESOURCES

You have now joined a faculty and staff that is dedicated to the students of Northwest Georgia and beyond. Georgia Northwestern Technical College wants career-minded individuals like you who want to take a next step that will change your life forever! GNTC provides an arsenal of the best and brightest personnel on staff anywhere in the region.

More than 650 employees working across five campuses make up one of the largest technical colleges in the state of Georgia. If you’d rather have a career instead of a job, GNTC has you in mind. The GNTC family commits itself every day to serving our neighbors, the people and companies of Northwest Georgia. We not only pride ourselves in placing our graduates in the careers of their dreams, we are also proud of the opportunities we provide to the extremely skilled and talented workforce of the region.

As a State of Georgia institution, GNTC offers the very best in benefits for all off its workers. Insurance, retirements, vacations plans are among the many things waiting just for you as a member of the GNTC family. From instructors to administrators, Georgia Northwestern Technical College is more than a place to get an education. It’s where more than 6,000 students every semester find a new path in their lives. One that runs through the campuses of Georgia Northwestern Technical College and into the ever-growing workforce across Northwest Georgia and the world.
All employees of Georgia Northwestern Technical College are “at-will” employees. At-will employees may be discharged or may quit for any reason not specifically prohibited by law.

The purpose of this handbook is to provide a guide for personnel policies, programs, and employee benefits.

It is your responsibility as an employee to read this handbook. If you need further clarification, please talk with your supervisor and/or Human Resources.

This handbook of policies and procedures does not constitute an employment contract and should not be interpreted as creating an employment contract.
PRESIDENTS BIO

Pete McDonald
President for Georgia Northwestern Technical College

Biography

Pete McDonald was named president of Georgia Northwestern Technical College (GNTC) in September 2013.

He has been associated with Georgia Northwestern since he joined the college as vice president of Economic Development in April 1995. As vice president of Economic Development, McDonald was responsible for the economic development activities of the college in the nine county service area, including all non-credit programs offered by the college through continuing education, business and industry training and the Certified Work Ready program. He also oversaw the management of GNTC’s Business Expansion Center. McDonald was instrumental in coordinating the Quick Start training programs that helped bring new industries into the region and helped established industries expand.

From 1989-1995, McDonald worked at the Coated Board Division of the Mead Corporation in both Atlanta and Columbus, Georgia, where he was the director of Production Planning and the director of Information Technology. Prior to his work with Mead, he worked at Digital Equipment Corporation in Atlanta, Georgia, as the program manager.

McDonald has an extensive information technology background, including employment as a computer programmer with Georgia Kraft Company in Rome, Georgia, (where he was also a project leader and software development manager); Savannah Foods and Industries in Savannah, Georgia; University System of Georgia; and Blue Cross-Blue Shield in Columbus, Georgia.

He earned his Master of Business Administration from Berry College and a Bachelor of Business Administration from the University of Georgia. He attended the Economic Development Institute through the University of Oklahoma and is a Certified Economic Development Trainer through the Technical College System of Georgia.
McDonald has been involved in a number of community and civic activities. He was the former Chairman of Floyd County Elections and Voter Registration Board. He served as a member of the Rome Historic Preservation Commission and as a member of the Georgia Economic Developers Association, where he was chairman of the Education/Workforce Committee from 2003-2004. McDonald was the chairman of the Vice President’s Economic Development Council for the Technical College System of Georgia. Active in the Rome Rotary Club, he served as president from 2012-2013, director from 2008-2009, was the Literacy Committee chair, and trustee of the Georgia Rotary Student Program.

He has had a long history of serving in various capacities for area Chambers of Commerce. He was a member of the Greater Rome Chamber of Commerce Board of Directors from 2003-2005 and again from 2008-2010 and served as the chairman of the board in 2005 and 2010. He was also a member of the Greater Rome Chamber of Commerce’s Economic Development Committee and a graduate of Leadership Rome in 1987. McDonald was a member of the Existing Industry Committees of both the Gordon County Chamber of Commerce and the Polk County Chamber of Commerce.

McDonald volunteers his time for agencies in the Rome and Floyd County area. He was a past president for Habitat for Humanity of Rome-Floyd County. He was also a member of the United Way of Rome-Floyd County’s Board of Directors for two terms and served as the 2004 chairman of the fundraising campaign.

Born in Greensboro, Georgia, and a Rome resident since 1977, he is married to Jane Norment McDonald and they have two children, Austen McDonald and Elizabeth McCorkle.

President’s Biography
http://gnet2.gntc.edu/
GEORGIA NORTHWESTERN TECHNICAL COLLEGE
MISSION

The mission of Georgia Northwestern Technical College is to provide accessible, high quality technical education and workforce development opportunities that lead to careers in technology, business, health, and public services. Operating under the Technical College System of Georgia, both on-campus and distance education programs are offered that lead to certificates, diplomas, and associate degrees. The educational programs of the college focus on the development of technical competence and critical thinking skills as well as social, personal, and intellectual values. In addition, Georgia Northwestern Technical College supports the communities of the northwest Georgia service area by providing adult education and economic development services, customized business and industry training, and personal enrichment programs that meet the workforce needs of area citizens, communities, and companies.
GEORGIA NORTHWESTERN TECHNICAL COLLEGE
VISION

Community Focus
Georgia Northwestern Technical College (GNTC) is built upon a close relationship with the community and a commitment to be responsive to community needs. GNTC meets the unique needs of each community in Catoosa, Chattooga, Dade, Floyd, Gordon, Murray, Polk, Walker, and Whitfield counties while helping citizens, companies, and communities benefit from working together. GNTC helps communities by providing skilled technical program graduates, training services for local companies, and adult education services to develop literate families and workers. GNTC will reach out to all nine counties in the service area while working to enhance the larger community. GNTC’s purpose will continue to be community development through workforce development.

Quality Technical Programs and Services
GNTC will offer a comprehensive range of quality, high-demand associate degree nursing, associate of applied science degree, technical diploma, and technical certificate of credit programs to prepare students for careers. The college will be recognized as the premiere training center in Northwest Georgia for industrial technologies, healthcare technologies, business technologies, and public service technologies.

Student-Oriented Learning
Instruction and all other activities at GNTC are student centered. GNTC faculty will provide instruction that enables students to become proficient professionals in their chosen fields of study. Faculty will be highly qualified and will be real-world professionals who will help students bridge the gap between classroom instruction and real-world applications.

Seamless and Accessible Education
A collaborative relationship among high schools, GNTC, and other colleges will provide students with opportunities to make seamless educational transitions. GNTC will place emphasis on dual enrollment of high school students in technical programs and on distance education to make instruction more accessible.

Business Partnerships
An active relationship between businesses and GNTC will continue to grow. Credit programs will be developed and offered to meet business and industry needs, and noncredit customized training, human resource development services, and technology transfer services will be specifically designed to meet the needs of individual companies and consortia of companies with similar needs.
GEORGIA NORTHWESTERN TECHNICAL COLLEGE
OUR BELIEFS

The beliefs that are fundamental to all Georgia Northwestern Technical College plans, programs, services, and operations include:

- Each individual has value and should have access to equal educational opportunity.
- Literacy and English proficiency are essential for people to be self-sufficient in today’s society.
- The vast majority of area citizens should gain training beyond a high school diploma to obtain satisfying employment and earn adequate wages.
- The college should be an active partner in the life of the community including educational, civic, and cultural affairs.
- Leading-edge technology should be incorporated into all GNTC’s programs, services and operations.
- For our colleges to create and sustain a high level of relevance for its service areas, it must be able to adapt to the economic changes in a dynamic world.
- Our commitments to partnerships between the colleges and businesses and industries in the communities we serve should be maintained and strengthened.
GEORGIA NORTHWESTERN TECHNICAL COLLEGE

Pete McDonald, President
http://gnet2.gntc.edu/

Lisa Odom, Executive Assistant
lodom@gntc.edu

706-295-6928 President’s Office 706-295-6929 Fax

BOARD OF DIRECTORS
http://www.gntc.edu/about/directors.php

Mr. Brian D. Anderson Sr.
President & CEO
Dalton/Whitfield Chamber of Commerce
890 College Drive
Dalton, Georgia 30720-3719
706-278-7373 W  •  706-226-8739 Fax
706-428-0280 H
e-mail: anderson@daltonchamber.org
Term: 2011-2013

Ms. Mary Sib Mooney Banks
Vice President
News Publishing Company
P.O. Box 1633
Rome, Georgia 30162-1633
706-290-5297 W  •  706-290-5228 Fax
706-291-2419 H
e-mail: mbanks@npco.com
Term: 2009-2012

Dr. James Brent Box
Chief Hospitalist
Gordon Hospital
1035 Red Bud Road
Calhoun, GA 30701
706-879-4776 W  •  706-879-4781 Fax
770-548-1637 Cell
e-mail: brent.box@ahhs.org
Term: 2012-2015

Mr. Vann W. Brown
President
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216 Brookhollow Industrial Boulevard
Dalton, Georgia 30720
706-277-2981 W  •  706-277-3964 Fax
706-409-0303 Cell
e-mail: vann.brown@star-na.com
Term: 2011-2013

Dr. James Paul Ferguson
Retired Physician
9 Hillcroft Drive, NE
Rome, GA 30161
706-291-2419 H
e-mail: jpaul37@comcast.net
Term: 2010-2013

Mrs. Penny Grigg
HR Manager
Nissin Brake
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LaFayette, GA 30728
706-765-1239 X 102 W  •  706-764-1086 Fax
706-638-5159 H
e-mail: pbgrigg@nissinbrake.com
Term: 2010-2013

Mr. James “Jay” Henry
W  •  Fax
H
e-mail: cjhm@bellsouth.net
Term:

Ms. Anne E. Kaiser
Vice President Northwest Region
Georgia Power
P.O. Box 1147
Rome, GA 30162
706-236-1334 W  •  706-236-1203 Fax
e-mail: ahkaiser@southernco.com
Term: 2011-2014

Mr. Andrew J. Kearton
Vice President Manufacturing
IVC US, Inc.
101 IVC Drive
Dalton, Georgia 30721
706-529-2600 W  •  706-529-2602 Fax
706-409-2898 H
e-mail: ake@ivcgroup.com
Term: 2011-2013

Mr. James L. Lester
P.O. Box 669
Rockmart, GA 30153
770-684-6377 W  •  770-684-0142 Fax
770-642-5587 H
e-mail: jimmylester@charterinternet.com
Term: 2011-2014

Mr. Robert Todd Murphy
The HON Company
907 West Avenue
Cedartown, GA 30125
770-749-2413 W  •  770-749-2490 Fax
706-291-1560 H
e-mail: murphybt@honcompany.com
Term: 2009-2012

Brittany Pittman
W  •  Fax
H
e-mail: Term:

Dr. Vickie L. Reed
Superintendent
Murray County School System
P.O. Box 40
Chatsworth, Georgia 30705
706-695-2183 W
e-mail: vickie.reed@murray.k12.ga.us
Term: 2011-2013

Mr. J. Scott Tucker, Chair
President
United Community Bank
9699 Rome Blvd.
Summerville, GA 30747
706-857-9245 W  •  706-857-9246 Fax
706-857-9262 H
e-mail: Scott_Tucker@ucbi.com
Term: 2009-2012

Dr. Phillip Williams
Superintendent
Trion City Schools
919 Allgood Street
Trion, Georgia 30753
706-734-2363 W  •  706-734-3397 Fax
e-mail: Phil.Williams@trionschools.org
Term: 2012-2015
EXECUTIVE LEADERSHIP

C. Pete McDonald ............................................................. President
Dr. Melinda McCannon ........................................... Vice President of Academic Affairs
Dr. Paul Carter .................................................. Associate Vice President of Academic Affairs
Dr. Ginger Mathis ........................................... Associate Vice President of Academic Affairs
Kelly Barnes ................................................. Vice President of Administrative Services
Connie Smith .................................................. Vice President of Adult Education
............................................................. Vice President of Economic Development
Heidi Popham ........................................... Vice President of Institutional Effectiveness
Stuart Phillips ........................................... Vice President of Student Affairs
Dr. Steve Bradshaw .................................. Associate Vice President of Student Affairs
Greg Cross ................................................. Associate Vice President of Student Affairs

GEORGIA NORTHWESTERN TECHNICAL COLLEGE
ORGANIZATIONAL CHART
http://gnet2.gntc.edu/
FACULTY AND STAFF PARTICIPATION

Leadership Teams are an essential means of communication between the administration and the faculty and staff. The faculty and staff of GNTC conduct much of its business through Leadership Teams. Leadership Teams serve to increase the effectiveness of the planning, research, problem-solving, and decision-making process through a participatory, pro-active approach. Aligned with the mission of Georgia Northwestern Technical College, Leadership Teams utilize an articulation by which the faculty, staff, and administration are involved in the promotion of the quality educational programs and services offered by the institution.

GNTC requires that the members of the faculty and staff be involved in the development and discussion of institutional policy and procedures. The Leadership Team structure implemented at GNTC is designed to give all GNTC employees the opportunity to become involved, thus implementing quality enhancement practices.

Leadership Teams are formed every two years. Full-time faculty and staff members serve on a Leadership Team. An administrator is assigned to each team to serve in an advisory capacity. Faculty and staff members are assigned to teams to ensure that each team is representative of the College and to ensure that each team has broad-based involvement from all campuses and categories of the College’s personnel. After the Leadership Teams are established, a chair and a co-chair are elected to serve a two-year term. The co-chair serves as secretary of the team.

PHILOSOPHY

Leadership Teams are dedicated to the premise that involvement of faculty and staff is essential to the success of an educational organization. Leadership Teams serve to increase the effectiveness of the planning, research, problem-solving, and decision-making processes through a participatory, pro-active approach.

Aligned with the mission of Georgia Northwestern Technical College, Leadership Teams utilize an articulation by which the faculty, staff, and administration are involved in the promotion and improvement of quality educational programs and services offered by the institution.

LEADERSHIP TEAM MISSION

The mission of the Leadership Team concept is to ensure that the stated mission of GNTC is accomplished through broad-based involvement by members of the faculty and staff. The work of the College is accomplished through the efforts of the individuals serving on these teams.
<table>
<thead>
<tr>
<th>Team</th>
<th>Academic Affairs</th>
<th>Team</th>
<th>Institutional Effectiveness</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Administrative Services</td>
<td>6</td>
<td>Library/Media Services</td>
</tr>
<tr>
<td>2</td>
<td>Distance Learning Programs</td>
<td>7</td>
<td>Safety and Security</td>
</tr>
<tr>
<td>3</td>
<td>Information Technology</td>
<td>8</td>
<td>Student Affairs</td>
</tr>
<tr>
<td>4</td>
<td>Institutional Advancement</td>
<td>9</td>
<td></td>
</tr>
</tbody>
</table>

- Requests for team work/input/feedback are submitted to the Vice President of Institutional Effectiveness from administrators, deans, department chairs, and other GNTC personnel.
- The Vice President of Institutional Effectiveness delegates tasks to respective teams.
- Team chairs and co-chairs serve on the President’s Team which meets twice a year. The team advisors, provost, vice presidents, and associate vice presidents also meet with the President’s team.
GEORGIA NORTHWESTERN TECHNICAL COLLEGE
CAMPUSES
http://www.gntc.edu/
866-983-GNTC (4682)

Floyd County Campus
One Maurice Culberson Drive
Rome, Georgia 30161
706-295-6963
fax 706-295-6944
Hours of Operation
Monday - Friday
7:45 am - 4:15 pm

Gordon County Campus
1151 Highway 53 Spur
Calhoun, Georgia 30701
706-624-1100
fax 706-624-1134
Hours of Operation
Monday - Friday
7:45 am - 4:15 pm

Polk County Campus
466 Brock Road
Rockmart, Georgia 30153
770-684-5696
fax 770-684-8710
Hours of Operation
Monday - Friday
7:45 am - 4:15 pm

Walker County Campus
P.O. Box 569
Rock Spring, Georgia 30739
706-764-3510
fax 706-764-3566
Hours of Operation
Monday - Friday
7:45 am - 4:15 pm

Whitfield Murray Campus
2300 Maddox Chapel Road
Dalton, Georgia 30721
706-272-2966
fax 706-272-2900
Hours of Operation
Monday - Friday
7:45 am - 4:15 pm

GEORGIA NORTHWESTERN TECHNICAL COLLEGE
TRAINING CENTERS

Aviation Training Center
127 Capitoline Drive N.E.
Rome, Georgia 30165
706-802-5085

GNTC ACADEMIC CALENDAR
http://www.gntc.edu/academics/calendar.php

GNTC VIDEO
http://www.elocallink.tv/vp6/spon-fcsa.php?spoid=CT5QaVU2BWgCOQ==&fvm=1
Georgia Northwestern Technical College is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award associate degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, GA 30033-4097 or call (404) 679-4500 for questions about the accreditation of Georgia Northwestern Technical College. The Commission should be contacted only if there is evidence that appears to support the college's significant non-compliance with a requirement or standard. Inquiries such as admission requirements, financial aid, educational programs, etc., should be addressed directly to Georgia Northwestern Technical College (One Maurice Culberson Drive, Rome, GA 30161, Phone 706-295-6963, Fax 706-295-6944) and not to the Commission's office.

**Georgia Northwestern Technical College - Program Accrediting Agencies**

- Accreditation Council for Occupational Therapy Education
- Accreditation Review Committee on Education in Surgical Technology (ARC-ST)
- American Dental Association (ADA)
- Automotive Service Excellence (ASE)
- Commission on Accreditation for Health Informatics and Information Management Education (CAHIIM)
- Commission on Accreditation of Allied Health Education Programs (CAAHEP)
  - Diagnostic Medical Sonography
  - Echocardiography
  - Medical Assisting
  - Surgical Technology
  - Vascular Technology
- Commission on Accreditation of Respiratory Care (CoARC)
- Council on Occupational Education (COE)
- Georgia Board of Examiners of Licensed Practical Nursing
  - Georgia Office of Secretary of State
- Georgia Board of Nursing
- Georgia Department of Human Resources
  - Emergency Medical Services Division
- Georgia Health Partnership
- Joint Review Committee on Educational Programs in Diagnostic Medical Sonography (JRC-DMS)
- Joint Review Committee on Educational Programs in Radiologic Technology (JRCERT)
  - Radiation Therapy
  - Radiologic Technology
- Medical Assisting Education Review Board (MAERB)
- National League for Nursing Accrediting Commission
Georgia Northwestern Technical College - Regulating Agencies

Federal Aviation Administration (FAA)
Georgia Department of Community Health
Georgia Department of Driver Services
Georgia Firefighter Standards and Training Council
Georgia Professional Standards Commission
Georgia State Board of Cosmetology
Georgia State Board of Massage Therapy
Microsoft
National Association of Education of Young Children
National-Interstate Council of State Boards of Cosmetology Testing
Peace Office Standards and Training (POST)
ACADEMIC FREEDOM

The Technical College System of Georgia (TCSG) supports the concept of academic freedom. In the development of knowledge, research endeavors, and creative activities, faculty and students must be free to cultivate a spirit of inquiry and scholarly criticism. Faculty members are entitled to freedom in the classroom in discussing their subject. Although caution must be used not to introduce teaching matters that have no relation to the instructional field, faculty and students must be able to examine ideas in an atmosphere of freedom and confidence and should feel free to participate as responsible citizens in community affairs. The Technical College System of Georgia and its institutions safeguard and protect these rights of academic freedom by providing faculty and students the right to initiate grievance procedures should they have complaints dealing with the infringement of or personal penalization as the result of the exercise of this freedom.

Faculty members must fulfill their responsibilities to society and to their profession by manifesting competence, professional discretion, and good citizenship. They will be free from institutional censorship or discipline, when they speak or write as citizens. As professional educators, faculty members must be accurate, exercise appropriate restraint, show respect for the opinions of others, and make every effort to indicate they are not speaking for the institution.

The principles of academic freedom shall not prevent the institution from making proper efforts to ensure the best possible instruction for all students in accordance with the objectives of the institution. https://tcsg.edu/tcsgpolicy/docs/04-01-01.html
ATHLETIC PROGRAM

Georgia Northwestern Technical College participates in intercollegiate and intramural athletic competition throughout the calendar year. The “Bobcats” and “Lady Bobcats” participate on the intercollegiate level in Men’s Basketball, Women’s Basketball, and Women’s Volleyball.

Men’s and Women’s Basketball is based on the Walker County Campus. Women’s Volleyball is based on the Walker County Campus. All GNTC students are invited to take part in tryouts for any athletic program. Invitations will be posted in traditional media, on campus, www.GNTC.edu website, and the Georgia Northwestern social websites prior to each season.

All intercollegiate level teams participate primarily within the Georgia Collegiate Athletic Association and the National Junior Collegiate Athletic Association. However, Georgia Northwestern competes regularly in non-conference events with two and four-year programs from across the Southeastern United States.

Georgia Northwestern offers Bobcat Intramurals on GNTC campuses. Among the intramural athletic activities offered to all GNTC students are Bowling, Flag Football, Golf, Softball, and Volleyball.

Information on Bobcat athletics on the intercollegiate and intramural levels can be found on the www.GNTC.edu website throughout the year.
Georgia Northwestern Technical College now has an e-store with Lands’ End Business Outfitters. This means you can order approved Georgia Northwestern logo apparel whenever you like. The e-store has a variety of apparel in many styles and colors for men and women. **Make sure you read this document prior to making a purchase at the GNTC Lands’ End e-store.**

**Important Information – Please Read!** If you decide to purchase apparel from the Lands’ End e-store you are responsible for your order. The Office of Marketing and Public relations has approved logos for use with this site and this is our only involvement. Any orders at the e-store are to be handled by you, like any other personal order you would place. In other words, you are responsible for placing, paying for, tracking, returning, and any other issue with your order. If you have questions or complaints about your order or about the site, do not contact Marketing as they cannot resolve the issues for you. You must contact Lands’ End either via email at [businessoutfitters@landsend.com](mailto:businessoutfitters@landsend.com) or via phone at 800-587-1541. Many answers to your questions about the site can be found under the “Customer Service” tab in the upper right hand corner of the page.

You are not obligated to order anything from the Lands’ End e-store. This is just a way to simplify the apparel process for those of you that like to order shirts with the college logo on it. This way, you can order any style and any color shirt you like, at anytime.
GEORGIA NORTHWESTERN TECHNICAL COLLEGE FOUNDATION

The Georgia Northwestern Technical College Foundation is a non-profit corporation. It was established to encourage private contributions in order to build and maintain outstanding academic and support programs at the college. Donations to the GNTC Foundation support areas of institutional need including scholarships to deserving students, equipment purchases, materials for the library, and staff development.

Join the Georgia Northwestern Technical College faculty and staff that annually contribute to the GNTC Foundation and are committed to making Georgia Northwestern Technical College a vital community center!

Faculty and staff that would like to join may give through payroll deduction.

If you have any questions about Georgia Northwestern Technical College Foundation, please contact:

Jason T. Gamel Director of Institutional Advancement
Walker County Campus Office 410A
706-764-3810 ~ jgamel@gntc.edu
History of Georgia Northwestern Technical College

On September 4, 2008, the State Board of Technical and Adult Education approved the merger of Coosa Valley Technical College and Northwestern Technical College to be effective July 1, 2009. Georgia Northwestern Technical College (GNTC) has campuses in Floyd, Gordon, Polk, Walker, and Whitfield counties. GNTC has the nine counties of Catoosa, Chattooga, Dade, Floyd, Gordon, Murray, Polk, Walker, and Whitfield as its service area. The Floyd County Campus was designated as the home campus. The two colleges have individual long, meaningful histories. The following histories of the two technical colleges demonstrate the impact of the colleges and how important training and educational opportunities have been and will continue to be to the citizens of Northwest Georgia.

History of Coosa Valley Technical College

Coosa Valley Technical College began its history as Coosa Valley Tech on July 1, 1962. The school represented a combined investment by the City of Rome, Floyd County, and state and federal governments in providing postsecondary vocational education and employment opportunities to the citizens of Northwest Georgia. Prior to facilities being constructed for Coosa Valley Tech, vocational education courses were offered in an old fire hall on Shorter Avenue. The school offered academic training for over 800 veterans of World War II and the Korean Conflict. C. Maurice Culberson was the administrator and later became the first director of Coosa Valley Vocational Technical School. Today, GNTC’s Floyd County Campus address, One Maurice Culberson Drive, is dedicated to Mr. Culberson.

Along with the academic training that was offered, the school also offered Practical Nursing. Programs like this were some of the first local, tax-supported programs for out-of-school adults in Rome and Floyd County. The veterans’ program was eliminated in 1961, and in 1962 two local bonds provided Coosa Valley Tech with $250,000, which was then matched by the state. The money went directly into purchasing a site and beginning construction on the school.

Coosa Valley Vocational Technical School became a reality in 1962 and was one of only 13 technical or vocational schools scattered throughout Georgia. It was born of a community plea to provide people with the skills and training necessary to succeed in a rapidly changing economy. Numerous requests began flooding in from local business and industry representatives for the school to offer more diverse types of training to meet the demand for local employment opportunities. In 1962, the following programs became operational: Electronic Technology, Automotive Mechanics, Electrical Appliance Servicing, Heating and Air Conditioning, Machine Shop, Business Education, and Practical Nursing. The staff consisted of only 13 full-time and 4 part-time instructors, to provide education for 166 full-time and 48 evening students. Enrollment, however, continued to grow, and as enrollment grew, so did the size of the faculty and facility. In

Coosa Valley Tech continued to make a difference in the hearts and lives of the citizens of Northwest Georgia. In 1997, with continued enrollment growth, CVT added its first branch campus in Calhoun, the Gordon County Campus. In 1998, the year that Dr. Craig McDaniel became CVTC’s new president, the Polk County Campus was built. In 2000, the name of the school was changed to Coosa Valley Technical College, as a part of Governor Roy Barnes’ Education Reform Package. In 2000, the state approved almost $14 million dollars in designated funds for expansion of all three CVTC campuses. Then in 2000, CVTC made a commitment to increase its prominent role in the community’s economic development efforts by establishing a Business Expansion Center. This facility, located in North Rome, offers businesses of all types the opportunity to start, grow, and ultimately succeed. In just a short amount of time, CVTC became one of the fastest growing technical colleges in the state of Georgia. Through the tremendous growth and expansion of CVTC, there was always one constant as exemplified in President McDaniel’s statement as Coosa Valley Technical College celebrated her 40th Anniversary in 2002. “We are a workforce development college, here to help people learn new skills for the workplace and to improve their quality of life.

Coosa Valley Technical College went through many expansions, renovations, and additions throughout the years thanks to the strong support of the members of the General Assembly. In 2002, CVTC acquired more land at its Floyd County Campus, including the Woodlee Center property and the Springwood Center. In 2003, $2.4 million in improvement renovations were completed on the A, B, C, and D wings of the Floyd County Campus. CVTC completed the construction of a 54,000 square foot Health Occupations Education Center and Library in 2004. With 29 health technology programs housed in the Health Occupations Education Center, CVTC became one of the largest providers of health care occupational training in the state of Georgia. CVTC’s Polk County Campus added a new Economic Development Center in 2004. In 2006, Surgical Technology was added to CVTC’s program offerings and CVTC’s Business Technology programs moved into the newly renovated Springwood Center.

Following an overwhelmingly positive accreditation visit in December 2006, Coosa Valley Technical College became accredited through the Commission on Colleges of the Southern Association of Colleges and Schools (SACS-COC).

CVTC continued to add exciting new programs to meet the needs of the community by adding Environmental Horticulture on the grounds of the Woodlee Center property in 2006, Commercial Truck Driving in 2007 at the Richardson Road Truck Driving Facility in Calhoun, Georgia (Gordon County) and by adding Aviation Maintenance Technology in 2008 at the Aviation Training Center at the Richard B. Russell Regional Airport in Rome, Georgia (Floyd County).
In 2009, at the time of the merger with Northwestern Technical College, Coosa Valley Technical College was working on a Phase III facility addition at Gordon Campus and a Culinary Arts program addition to be located in the Woodlee Center facility. With three campuses in Floyd, Gordon, and Polk counties, other off-campus sites at Richardson Road and Russell Regional Airport, in addition to the Business Expansion Center located in Rome, CVTC’s yearly enrollment averaged 10,000 students with 250 supporting faculty and staff. CVTC was offering over 100 programs of study in credit, continuing education, adult education, learning support, and general education classes. A strong indicator that technical education was moving in the right direction was CVTC’s growth in numbers. In 2002, Coosa Valley Technical College hit an all time high record enrollment, and current enrollment numbers continued to be steady. Since its beginning, over 100,000 people had enrolled in CVTC. CVTC service helped to explain credit given to the college in April 2007 by Forbes magazine. The article, "Hail Rome," credited Coosa Valley Technical College with playing a major role in helping draw international companies to Rome, Georgia. More and more people are discovering how technical education can help them in their current jobs or prepare them for a better future.

**History of Northwestern Technical College**

From its beginnings as a one building campus off of Highway 27 in Walker County, Georgia, Northwestern Technical College has changed and grown with the communities of Northwest Georgia over the past five decades. Originally named the Walker County Area Vocational-Technical School, NTC enrolled 150 students in one of eight programs of study. Like other technical colleges within the Technical College System of Georgia, Northwestern Technical College was founded by an Act of the Georgia General Assembly in 1964. Our goal of offering our businesses trained workers and our neighbors the training to master those professions is the foundation of 45 years of education within the walls of NTC.

When NTC first opened its doors in October of 1966, the college fell under the domain of the Walker County Board of Education. In 1988, NTC left the Walker County Board Of Education system to work within the Technical College System of Georgia; a relationship which is now in its 22nd year.

Now retired and living in Mississippi, NTC’s first Director, Dea Pounders, made the mission of the college clear from the very beginning. In the first college catalog in 1966, Mr. Pounders wrote, "The skilled and technical courses at our college are designed to fill the needs of youth and adults and prepare them for a modern world of work. "That statement still holds true in the 21st century as we train today’s students for tomorrow’s careers.

The first programs at NTC consisted of Appliance Servicing, Auto Mechanics, Business Education, Drafting and Design, Electronic Technology, Heating and Air Conditioning,
Machine Shop, Marketing and Management, Radio and Television, and Welding. At the time, these were the programs training NTC students for tomorrow’s jobs. Today, there are new programs which are headed into the NTC classrooms to prepare students of all ages for a career opportunity of a lifetime.

In the 1980’s, new job demand called for new programs. Among the selections added to the curriculum as we headed into the 80’s were Cosmetology, Data Processing, and Practical Nursing. In the 1990’s, NTC students saw additions to their educational arsenal such as Computer Programming and Microcomputer Specialist. At the turn of the century, programs such as Surgical Technology, Occupational Therapy Assisting, and Electrical Controls came on board to add to the more than 100 program options currently available at NTC.

In 1988, the Northwestern Technical College Foundation was established to assist the development of Northwestern Technical College as a vital community center and to encourage private contributions to achieve this goal. Through private donations, the NTC Foundation has built and maintains outstanding academic support programs. Among those programs is an annual student scholarship program which gives awards to one deserving student at each of the nine public high schools in the college’s four-county service area.

Now, as we head into a venture to make us part of the largest college in Northwest Georgia, programs such as Mechatronics and Cardiovascular Technology will be among more than 200 available at the new Georgia Northwestern Technical College. An educational arena which has a reputation of generating the best and the brightest in some career fields which are currently in high demand, as well as some which haven’t even been created yet.

Today’s campus lies on nearly seventy acres in Rock Spring, Georgia. The college operates at full capacity on 34 of those acres. The remaining 36 are part of a land purchase made in 2006. The plans for using that land to improve the educational opportunities available at NTC are still in the works.

In 2007, the Technical College System of Georgia formed the TCSG Athletic Association. NTC was one of a several colleges to launch an athletic program on its campus. The first two athletic programs were Men’s Basketball and Women’s Volleyball. During faculty, staff, and student surveying in 2007, NTC adopted the "Mustangs" as their official mascot of all athletic ventures. Today, our neighbors in Catoosa, Chattooga, Dade, and Walker County serve as the focus of our recruitment efforts at Northwestern Technical College. Students of all ages come from all walks of life to become a college student at NTC. From online, to hybrid, to traditional on-campus classes, we offer you a schedule that meets your needs.

The Commission on Colleges of the Southern Association of Colleges and Schools initially accredited Northwestern Technical College in 1997; then, reaffirming the accreditation in 2002. Serving as a Level I Institution, the 70-acre Northwestern
Technical College campus enrolls more than 2,300 students quarterly and will serve as Georgia Northwestern Technical College’s Walker Campus, the largest campus at Northwest Georgia’s largest college.

At countless student, faculty, and community functions over the years, the goal of Northwestern Technical College was often summed up best by long-time Northwestern Technical College President, Dr. Ray Brooks. "Our admissions director once told me our job at Northwestern is to meet the students where they are and take them where they want to be."
PETTY CASH FUND

The petty cash fund was established in order to reimburse employees who have purchased supplies, materials, or other small ticket items for the college “out of pocket”. As such, there are several procedures and controls that must be followed in accordance with operation of the petty cash fund.

1. Petty Cash Fund shall not be used to cash employee’s personnel checks or to make loans to employees.
   State funds cannot be used for personnel loans to employees.
2. Additionally, the use of IOU’s within the Petty Cash Fund is prohibited.
3. Maximum dollar limit for petty cash reimbursement is $25/transaction.
4. Petty Cash Fund is reconciled as the fund is replenished.

Petty Cash Procedures
Petty cash expenditures should never be utilized to circumvent regular purchasing procedures. Petty cash expenditures should not exceed $25. Proof of purchase must be presented in order to receive reimbursement. Petty cash is available for very small cash requirements.

Petty cash and cash locations area:
- Administrative Services
- Cosmetology
- Gordon County Campus
- Polk County Campus
- Walker County Campus

Petty cash will be replenished as warranted and based on sufficient documentation to support the claim. Annual and prior to the annual financial close of all records; all petty cash accounts will be replenished to the full amount authorized.

AUDITING

All financial records of the school are reviewed or audited annually by the Department of Audits. Financial records must be current and accurate in accordance with procedures set forth by the TCSG, the Department of the State Accounting Office, and State Purchasing.

Internal Auditing
From time to time, the staff of administrative services will audit all cash operations, petty cash funds, and inventory. These audits will be unannounced and with the intention of supporting the efforts of the Department of Audits. The president of the college will be presented the results of the internal audit.

The accounting system I based on People Soft and all rules, regulations, and procedures as defined by State Accounting Office. (SAO) www.sao.georgia.gov
USE OF VEHICLES

Employees may use their personal motor vehicles for Department business and shall be reimbursed in accordance with the State of Georgia travel regulations.

State owned or leased motor vehicles assigned to the Department shall be used only for official duties.

Motor vehicles to be used by Central Office staff shall be assigned by the Commissioner and those to be used by Technical College staff shall be assigned by the Presidents.

All state owned or leased vehicles shall be properly maintained and insured in accordance with Georgia Department of Administrative Services regulations.

The Technical Colleges shall develop motor vehicle policies that ensure for the proper use, insurance, maintenance, and inventorying of all assigned motor vehicles.

Employees using motor vehicles in the course of their employment shall comply with all relevant motor vehicle laws. Employees who fail to do so or otherwise fail to drive in a safe and prudent fashion shall be subject to discipline and may lose the defense and indemnity protections of the state that they otherwise enjoy.

Reference

Procedure: DOAS Motor Pool

Department of Administrative Services Statewide Travel Regulations

Adopted: July 1, 1986
Revised: May 14, 2001
Code: 03-08-04

Purpose

To use a DOAS Motor Pool Vehicle.

Reserving Vehicles

Reserve vehicles by contacting the Capitol Hill Motor at 656-3911. The motor pool facility is open from 7:30 a.m. to 5:00 p.m. and is located at the corner of Martin Luther King Jr. Dr. and Capitol Avenue.

Upon approval by the office director, obtain a credit card through the Office of Administration.
**Picking Up and Returning**

When picking up a motor pool vehicle, an employee presents his or her valid Georgia Drivers' License and Motor Vehicle Services Credit Card. When obtaining a motor pool vehicle, the employee completes a three-part rental agreement form. The employee retains the second or yellow copy after completion of the check-in procedures and attaches the copies to travel voucher for submission to accounting.

Turn in vehicles to the motor pool facility located at Martin Luther King Jr. Dr. in front of the old depot at Underground Atlanta as soon as possible upon completion of travel.

**Completing Employee Travel Expense Statement**

Note the vehicle I.D. number and the number of miles driven on the travel expense statement.

The following rates went into effect July, 1986:

1) If motor pool vehicles are used on out-of-State trips, add $1.00 to the daily rate.

2) A charge is made for both the mileage and daily rate.

**References**

[II. C. 2. Use of Vehicles](#)
ACCEPTABLE COMPUTER AND INTERNET USE GUIDELINES

In making decisions regarding access to the Internet and use of its computers, the System considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. The System expects faculty to blend thoughtful use of the Internet throughout the curriculum and provide guidance and instruction to students in its use. As much as possible, access from Technical Colleges to Internet resources should be structured in ways that point students to those resources that have been evaluated prior to use. While students shall be able to move beyond those resources to others that have not been previewed by staff, they shall be provided with guidelines and lists of resources particularly suited to learning objectives. Students and employees utilizing Technical College-provided Internet access are responsible for good behavior on-line just as they are in a classroom or other area of the college.

Using a computer without permission is theft of services and is illegal under state and federal laws. Federal law prohibits misuse of computer resources. In addition, the following specific computer crimes are prohibited by state law in Georgia (O.C.G.A. § 16-9-90 et seq.):

**Computer theft** (including theft of computer services, intellectual property such as copyrighted material, and any other property);

**Computer trespass** (unauthorized use of computers to delete or alter data or interfere with others' usage);

**Computer invasion of privacy** (unauthorized access to financial or personal data or the like);

**Computer forgery** (forgery as defined by other laws, but committed on a computer rather than on paper);

**Computer password disclosure** (unauthorized disclosure of a password resulting in damages exceeding $500 - in practice, this includes any disclosure that requires a system security audit afterward); and

**Misleading transmittal of names or trademarks** (falsely identifying yourself or falsely claiming to speak for a person or organization by using their name, trademark, logo, or seal).

Maximum penalties for the first four crimes in the list are a $50,000 fine and 15 years of imprisonment, plus civil liability. The maximum penalties for computer password disclosure are a $5,000 fine and 1 year of imprisonment, plus civil liability.

The purpose of Technical College-provided Internet access is to facilitate communications in support of research and education. To remain eligible as users,
students' use must be in support of and consistent with the educational objectives of the System. Access is a privilege, not a right. Access entails responsibility.

Users should not expect files stored on System or Technical College-based computers to be private. Electronic messages and files stored on Technical College-based computers shall be treated like other Technical College premises that are temporarily assigned for individual use. Administrators may review files and messages in an effort to maintain system integrity and in an effort to insure that users are acting responsibly. Moreover, System and Technical College officials shall cooperate with law enforcement officials who are properly authorized to search System and Technical College computers and computer systems.

All information created, stored or transmitted by System or Technical College computers or networks is subject to monitoring for compliance with applicable laws and policies.

The following uses of System or Technical College-provided computers, networks and Internet access are not permitted:

a. To create, access or transmit sexually explicit, obscene, or pornographic material;

b. To create, access or transmit material that could be considered discriminatory, offensive, threatening, harassing, intimidating, or attempts to libel or otherwise defame any person.

c. To violate any local, state or federal statute;

d. To vandalize, damage, or disable the property of another individual or organization;

e. To access another individual's password, materials, information, or files without permission;

f. To violate copyright or otherwise use the intellectual property of another individual or organization in violation of the law, including software piracy;

g. To conduct private or personal for-profit activities. This includes use for private purposes such as business transactions, private advertising of products or services, and any activity meant to foster personal gain;

h. To knowingly endanger the security of any System or Technical College computer or network;

i. To willfully interfere with another's authorized computer usage;

j. To connect any computer to any of the System or Technical College networks unless it meets technical and security standards set by the System;
k. To create, install, or knowingly distribute a computer virus, rootkit, keystroke logger, "Trojan horse," or other surreptitiously destructive program on any System or Technical College computer or network facility, regardless of whether any demonstrable harm results; and

l. To modify or reconfigure the software or hardware of any Agency computer or Network without proper authorization.

m. To conduct unauthorized not-for-profit business activities;

n. To conduct any activity or solicitation for political or religious causes;

o. To perform any activity that could cause the loss, corruption of, prevention of rightful access to, or unauthorized distribution of Agency data and information; and

p. To create, access, or participate in online gambling. Occasional access to information or websites of the Georgia Lottery Corporation shall not constitute nor be considered inappropriate use.

q. To capture and/or record network traffic without authorization

Occasional personal use of Internet connectivity and e-mail that do not involve any inappropriate use as described above may occur, if permitted by the College. Any such use should be brief, infrequent, and shall not interfere with User’s performance, duties and responsibilities.

Users of System and Technical College computers and computer systems are subject to the System’s policy on the development of Intellectual Property. Any violation of this policy and rules may result in disciplinary action against the employee or student. When and where applicable, law enforcement agencies may be involved.

The System makes no warranties of any kind, either express or implied, for the computers, computer systems and Internet access it provides. The System shall not be responsible for any damages users suffer, including but not limited to loss of data resulting from delays or interruptions in service. The System shall not be responsible for the accuracy, nature or quality of information gathered through Technical College hard drives or servers; nor for the accuracy, nature or quality of information gathered through Technical College-provided Internet access. The System shall not be responsible for personal property used to access its computers or networks or for Technical College-provided Internet access. The System shall not be responsible for unauthorized financial obligations resulting from Technical College-provided access to the Internet.

The foregoing standards are equally applicable to employees of the System, wherever housed, and to employees and students of the Technical College.
Penalties
Violations of these policies incur the same types of disciplinary measures as violations of other System or Technical College policies or state or federal laws, including criminal prosecution.

Approved
Revised 10/02/03; February, 2, 2012

GNTC COMPUTER USE GUIDELINES

GNTC Technology Service Page
http://techserv/index.php

GNTC Acceptable Computer Usage Guidelines

TCSG Acceptable Computer and Internet Use
https://tcsg.edu/tcsgpolicy/docs/Computer%20Use%20and%20Access%20to%20the%20Internet.htm

Georgia Technology Authority Security Policies and Standards
http://gta.georgia.gov/00/channel_title/0,2094,1070969_125406157,00.html

The Official Code of Georgia Annotated, O.C.G.A. §50-25-4(a) (21), related to security policies, standards and guidelines is broader than the general statutory authority granted GTA with respect to technology policies. It authorizes GTA to establish statewide security policies and standards that are binding on all agencies. The GTA Board of Directors has implemented security policies pursuant to state statute through the Enterprise Information Security Charter, PS-08-005.01.

- Management
- Operations
- Technical
ALCOHOL ON CAMPUS

The presence of alcohol on college campuses shall be governed by the provisions of federal, state and local laws and applicable State Board of the Technical College System of Georgia policies and procedures. All persons entering the campus or any facility owned or operated by the Technical College System of Georgia or any of its Technical Colleges must comply with these laws, policies, and procedures.

A Technical College may permit the service of alcoholic beverages in conjunction with the operation of a business conference center provided the center is capable of accommodating 200 or more people. Alcohol may be served only at events sponsored by a third party (e.g., an organization, individual, etc.) possessing the appropriate federal, state and local licenses. Additionally, the event itself must serve a business, economic development, civic, social or educational purpose.

Alcoholic beverages may not be served or sold at any student-sponsored function nor may a Technical College sponsor an event at which alcohol is sold or otherwise provided.

With respect to events held on a Technical College campus, there shall be no exchange of money involved with the service of alcohol and a cash bar will not be permitted.

An Agreement setting forth the requirements for the service of alcoholic beverages shall be signed by any third party sponsoring an event at which alcohol will be served. Said agreement shall include a release of the Technical College and the Technical College System of Georgia from any and all liability associated with the event.

For purposes of regulating alcoholic beverages, the campus shall be considered to be within a municipality if the campus, or a greater part of the campus, is within the limits of a municipality. If the campus or a greater part of the campus is located within an unincorporated area of a county, the campus shall be considered to be within the unincorporated area of the county.

Any advertisement or promotional materials which indicate that alcohol will be available at an event/function held on a Technical College campus shall not contain any information which would suggest that the event is sponsored by the Technical College or any Technical College employee. College logos, name, etc., shall not be used as an endorsement for the sale of alcoholic beverages.

No State or Federal funds may be used to purchase alcohol for service at a Technical College. This prohibition does not apply to the purchase of alcohol for the exclusive use in a college’s culinary arts programs. In these instances, the college must adopt written procedures to strictly regulate the purchase, storage and use of alcohol in these academic programs.

A Technical College President may, at his or her sole discretion, decline to allow alcoholic beverages to be served at events held on campus; however, a President’s
decision to permit the service of alcohol at an event must comply with the guidelines of this policy and all accompanying procedure(s) established by the Commissioner.

References

TCSG Procedure: Alcohol on Campus
O.C.G.A. §3-8-6
O.C.G.A. §3-3-21.1(b)
TCSG Procedure III.L.4: Standards of Business Conduct

DOAS State Purchasing Card Policy

TOBACCO USE

Tobacco use causes enormous financial, social and public health harm to the citizens of Georgia. Accordingly, tobacco use is prohibited within the Department’s central offices, all Technical Colleges and within all other facilities under the supervision or control of the Department.

Adopted: April 7, 1988
Code: 03-06-11
Approved

TOBACCO FREE WORKPLACE

New Policy Effective August 1, 2011
In the interest of better promoting the health of our staff and students, Georgia Northwestern Technical College (GNTC) campuses will transition to a tobacco-free environment. Smoking and use of other tobacco products (e.g., smokeless tobacco) will not be permitted on any college campus to include, but not limited to, campus buildings, sidewalks, parking lots, building entrances and common areas, and in college-owned vehicles.

Smoking or the use of any type of tobacco product is only permitted within private vehicles parked/driven on designated college parking areas and roads. Persons using tobacco while in private vehicles must dispose of the tobacco prior to exiting the vehicle.

Monitoring of this policy shall be the responsibility of the security personnel, faculty, and staff. Those students, faculty, or staff found violating this policy will be governed by the following:

First Offense
Warning

Second Offense
Referral by the security personnel, faculty, or staff to the supervisor of the area in which the offense occurs.

Additional Offenses
Students
Referral by the supervisor of the area to the Student Disciplinary Officer for further action based on the Student Code of Conduct and treated as other disciplinary issues per the policies outlined in the GNTC Catalog and/or the Student Handbook and Planner.

Faculty and/or Staff
Referral made by the supervisor of the area to the offender’s supervisor. Further action based on the Positive Discipline process and treated as other disciplinary issues per the policies outlined in the GNTC Employee Handbook.

It is anticipated that all members of the college community will assist in ensuring the success of GNTC’s tobacco-free policy.
INVENTORY MANAGEMENT

The Central Office and all Technical Colleges shall maintain accurate inventory records on the statewide computer system for all property items costing $1,000 or more and having a life expectancy of at least three years, with the exception of computer software. Computer software shall be inventoried by the Central Office and Technical Colleges in accordance with the state guidelines issued by the Department of Audits. In addition, the Central Office and all Technical Colleges shall maintain appropriate licensing records for all computer software.

The Central Office and each Technical College shall develop a system that records all state property issued to any employee and ensures the return of such property when the employment relationship ends. State property includes but is not limited to keys, credit cards, telephone cards, uniforms, computers and other electronic equipment. When such property is issued, the employee shall acknowledge that he or she has been advised that failure to return the equipment upon request or upon separation from employment will authorize the employer to withhold any monies due the employee until such property is returned or otherwise accounted for by the employee.

The Central Office and all Technical Colleges shall have the option to maintain inventory records for all property items costing less than $1,000. Such inventory shall be separately maintained.

Surplus property shall be disposed of in accordance with state law O.C.G.A. §50-5-140 et seq.

Reference

O.C.G.A. §50-5-140 et seq.
Accounting Procedure Manual for the State of Georgia

INVENTORY PROCEDURES

A current inventory record of all equipment and items described must be maintained for security and insurance purpose. Therefore, Georgia Northwestern Technical College employees shall maintain perpetual inventory records for all equipment in the appropriate inventory categories. Inventory items may not be sold, traded, scraped, or given away without proper documentation and approval.

Each employee shall be responsible for all equipment in his/her program/area. Inventory control requires responsibility and accountability. Annually, those responsible for specific inventory will be asked to complete a physical inventory of those items.
Equipment
Equipment shall be defined as items which meet the following criteria:
   a. Are not readily consumable.
   b. Are not replacement parts or software.
   c. Have a life expectancy in excess of one year.
Program inventories must show a listing of each piece of equipment with a unit value of $1,000 or more. Items over $5,000 will be subject to depreciation on an annual basis.

Technology Department
The technology department is responsible for licenses of software and the movement of all computers and related hardware and will provide information to Administrative Services Asset Management on the location of all computers and related hardware. Annually a 100 percent physical inventory will be conducted.

Library Books
Library books will be maintained as a total collection. Additions and deletions will be properly maintained. The collection is subject to an internal audit on a sample basis annually as well as depreciation and schedule of A/D for library books.

Surplus Property
Surplus property to be disposed of will follow the policies and procedures of the Department of Administrative Services. Proper forms and signatures will be obtained prior to the disposition of college inventory.
FIREARMS, WEAPONS, AND EXPLOSIVES

The Technical College System of Georgia (TCSG) and its associated technical colleges are committed to providing all employees, students, volunteers, visitors, vendors and contractors a safe and secure workplace and/or academic setting. The possession, carrying, or transportation of a firearm, weapon, or explosive compound/material in the TCSG System Office or on any technical college campus shall be governed by Georgia state law. All individuals are expected to comply with the related laws.

Related Authority
O.C.G.A.§ 16-8-12(a)(6)(A)(iii)
O.C.G.A.§ 16-7-80
O.C.G.A.§ 16-7-81
O.C.G.A.§ 16-7-85
O.C.G.A.§ 16-11-121
O.C.G.A.§ 16-11-125.1
O.C.G.A.§ 16-11-126
O.C.G.A.§ 16-11-127
O.C.G.A.§ 16-11-127.1
O.C.G.A.§ 16-11-129
O.C.G.A.§ 16-11-130
O.C.G.A.§ 16-11-133
O.C.G.A.§ 16-11-135
O.C.G.A.§ 16-11-137
O.C.G.A.§ 43-38-10

Revised: August 7, 2014
Last Reviewed: August 7, 2014
Approved: September 2, 2010

FIREARMS, WEAPONS, AND EXPLOSIVES POLICY

I. Policy
The Technical College System of Georgia (TCSG) and its associated technical colleges are committed to providing all employees, students, volunteers, visitors, vendors and contractors a safe and secure workplace and/or academic setting by expressly prohibiting the possession of a firearm, weapon, or explosive compound/material in the TCSG System Office or on any technical college campus (including all satellite campuses and off-site work units) or at any technical college sanctioned function in a manner contrary to state or federal law.

II. Applicability
All work units and technical colleges associated with the Technical College System of Georgia.
III. Definitions

**Contractor:** An independent contractor, business, or corporation which provides goods and/or services to the Technical College System of Georgia or any associated technical college under the terms specified in a contract. For the purposes of this policy, the term also includes all employees of a business or corporation working on technical college property or at a technical college workplace including any sanctioned event.

**Explosive Compound:** Any bomb or explosive, chemical, or biological material referenced in O.C.G.A. 16-7-81.

**Firearm:** Includes, any operable or inoperable pistol, revolver, or any weapon designed or intended to propel a missile of any kind as defined in O.C.G.A. 16-11-27-1, or a machine gun, shotgun, sawed-off shotgun, sawed-off rifle, dangerous weapon or silencer as defined in O.C.G.A. 16-11-121.

**Government Building:** The building in which a government entity is housed; the building where a government entity meets in its official capacity; provided, however, that if such a building is not a publicly owned building, such building shall be considered a government building consistent with the provisions of O.C.G.A. 16-11-127 only during the time such government entity is meeting; or, the portion of any building that is not a publicly owned building that is occupied by a government entity.

**Government Entity:** An office, agency, authority, department, commission, board, body, division, instrumentality, or institution of the state or any county, municipal corporation, consolidated government, or local board of education.

**Knife:** As defined in O.C.G.A. 16-11-127 regarding the prohibition of carrying a deadly weapon in an unauthorized location (e.g., a Government building) a cutting instrument designed for the purpose of offense and defense consisting of a blade that is greater than five inches in length which is fastened to a handle.

**Long Gun:** A firearm with a barrel length of at least 18 inches and overall length of at least 26 inches designed or made and intended to be fired from the shoulder and designed or made to use the energy of the accompanying explosive round (i.e. shotgun shell or metallic cartridge) provided, however, that the term shall not include a gun which discharges a single shot of .46 centimeters or less in diameter.

**Weapon:** Within a school safety zone, any operable or inoperable object (or reasonable facsimile thereof) referenced in O.C.G.A. 16-11-127.1., including but not limited to a pistol, revolver, or any weapon designed or intended to propel a missile of any kind, any knife with a blade two or more inches in length (e.g., switchblade, ballistic knife, etc.), straight-edge razor or razor blade, any bludgeon-type instrument (e.g., blackjack, bat or club), any flailing instrument (e.g., nunchuck or fighting chain), stun gun or taser, or weapon designed to be thrown (e.g., throwing star or oriental dart).

**Workplace:** The TCSG System Office or any technical college campus, satellite or off-site work location, or any technical college sanctioned function.

IV. Attachment
N/A

V. Procedures
A. General Provisions
1. Unless otherwise provided by law, it is unlawful for any person to carry, possess, or have under such person’s control any firearm, weapon, or unlawful explosive compound while on technical college property to include all campus and off-site work locations; at a technical college sanctioned function; or, on a bus or other means of transportation furnished by the college.

2. Unless otherwise provided by law, it is unlawful for any person to carry a weapon (i.e., a knife or handgun) or a long gun while in a government building or a building occupied, in part, by a government entity.

3. A technical college president (or his/her designee) may authorize a college employee (e.g., maintenance and/or custodial staff) to have in his/her possession for use in carrying out assigned duties and responsibilities an object which would be otherwise prohibited by the provisions of O.C.G.A. 16-11-127.1. Such authorization must be in writing and shall specify the object(s) which have been authorized and the time period during which the authorization is valid.

4. As referenced in applicable provisions of O.C.G.A. 16-11-127.1, an instructor/faculty member may possess, use, or permit the use of any object referenced in the definition of the term “Weapon” during classroom instruction.

5. Unless otherwise provided by law, it is an express violation of policy for any individual to use, possess, manufacture, distribute, maintain, transport, or receive any of the following in the System Office or on technical college property to include all campus and off-site work locations, or at any college sanctioned function:
   a. Any firearm or weapon whether operable or inoperable as defined in O.C.G.A. 16-11-127.1 or any facsimile thereof, including, but not limited to paintball guns, BB guns, potato guns, air soft guns, or any device that propels a projectile of any kind;
   b. Any dangerous weapon, machine gun, sawed-off shotgun or rifle, shotgun or silencer as defined in O.C.G.A. 16-11-121;
   c. Any bacteriological weapon, biological weapon, destructive device, detonator, explosive, incendiary, or over-pressure device, or poison gas as defined in O.C.G.A. 16-7-80.
   d. Any explosive compound/material defined in O.C.G.A. 16-7-81; or,
   e. Any hoax device, replica of a destructive device or configuration of explosive materials with the appearance of a destructive device, including, but not limited to, fake bombs, packages containing substances with the appearance of chemical explosives or toxic materials.

6. Personal Possession (Carrying) of a Weapon - the possession of a valid firearms permit and/or a valid license to carry a concealed weapon does not permit any individual (e.g., staff, student, etc) to carry a weapon on their person in the System Office or on any technical college campus, satellite campus or other work site, or at any college sanctioned event.

   Note: This prohibition does not extend to any person employed as a campus police officer or security officer and who is otherwise authorized to carry a weapon pursuant to the provisions of Chapter 8 of Title 20, or those individuals currently employed in or, as applicable, who are retired from the occupations referenced in O.C.G.A. 16-11-130.

7. Vehicle in Transit - an individual over the age of 21 who holds a valid firearms permit or license to carry a concealed weapon may possess a weapon on their person in his/her
vehicle or may keep a weapon in a locked compartment of, in a locked container in, or in a locked firearms rack in a motor vehicle when in transit on technical college property.

8. Parked Vehicle - the driver of a vehicle parked on the property of any technical college (including the personal vehicle of a student, System Office, or technical college employee) may keep a firearm in his/her vehicle provided the weapon is locked out of sight within the vehicle’s trunk, glove box, or other enclosed compartment or areas within the vehicle.

   Note: this provision applies to those drivers possessing a valid Georgia weapons carry license or who are otherwise authorized by law to carry or possess a firearm/weapon.

B. Corrective Action

1. Any employee who violates the provisions of this policy shall be subject to disciplinary action up to and including dismissal as well as possible criminal prosecution.
2. Any technical college student who violates the provisions of this policy shall be subject to disciplinary action up to and including expulsion consistent with guidelines of the affected technical college’s Student Code of Conduct as well as possible criminal prosecution.
3. Any volunteer or visitor who violates the provisions of this policy shall be subject to criminal prosecution.
4. Any vendor or contractor who violates the provisions of this policy shall be subject to the termination of his/her business relationship with the System Office and/or affected technical college, as well as possible criminal prosecution.

C. Notification Requirements

Each technical college shall post signage at each campus and off-site work location that firearms, weapons, and unlawful explosive compounds are prohibited.

Each technical college must develop procedures to inform employees, students, volunteers, visitors, vendors, and contractors of the following:
1. Implications of State law prohibiting firearms, weapons, and unlawful explosive compounds on college property, at off-site work locations, or at college sanctioned functions.
2. Possible penalties associated with violations of this policy.
3. Reporting procedures to notify appropriate law enforcement agencies of a potential violation.

Approved State Board: September 2, 2010
SEVERE INCLEMENT WEATHER

The Governor shall make decisions affecting the closure of all agencies statewide or within a geographic region. Decisions regarding conditions affecting the Central Office shall be made by the Commissioner. Decisions regarding conditions affecting a Technical College shall be made by the President with notice to the Commissioner. Notice of closings or delayed openings shall be given to employees and students through appropriate media outlets.

If the existing or imminent weather conditions are sufficiently severe to warrant not opening, opening late, or closing early an office or work place, employees directly affected by such conditions shall be excused from duty without loss of pay or use of leave.

As determined by the Commissioner, for Central Office staff, or by a Technical College President, for Technical College staff, employees who are late in arriving to duty or request early release from duty because of severe weather conditions, and the office or work place shall observe normal hours, may be permitted to make up time lost from work, charge it to accrued compensatory time, or charge it to accrued annual leave. Otherwise, the time lost shall count as leave without pay.

Employees on a regular day off or otherwise not affected when their office or work place is closed because of severe weather conditions shall not receive additional time off or other considerations because of the closing.

The Commissioner is responsible for the administration of this policy for Central Office staff. Technical College Presidents are responsible for the administration of this policy for their campuses.

Procedures

The Governor shall make decisions regarding the conditions affecting the closure of all agencies statewide or within a geographic region. The heads of the Department of Transportation, in situations regarding inclement weather, and the heads of the Department of Public Safety and the Department of Administrative Services (with input from the Georgia Emergency Management Agency, as necessary) will confer and make recommendations to the Governor regarding agency closures statewide or within a geographic region. Decisions regarding conditions affecting the System Office shall be made at the discretion of the Commissioner. Decisions regarding conditions affecting the technical college shall be made at the discretion of the President with notice to the Commissioner.

If inclement weather or other emergency conditions affecting all agencies statewide or within a geographic region develop during the workday, agencies will be notified by telephone and/or fax of any authorized changes to normal work hours. The System Office may have to forward such notice to the technical colleges. If such conditions develop
during the night and warrant delayed opening or official closing, official announcements will be made by the Governor through the following media outlets:

**In Metropolitan Atlanta:** Television Broadcast Station WSB (ABC) Channel 2, and Radio Stations WSB 750 AM and WSB 95.5 FM shall serve as official notification stations.

**In Areas Outside Metropolitan Atlanta:** Local Radio Stations that are part of the Peach State Public Radio Network will carry official announcements. Agencies with operations outside of metropolitan Atlanta are encouraged to identify appropriate network member stations in the areas of need and communicate specific tuning information (or other instructions, such as a phone number to call) to employees in those areas.

Employees and students should be directed to listen to one of the above stations for information about alternate work hours or building closures, and should be reminded that announcements on other stations may not be accurate. In the absence of official notification of delayed opening or office closure, employees are expected to report to work on time or contact their supervisor or other appropriate agency personnel as directed by their agency head. Agency heads are responsible for determining the appropriate method of communicating closures that affect only their agency.

*Adopted: July 1, 1986*
*Revised: April 23, 2001*
*Code: 03-06-03*

*Approved*
OPEN RECORDS ACT

POLICY:

Access to public records is encouraged to foster confidence in government, to provide the public the opportunity to evaluate the expenditure of public funds and for the efficient and proper functioning of its institutions. Georgia’s Open Records Act, O.C.G.A. §§ 50-18-70 et seq., provides that all public records of an agency must be made available for inspection or copying unless they are specifically exempt by law. Generally, these records must be made available within three business days of the receipt of request. It is the policy of the Technical College System of Georgia to provide access to all public records in accordance with the law.

II. APPLICABILITY:

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

III. RELATED AUTHORITY:

O.C.G.A. §§ 50-18-70 et seq
O.C.G.A. § 10-1-761
O.C.G.A. § 45-11-1

IV. DEFINITIONS:

A. Public Records: all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, data, data fields, or similar material prepared and maintained or received by the Technical College System of Georgia or any of its constituent colleges. Records prepared, received or maintained by a private person, firm, corporation, or other private entity in the performance of a service or function for or on behalf of the Technical College System of Georgia or any of its constituent colleges or documents which have been transferred to a private person or entity for storage or future governmental use are also considered Public Records.

B. Open Records Request: an oral or written request made by a person, firm, corporation, or other entity to examine or copy a public record.

C. Technical College System of Georgia (TCSG): the Technical College System Board of Directors, System Office, and all technical colleges and units thereof.
D. **System Office:** the Commissioner’s Office, the Office of Administrative Services, the Office of Adult Education, the Office of Technical Education, the Office of Data, Planning and Research, and the Office of Economic Development Programs/Quick Start and units thereof.

E. **Colleges:** all technical colleges and units thereof under the governance and management of the Technical College System of Georgia and its Board of Directors.

F. **Open Records Officer:** the individual designated at the System Office or a technical college to receive written Open Records Requests. The individual may be one of the following: Commissioner, technical college President, the official Custodian of Records, or any other responsible official whose absence or unavailability would not delay the response to the requests.

G. **Public Employee:** any officer, employee or former employee of the state of Georgia, TCSG, college, county, commission or other political subdivision of the state as well as employees of early care and education programs administered through the Department of Early Care and Learning.

H. **Business Day:** the weekdays administrative offices of are open.

I. **Office of Legal Services:** work unit assigned to the Commissioner’s Office with the responsibility for providing legal support to TCSG.

V. **ATTACHMENTS:**

**ATTACHMENT Sample Response Letter**

VI. **PROCEDURE:**

A. All written requests for inspection or copying of open records maintained by the System Office must be made to the Commissioner of the Technical College System of Georgia. This designation shall be prominently displayed on the TCSG website.

B. The president at each college shall be responsible for ensuring compliance with this procedure. Each technical college shall designate one official to serve as the Open Records Officer and shall publish the individual’s name and contact information prominently on the college’s website; the Office of Legal Services and the legal organ of the county in which the college’s principal offices are located shall also be notified.

http://georgiapublicnotice.com/pages/legal_organs

C. An Open Records Request may be made orally or in writing, however, any individual who makes an oral request for inspection or copying of public records shall be immediately directed to the designated Open Records
Officer. All written requests must be submitted to the Open Records Officer.

D. Upon receipt of a request, the Open Records Officer should immediately determine whether any responsive documents exist. Public records that are responsive to a request must be produced for inspection within a reasonable amount of time not to exceed three business days from receipt of a request. In those instances where some, but not all, records are available within the three business days, records that can be located and produced shall be made available.

E. In any instances where responsive records exist but are unavailable within three business days, the Open Records Officer must, within three business days, provide the requestor with a description of the records, estimated cost of production and timeline for production. Access to records must be provided as soon as practicable.

F. All requests for inspection or copying of public records must be responded to in writing within a reasonable period not to exceed three business days.

G. Contracts with private vendors to prepare, collect, store or maintain public records on behalf of TCSG must include provisions to ensure that public access and delivery of those records in response to a request will not be impeded.

H. A copy of all Open Records Requests and responses thereto should be sent to the Office of Legal Services.

I. Colleges shall forward to the Office of Legal Services all Open Records Requests by a civil litigant for records pertaining to ongoing civil or administrative litigation and a copy of all documents to be produced in response to such a request.

J. Prior to responding to and/or disclosing records in response to an Open Records Request, college Open Records Officers must determine if any information or documents are exempt from public disclosure. All exemptions are to be interpreted narrowly to exclude only those portions of the records that are lawfully exempt.

K. The Open Records Officer should consult with the Office of Legal Services in determining that all or part of a requested record(s) must be withheld; the specific legal authority, including the Code section, subsection, and paragraph exempting the requested information must be relayed to the requestor when withholding such records.

L. A list of records exempt from the public disclosure requirements of the Open Records Act may be found in O.C.G.A. § 50-18-72. The following is a list of exempt records most likely to be received or maintained by TCSG:

1. Documents specifically required by federal statute or regulation to be kept confidential, including student records protected by the Family
Educational Rights and Privacy Act (FERPA); O.C.G.A. § 50-18-72(a)(1) and O.C.G.A. § 50-18-72(a)(37)

2. Records that reveal a public employee’s home address, home telephone number, day and month of birth, social security number, insurance or medical information, mother’s birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access his or her account, financial data or information other than compensation by a government agency, unlisted telephone number if so designated in a public record, and the identity of the public employee’s immediate family members or dependents. If records are requested which contain any of the information above but which also contain information that is not otherwise exempted from disclosure, the above information must be redacted prior to release of the record; O.C.G.A. § 50-18-72(a)(21)

3. Records maintained by TCSG and associated foundations that contain personal information concerning donors or potential donors except;

   a. The name of the donor and the amount of the donation shall be subject to disclosure if the donor or an entity in which the donor has a substantial interest transacts business with the public postsecondary educational institution to which the donation is made within three years of the date of such donation. O.C.G.A. § 50-18-72(a)(29)

   b. “Substantial interest” means the direct or indirect ownership of more than 25 percent of the assets or stock of an entity; “transact business” means to sell or lease any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative in an amount exceeding $10,000.00 in the aggregate in a calendar year.


5. Records consisting of confidential evaluations submitted to, or examinations prepared by TCSG and prepared in connection with the appointment or hiring of an public employee; O.C.G.A. § 50-18-72(a)(7)

6. Records consisting of material obtained in investigations related to the suspension, firing, or investigation of complaints against public officers or employees until ten days after the report has been presented to the appropriate TCSG official for action or the investigation is otherwise concluded or terminated; O.C.G.A. § 50-18-72(a)(8)
7. Real estate appraisals, engineering or feasibility estimates, or other records made for or by TCSG relative to the acquisition of real property until such time as the property has been acquired or the proposed transaction has been terminated or abandoned; O.C.G.A. § 50-18-72(a)(9)

8. Pending, rejected, or deferred sealed bids or sealed proposals and any related detailed cost estimates until such time as the final award of the contract is made, the project is terminated or abandoned, or the Board takes a public vote regarding the sealed bid or sealed proposal, whichever comes first. O.C.G.A. § 50-18-72(a)(10)

   a. Records which reveal an individual’s social security number, mother’s birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access his or her account, financial data or information, insurance or medical information in all records, unlisted telephone number, personal email address or cellular telephone number, and day and month of birth. If records are requested which contain any of the information above but which also contain information that is not otherwise exempted from disclosure, the above information must be redacted prior to release of the record; O.C.G.A. § 50-18-72(a)(20)(A).

   b. Media Exception: an individual’s social security number and day and month of birth are subject to disclosure in response to a written Open Records Request that is signed under oath stating that the person or entity requesting the information is gathering it as a representative of a news media organization for use in connection with news gathering and reporting;

   c. Even in response to Open Records Requests from the media, however, the Open Records Officer shall not release the social security number and day and month of birth of a public employee.

9. Any trade secrets obtained from a person or business entity that are required by law, regulation, bid, or request for proposal to be submitted to TCSG, provided the person or business entity that wishes to keep such records confidential under this exemption, has submitted and attached to the records an affidavit affirmatively declaring that specific information in the records constitute trade secrets as defined in O.C.G.A. § 10-1-761; O.C.G.A. § 50-18-72(a)(34)

10. Records consisting of questions, scoring keys, and other materials constituting a test that derives value from being unknown to the test
taker prior to administration by TCSG, provided the owner of the
test has taken reasonable measures to protect the security and
confidentiality of the test. O.C.G.A. § 50-18-72(a)(38)

11. Records, data, or information of a proprietary nature, produced or
collected by or for TCSG faculty or staff or staff of other
governmental agencies in the conduct of, or as a result of, study or
research on commercial, scientific, technical, or scholarly issues,
where such data, records or information has not been publicly
released, published, copyrighted, or patented. This exemption applies
regardless of whether the study or research is sponsored by the
college alone or in conjunction with a governmental body or private
concern; O.C.G.A. § 50-18-72(a)(35)

12. Records, data, or information developed, collected, or received by or
on behalf of faculty, staff, employees, or students of a college or any
public or private entity supporting or participating in the activities of
a college in the conduct of, or as a result of, study or research on
medical, scientific, technical, scholarly, or artistic issues, until such
information is published, patented, otherwise publicly disseminated
or released; this exception shall apply to, but not be limited to,
information provided by participants in research, research notes and
data, discoveries, research projects, methodologies, protocols, and
creative works; O.C.G.A. § 50-18-72(a)(36)

13. Records disclosing the identity or personally identifiable information
of any person participating in research on commercial, scientific,
technical, medical, scholarly or artistic issues conducted by a college
whether sponsored by the college or in conjunction with a
governmental body or private entity; O.C.G.A. § 50-18-72(a)(39)

14. Records containing communications subject to the attorney-client
privilege recognized by state law and confidential attorney work
product; O.C.G.A. § 50-18-72(a)(41) and O.C.G.A. § 50-18-72(a)(42)

15. Records relating to a Quick Start training program disclosing an
economic development proposal to locate a business, or to expand a
business, that would involve an expenditure of more than $25
million by the business or the hiring of more than 50 employees by
the business until such time as a binding commitment has been
secured by the Department of Economic Development; O.C.G.A. §
50-18-72(a)(47)

16. Records relating to job applicants, or identifying proprietary hiring
practices, training, skills, or other business methods and practices of
a private entity that has entered into a binding commitment involving
the expenditure of more than $25 million or the hiring of 50
employees by the entity. O.C.G.A. § 50-18-72(a)(47)
M. If there are no records which are responsive to the Open Records Request, TCSG is not required to prepare reports, summaries, or compilations or create any new records not in existence at the time of the request. However, a request for electronic records, data or data fields may not be refused on the grounds that exporting the data will require inputting range, search, filter, report parameters or similar commands or instructions into the computer system when such commands are used in the ordinary course of business.

N. The most economical means reasonably available shall be utilized to identify and produce responsive, non-excluded documents. Reasonable charges may be assessed for the search, retrieval, redaction, production or copying costs associated with complying with the request.

1. When the cost of responding to the request exceeds $25.00, the requestor must be notified of the estimated costs within a reasonable time, not to exceed three business days; the search and retrieval of the requested records may be deferred until the requester agrees to pay the estimated costs unless the requester has stated in his or her request a willingness to pay an amount that exceeds the estimated search and retrieval costs. The production of the documents, however, may not be delayed or conditioned upon receipt of the payment of the estimated costs.

2. A requestor who has not paid the cost for search, retrieval, redaction, or copying of records when such charges have been lawfully incurred may be required to prepay the cost to produce any future requests for records until the costs for the prior production of records have been paid. Collection procedures for lawfully incurred charges may be authorized by the Georgia Department of Law.

3. When the estimated costs for the production of the requested records exceed $500.00, the requestor must prepay the costs prior to the beginning of the search, retrieval, review, copying or production of the records.

4. The fee for copies shall not exceed ten cents ($0.10) per page for letter or legal size documents. In the case of other documents (e.g. blue prints, posters, etc.), the actual cost of copying/producing them may be charged. Where fees for certified copies are authorized by policy or law, these fees may be charged if the request specifies certified copies.

5. The hourly charge for search, retrieval, redaction, copying and production of records shall not exceed the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the Open Records Officer, has the necessary skill and training to perform the request. No charge shall be made for the first quarter hour.
6. In the case of electronic records, the actual cost of the media on which the records or data are produced may be charged. Where information requested is maintained by computer, actual cost of a computer disk or tape onto which the information is transferred shall be charged.

O. Employees who violate the Open Records Act may be subject to disciplinary action up to and including termination from employment. Employees are also subject to the following provisions of the Open Records Act:

1. Any person or entity who knowingly and willfully fails or refuses to provide access to records not subject to exemption or within reasonable time limits, or who knowingly and willingly frustrates or attempts to frustrate the access to records by intentionally making records difficult to obtain or review is subject to conviction of a misdemeanor punishable by a fine not to exceed $1,000.00 for the first violation. A fine not to exceed $2,500 may be imposed for each additional violation within a 12 month period from the date the first penalty is assessed. It shall be a defense to the criminal action that a person has acted in good faith in his or her actions.

2. Any person who negligently violates the Open Records Act is subject to civil action and penalty not to exceed $1,000 for the first violation, and up to $2,500 for each successive violation occurring within 12 months of the date the first penalty was assessed.

3. Persons or entities that destroy records for the purpose of preventing their disclosure under the Open Records Act may be subject to felony prosecution under O.C.G.A. § 45-11-1.4.

4. Employees may be required to pay all criminal and civil fines associated with their actions.

P. Nothing in this procedure shall change the manner in which subpoenas and formal judicial discovery requests are handled.

Q. Nothing in this procedure shall change the manner in which the TCSG complies with the Family Educational Rights and Privacy Act (FERPA).

R. Any questions about this procedure shall be directed to the Office of Legal Services

Revised: January 9, 2013
Last Reviewed: January 9, 2013
Adopted: July 18, 2008
EMERGENCY OPERATIONS AND SAFETY PLAN

The intent of this policy is:
1. To provide a safe educational environment for students and a safe working environment for faculty and other staff;
2. To provide a planned and coordinated response to certain acts and occurrences through the use of a Technical College Emergency Operations and Safety Plan; and
3. To establish procedures for plan development and implementation.

Each state Technical College shall develop and implement a Technical College Emergency Operations and Safety Plan to address preparedness for acts of violence, acts of terrorism, accidents, hazardous materials and natural disasters.

Each state Technical College should involve students, employees and representatives of local law enforcement, fire services, emergency medical services, hospitals and emergency management in the planning and development of the Technical College Emergency Operations and Safety Plan. O.C.G.A. §20-2-1185, School Safety, mandates such local involvement in emergency plans developed by elementary and secondary schools and the Technical Colleges are encouraged to participate with their local communities in the development of their plan.

Effective, September 1, 2000, each state Technical College shall have a Technical College Emergency Operations and Safety Plan in place to cover operations at both the primary campus and satellite locations as well as off campus centers.

The Technical College Safety Plan shall also address security issues in school safety zones as designated in paragraph (1) of subsection (a) of O.C.G.A. §16-11-127.1, Weapons on Campus.

A copy of the Plan shall be submitted to the Central Office for review.

The Plan shall be reviewed and updated annually by the Technical College. The review and update shall occur by September 1 each year.

This Department, in consultation with the Georgia Emergency Management Agency, shall develop procedures for the implementation of this policy.

References
O.C.G.A. §16-11-127.1
O.C.G.A. §20-2-1185

The Georgia Northwestern Technical College’s Emergency Operations Plan is located on GNET2 at: https://gnet2.gntc.edu located in the Emergency Information.
SEVERE WEATHER POLICY AND PROCEDURE

Decisions regarding conditions affecting Georgia Northwestern Technical College (GNTC) during emergency/severe weather will be made by the vice president of Academic Affairs (VPAA), after consultation with the president. Announcements to employees and students concerning closing of college facilities, opening late, or closing early will be made as early in the day as possible. GNTC will announce closings or delayed openings through GNTC Alert (GNTC’s emergency notification system), GNTC’s website at www.GNTC.edu, and on GNTC’s Facebook page. The college will not announce that it is open, only closings or delayed openings. It is the responsibility of each person to use their best judgment to decide if it is safe to travel.

In the event of severe/inclement weather GNTC will communicate to students, faculty, and staff using the following methods:

- GNTC Website - www.GNTC.edu
- GNTC Social Media Sites: Twitter and Facebook
- GNTC Alert System
This system will provide GNTC faculty, staff, and students with timely emergency alerts and weather/campus closing notifications.

GNTC pledges that your information is confidential and used ONLY for notification via GNTC e2Campus Alert! You will not be spammed, and GNTC will NOT use this system for “routine reminders” (such as registration deadlines, etc). **GNTC’s e2Campus Alert! Will be used exclusively for emergency and weather/campus closing messages.**

GNTC Alert! Delivers messages via SMS (text message to your cell phone), email, and voice phone calls. When you enroll you may enter any number of contact numbers/email addresses to receive notifications. To receive notifications via SMS text messages to your mobile phone, you must have text messaging enabled. If you do not have text messaging, you may still receive email and voice phone message notification.

**Please note:** *This is an “opt-in” service. You must create your own account and enter your own contact information in order to receive notifications.*

**To sign up for GNTC’s e2Campus Alert! Notifications System**

1. Go to the GNTC home page [www.gntc.edu](http://www.gntc.edu)
2. Scroll to the bottom right of the page to Alert! Logo.
3. Create your username and password.
4. Select the Optional Groups enter your Mobile Phone number, and Select Carrier. Or **Sign Up Using Email Only**.
5. After selecting Create Account you will receive a text message or email containing your validation code. Enter code to validate your mobile phone number or email address.
6. For account related problems or questions, please contact e2Campus HelpDesk
CAMPUS SECURITY


In compliance with this legislation the technical colleges shall report campus crime statistics, campus offenses, and security measures to all students and employees by October 1 of each year. Prospective students and employees shall receive either a copy of the report or a notice of its availability and a brief summary of its contents. The report may be published electronically but students, employees, and potential students or employees must be given a paper copy upon request and must be individually told of the report's availability in electronic form.

Each Technical College shall also ensure that timely warnings go out whenever a threat to students and employees is present for the crimes listed below, which are reported to local police or campus security authorities. Each President shall establish procedures on how to issue these notices.

Each Technical College shall report crime statistics to the U.S. Secretary of Education in accordance with the applicable regulations.

The Report shall also contain a statement of current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus, including:

- policies for making timely warning reports to members of the campus community and for preparing the annual disclosure of crime statistics,
- a list of the titles of each person or organization to whom students and employees should report the criminal offenses described below, and
- whether the technical college has any policies or procedures (and a description of same) that allow disclosure by victims or witnesses of crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics;

The Report shall also contain a statement of current policies concerning security and access to campus facilities, including campus residences; and security considerations used in the maintenance of campus facilities; and a statement of current policies concerning campus law enforcement that addresses the enforcement authority of security personnel, including their relationship with State and local police agencies and whether those security personnel have the authority to arrest individuals, encourages accurate and prompt reporting of all crimes, and describes procedures, if any, that encourage professional or pastoral counselors to inform persons being counseled of voluntary disclosure procedures referenced above.

The Report shall also contain a description of the type and frequency of programs designed to inform students and employees about campus security procedures and
practices and to encourage students and employees to be responsible for their own security and the security of others; a description of programs designed to inform students and employees about the prevention of crimes; a statement of the technical college's policy concerning monitoring of student criminal activity at off-campus locations of officially recognized student organizations; a statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws; a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws; a description of any drug or alcohol-abuse education programs, as required under Section 120 (a) - (d) of the Higher Education Act; and a statement of policy regarding the Technical College's campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs. (34 C.F.R. § 668.46(b) (11))

Each Technical College shall retain the records on crime statistics for three years following the last year the information was included in the annual report. For example, October 1, 1997 campus security records would be kept until October 1, 2003.

**PROCEDURES FOR IMPLEMENTATION OF THE JEANNE CLERY DISCLOSURE ACT**

**Campus Crime Log**
Technical College law enforcement units shall keep a daily log that records crimes by their nature, date, time, general location, and disposition of the complaint. The log shall be made available to the public within two business days of a request unless disclosure of such information would:

- be prohibited by law
- jeopardize the confidentiality of the victim
- jeopardize an ongoing criminal investigation
- jeopardize the safety of an individual
- cause a suspect to flee or evade detection
- result in the destruction of evidence

**Crimes and Campus Offenses To Be Reported**
Statistics on the following crimes and offenses shall be reported.

- **Criminal Homicide:** Murder, non-negligent, and negligent manslaughter.
- **Sex Offenses, Forcible or Non-forcible:** A forcible sex offense is any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against that person's will where the victim is incapable of giving consent, i.e., intoxicated. Non-forcible sex offenses are acts of "unlawful, non-forcible sexual intercourse," e.g., incest or statutory rape.
- **Robbery:** The taking, or attempting to take anything of value from the control, custody, or care of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This offense is usually
accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

- **Burglary**: The unlawful entry (breaking and entering) into a building or other structure with the intent to commit a felony or theft.
- **Arson**: Willful or malicious burning or an attempt to burn a dwelling house, public building, motor vehicle or aircraft, or personal property.
- **Motor Vehicle Theft**: The theft or attempted theft of a motor vehicle.
- **On-campus Arrests for Alcohol, Drug and Illegal Weapon Violations**.
- **Certain Referrals for Campus Disciplinary Actions for alcohol, drug or illegal weapon violations**. (If included in the report as an arrest, a referral need not be reported under this category).
- **Hate Crimes falling into the above list, involving bodily injury, or reported to the campus security office or local police**. (Hate crimes are to be reported by category of prejudice: race, gender, religion, sexual orientation, ethnicity or disability).

The Technical Colleges shall also provide a geographic breakdown of the crime statistics by four categories:

- **on campus**
- **on campus and in a dormitory or other residential facility for students on campus**
- **in or on a non-campus building or property**
- **on non-campus public property including thoroughfares, streets, sidewalks, or parking facilities that are within the campus, or immediately adjacent to and accessible from the campus**

A map may be used in complying with the statistical reporting requirements.

The **Following Persons shall be Responsible for Reporting Crimes and Campus Offenses**

Persons who receive referrals for discipline involving alcohol, drug or weapon violations which are also a violation of the law, and for which a sanction may be imposed, must report those cases to the campus security office.

Anyone who is a "campus security authority" and who receives a report of or is aware of a crime must report it to the campus security office.

Campus security authorities are defined in the final regulations as:

- **Members of a campus police department or a campus security department of an institution.**
- **An individual who has responsibility for campus security, but is not a part of a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property.**
- **Any individual or organization specified in an institution's statement of campus security policy as someone to whom students and employees should report criminal offenses.**
- **Any official of the institution who has significant responsibility for student and campus activities, such as student housing, student discipline, and campus judicial proceedings, but who is not acting as a pastoral or professional counselor.**

Examples of those with significant responsibility may include the dean of students...
or other official(s) who oversee student housing, a student center, or student extracurricular activities; an athletic director; team coach; or faculty advisor to a student group.

Crime Statistics that Do Not Require Reporting
A Technical College does not need to report crimes reported to a pastoral or professional counselor. A pastoral counselor is a person who is associated with a religious order or denomination that recognizes him or her as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the institution's community and is functioning within the scope of his or her license or certification.

However, this exemption from the reporting requirements under the Campus Security Act does not relieve counselors of the duty to exercise reasonable care to protect a foreseeable victim from danger posed by the person being counseled. If someone indicates to their counselor an intent to commit a violent crime against another, and the counselor determines that the patient poses a serious danger of violence, then steps must be taken by the counselor to protect the intended victim.

ANNUAL SECURITY REPORT
Federal Department of Education regulations require all colleges to publish an annual report of campus security procedures and crime statistics for the three previous years.

The current report for GNTC can be found on the website at
CONTACT CAMPUS SECURITY

Emergency contacts for each campus

**Floyd County Campus**
Bill Byars  
Director of Safety & Security  
706-295-6552 ~ bbyars@gntc.edu

**Gordon County Campus**
Tom Bojo  
Dean of Academic Affairs & Campus Manager  
706-624-1118 ~ tbojo@gntc.edu

**Polk County Campus**
April Welch  
Campus Manager  
678-757-2636 ~ awelch@gntc.edu

**Walker County Campus**
Stuart Phillips  
Vice President of Student Affairs & Campus Manager  
706-764-6868 ~ sphilips@gntc.edu

**Whitfield Murray Campus**
Dr. Ginger Mathis  
Associate Vice President of Academic Affairs & Campus Manager  
706-272-2960 ~ gmathis@gntc.edu
INTELLECTUAL PROPERTY

To further its goal of making education accessible to as many people as possible, Georgia Northwestern Technical College owns the intellectual property rights to any and all works produced by or for the college.

In order that Georgia Northwestern Technical College be able to utilize to the best and fullest extent all works produced for it, and all works provided for its use, anyone producing work for the college and anyone providing work for the college’s use, represents, and warrants that such works:

- Do not violate any law
- Do not violate or infringe any intellectual property right (including but not limited to copyright, trademark, patent, or right of publicity) of any person or firm
- Do not libel, defame, or invade the privacy of any person or firm

The Technical College System of Georgia (TCSG) Commissioner may establish a committee to make recommendations concerning the development of intellectual property not exclusively owned by the Department (including its technical colleges). [https://tcsg.edu/tcgpolicy/docs/04-01-06.html](https://tcsg.edu/tcgpolicy/docs/04-01-06.html)
DEVELOPMENT OF PATENTABLE DEVICES/MATERIALS OR COPYRIGHTABLE MATERIALS/MEDIA BY TECHNICAL COLLEGE SYSTEM OF GEORGIA/COLLEGE PERSONNEL OR STUDENTS

I. POLICY:

To further the Technical College System of Georgia’s goal of making education accessible to the public, the Technical College System of Georgia owns the intellectual property rights in any and all works produced by or for the Technical College System of Georgia and its constituent colleges.

II. APPLICABILITY:

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

III. RELATED AUTHORITY:

15 U.S.C. § 1127 (Trademark)
17 U.S.C. § 102 et seq. (Copyright)
35 U.S.C. § 101 et seq. (Inventions Patentable)
O.C.G.A. § 10-1-760 et seq. (Georgia Trade Secrets Act of 1990)
O.C.G.A. § 50-18-70 et seq. (Georgia Open Records Act)
TCSG Policy II.E: Intellectual Property
TCSG Procedure III.L.6: Other Employment
TCSG Procedure V.D.2: Model Student Conduct Code

IV. DEFINITIONS:

“Copyrighted Materials” shall refer to materials or works other than software which qualify for protection under the copyright laws of the United States (17 U.S.C. § 102 et seq.) or other protective statutes whether or not a registered copyright.

“Intellectual Property” shall refer to patentable or copyrighted materials, trademarks, software and trade secrets as defined by the Georgia Trade Secrets Act of 1990, the Georgia Open Records Act or other Georgia law whether or not formal legal protection is sought.

“Patentable Materials” shall refer to items other than software which reasonably appear to qualify for protection under the patent laws of the United States (35 U.S.C. § 101 et seq.) or other protective statutes.

“Software” shall refer to computer programs in any form, including but not limited to applications for phones, tablets or other devices, or any associated operational procedures, manuals, or other documentation associated with the software, whether or not protectable or protected by patent or copyright.

“Trademarks” shall refer to all trademarks, service marks, trade names, seals, symbols, designs, slogans or logotypes (15 U.S.C. § 1127).
“Trade Secrets” shall be defined as in the Georgia Trade Secrets Act of 1990 (O.C.G.A. § 10-1-760 et seq.) or the Georgia Open Records Act. (O.C.G.A. § 50-18-70 et seq.)

V. ATTACHMENTS:

N/A

VI. PROCEDURE:

Intellectual property may be protected under United States’ law and the laws of other nations. Intellectual property created by the faculty, staff or students of the Technical College System of Georgia and its constituent colleges may have come about because of the aid or participation of the Technical College System of Georgia or one of its colleges. The respective rights and obligations of the Technical System of Georgia, its constituent colleges and their faculty, staff and students, will be determined in accordance with the provisions of this procedure. Adherence to this procedure and the State Board Policy II.E is a condition of employment or enrollment.

1. Sponsor Supported Efforts: Projects sponsored by third parties often have contracts containing specific provisions with respect to ownership of any resulting intellectual property. In such cases, if the support provided is sufficient to cover the cost of developing the portion of the intellectual property to be owned by the third party, the intellectual property rights shall be as set forth in the underlying contract. Should the contract be silent as to intellectual property rights or in the absence of a contract, all rights in Intellectual Property shall vest in the Technical College System of Georgia.

2. Technical College System of Georgia or College Assigned Efforts: Intellectual Property Rights in Intellectual Property created as a result of projects undertaken at the direction of the Technical College System of Georgia or one of its constituent colleges shall vest with the Technical College System of Georgia.

3. Individual Efforts: Rights to Intellectual Property created solely through the efforts of faculty, staff or students without any contribution from the Technical College System of Georgia or one of its constituent colleges shall vest in the individual creator(s). However, the creator(s) shall not be able to claim ownership rights in Intellectual Property created during work time for the Technical College System of Georgia or one of its constituent colleges or created using any resources of the Technical College System of Georgia or one of its constituent colleges that are not readily available to members of the
public. It shall be the responsibility of the creator(s) to establish that he or she produced the Intellectual property solely with individual effort and without any contribution from the Technical College System of Georgia or the college.

**Proof of Individual Ownership of Intellectual Property Rights:**
In any case where an employee, staff member or student of the Technical College System of Georgia or one of its constituent colleges claims a personal right to intellectual property, he or she must provide evidence of his or her ownership as provided herein. Failure to follow this procedure shall result in all Intellectual Property rights vesting in the Technical College System of Georgia.

The employee, staff member or student must file in writing his or her request for approval of his or her claim of individual right of ownership. Decisions regarding who holds the right to Intellectual Property shall be made by the Assistant Commissioner of Technical Education or designee, utilizing the standards outlined in paragraphs 1-3 above, for employees and staff of the Technical College System of Georgia’s System office. Decisions for employees, staff and students of the colleges shall be made by the college president or designee utilizing the same standards.

Individuals may appeal the decision regarding Intellectual Property rights to the Commissioner of the Technical College System of Georgia. Appeals should be sent to the Commissioner in writing with all supporting documentation within ten (10) business days of receipt of the president’s decision. The Commissioner of the Technical College System of Georgia shall consult with the Office of Legal Services prior to making a final decision. The Commissioner’s decision should in most cases be made within thirty (30) business days after his/her receipt of the appeal.

**Proposed Changes to Ownership Rights Established by This Policy:**

Any proposed changes to the Ownership Rights of Intellectual Property must be submitted in writing to the Commissioner of the Technical College for his or her consideration. The Commissioner may establish a committee to consider such requests. The decision of the Commissioner or designee shall be made within thirty (30) days after the written submittal of the request for altered ownership rights.

**VII. RECORD RETENTION:**

Records pertaining to ownership of intellectual property shall be maintained in accordance with the State of Georgia Record Retention Schedule. Upon reasonable belief that legal action may occur as a result of an issue of ownership of intellectual property, the college shall suspend any schedule for destruction of related records and take immediate and affirmative steps to secure such records in their original format(s).

[Link to Georgia Archives Record Retention Schedules]

http://www.georgiaarchives.org/records/retention_schedules
DEVELOPMENT OF PATENTABLE DEVICES/MATERIALS OR COPYRIGHTABLE MATERIALS/MEDIA BY TECHNICAL COLLEGE/DEPARTMENT PERSONNEL

Each institution or unit of the Technical College system is required to follow state policies and procedures for handling patentable devices/materials or copyrightable materials/media. For each institutional/unit case the president/supervisor shall appoint representatives to a state level patent/copyright committee consisting of not fewer than three or more than nine members, a member of which shall be designated by the Commissioner to serve as chair. In each institutional case the committee shall include a representative of the office of administrative services and instructional services of that institution.

The state level patent/copyright committee shall recommend to the Commissioner the rights and equities in patentable from royalties and other use shall be agreed upon by employees and appropriate administrative personnel in accordance with state policy in advance of the use of the institution's personnel or facilities. In the event of a disagreement as to the ownership and use of such devices, materials or media, existing State Board policies provide for an appeal procedure.

References
II. E. 1. Intellectual Property Policy

Authority 17 USC 101; 17 USC 201b
Approved: June 1991
AG04-01-06
IDENTITY THEFT PREVENTION

I. POLICY:

This Identity Theft Prevention Policy is adopted in compliance with the Federal Trade Commission’s “Red Flags Rule”, which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. The purpose of this policy is to establish an Identity Theft Prevention Program to detect, prevent and mitigate Identity Theft in connection with the opening of a Covered Account or an existing Covered Account, and to provide for administration of the Identity Theft Prevention Program.

II. APPLICABILITY:

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

III. DEFINITIONS:

Identity Theft - fraud committed or attempted using the Identifying Information of another person without authority.

Red Flag - a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

Covered Account - a consumer account that involves multiple payments or transactions, such as a loan that is billed or payable monthly, or multiple payments in arrears, in which a “continuing relationship” is established. This includes an account a College offers or maintains, primarily for personal, family or household purposes, that involves or is designated to permit multiple payments or transactions, such as a credit card account, student account or other financial account. This also includes any account that the College maintains for which there is a reasonably foreseeable risk to customers from Identity Theft.

Program Administrator - the individual designated with primary responsibility for oversight of the program. See Section V (D) below.

Identifying Information or Personal Identifying Information - any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, social security number, date of birth, government issued driver’s license, government issued identification number, alien registration number, government passport number, employer or taxpayer identification number, student identification number, computer’s Internet Protocol address, or routing code.

Identity Theft - fraud committed using the personal Identifying Information of another person.
IV. ATTACHMENTS:

None.

V. PROCEDURE:

A. IDENTIFICATION OF RED FLAGS—In order to identify relevant Red Flags, each College must consider the types of accounts that it offers and maintains, methods it provides to open accounts, methods it provides to access its accounts, and its previous experiences with Identity Theft. The following Red Flags must be considered by each College:

1. Notifications and Warnings from Credit Reporting Agencies—Red Flag
   a. Report of fraud accompanying a credit report;
   b. Notice or report from a credit agency of a credit freeze on an applicant;
   c. Notice or report from a credit agency of an active duty alert for an applicant;
   d. Receipt of a notice of address discrepancy in response to a credit report request; and
   e. Indication from a credit report of activity that is inconsistent with an applicant’s usual pattern or activity.

2. Suspicious Documents—Red Flags:
   a. Identification document or card that appears to be forged, altered or inauthentic;
   b. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;
   c. Other document with information that is not consistent with existing student information; and
   d. Application for service that appears to have been altered or forged.

3. Suspicious Personal Identifying Information—Red Flags:
   a. Identifying Information presented that is inconsistent with other information the student provides (example: inconsistent birth dates);
   b. Identifying Information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a loan application);
   c. Identifying Information presented that is the same as information shown on other applications that were found to be fraudulent;
   d. Identifying Information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
e. Social security number presented that is the same as one given by another student;
f. An address or phone number presented that is the same as that of another person;
g. A person fails to provide complete personal Identifying Information on an application when reminded to do so; and
h. A person’s Identifying Information is not consistent with the information that is on file for the student.

4. Suspicious Covered Account Activity or Unusual Use of Covered Account—Red Flags:

1. Change of address for a Covered Account followed by a request to change the student’s name;
2. Payments stop on an otherwise consistently up-to-date Covered Account;
3. Covered Account used in a way that is not consistent with prior use;
4. Mail sent to the student is repeatedly returned as undeliverable;
5. Notice to the College that a student is not receiving mail sent by the College;
6. Notice to the College that a Covered Account has unauthorized activity;
7. Breach in the College’s computer system security; and
8. Unauthorized access to or use of student Covered Account information.

5. Alerts from Others—Red Flag:

Notice to the College from a student, Identity Theft victim, law enforcement or other person that the College has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

In addition, each College shall consider whether or not additional Red Flags should be identified after considering the College’s Covered Accounts, methods of providing Covered Accounts, methods of accessing Covered Accounts and previous experience with Identity Theft. The need to add additional Red Flags shall be reviewed annually by the College’s Vice President of Administration. To the extent the College adds additional Red Flags, these shall written and distributed to appropriate College personnel on at least an annual basis. A copy shall be maintained in the custody of the College’s Vice President of Administration.

B. DETECTING RED FLAGS

1. Student Enrollment—In order to detect any of the Red Flags identified above associated with the enrollment of a student, College personnel will take the
following steps to obtain and verify the identity of the person opening the Covered Account:

a. Require certain Identifying Information such as name, date of birth, academic records, home address or other identification; and
b. Verify the student’s identity at time of issuance of student identification card by review of driver’s license or other government-issued photo identification.

2. Existing Covered Accounts—In order to detect any of the Red Flags identified above for an existing Covered Account, College personnel will take the following steps to monitor transactions on an account:

a. Verify the identification of students if they request information (in person, via telephone, via facsimile, via email);

b. Verify the validity of requests to change billing addresses by mail or email and provide the student a reasonable means of promptly reporting incorrect billing address changes; and

c. Verify changes in banking information given for billing and payment purposes.

3. Consumer (“Credit”) Report Requests—In order to detect any of the Red Flags identified above for an employment or volunteer position for which a credit or background report is sought, College personnel will take the following steps to assist in identifying address discrepancies:

a. Require written verification from any applicant that the address provided by the applicant is accurate at the time the request for the credit report is made to the consumer reporting agency; and

b. In the event that notice of an address discrepancy is received, verify that the credit report pertains to the applicant for whom the requested report was made and report to the consumer reporting agency an address for the applicant that the College has reasonably confirmed is accurate.

C. PREVENTING AND MITIGATING IDENTITY THEFT—In the event College personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag, type of transaction, relationship with the victim of the fraud, availability of contact information for the victim of the fraud, and other factors:

1. Prevent and Mitigate

a. Continue to monitor a Covered Account for ongoing evidence of Identity Theft;

b. Contact the student or applicant (for which a credit report was run);

c. Cancel the transaction;
d. Change any passwords or other security devices that permit access to Covered Accounts;

e. Not open a new Covered Account;

f. Provide the student with a new student identification number and/or account number;

g. Notify the Program Administrator for determination of the appropriate step(s) to take;

h. Notify law enforcement when applicable;

i. Determine that no response is warranted under the particular circumstances.

2. Protect Student Identifying Information—In order to further prevent the likelihood of Identity Theft occurring with respect to Covered Accounts, the College will take the following steps with respect to its internal operating procedures to protect student Identifying Information:

a. Ensure that its website is secure or provide clear notice that the website is not secure;

b. Ensure complete and secure destruction of paper documents and computer files containing student account information when a decision has been made to no longer maintain such information;

c. Ensure that office computers with access to Covered Account information are password protected;

d. Avoid use of social security numbers (See College Information Use Policy);

e. Ensure computer virus protection is up to date; and

f. Require and keep only the kinds of student information that are necessary for College purposes.

D. PROGRAM ADMINISTRATION

1. Oversight—Each College’s Vice President for Administration (“VPA”) is responsible for the oversight of the Program and is the “Program Administrator” for that College. The VPA and the College’s Vice President of Student Services are responsible for the development, implementation, administration, and the annual review of the Program.

2. Staff Training and Reports—The College will implement annual training to emphasize the importance of meaningful data security practices and to create a “culture of security.” The College acknowledges that a well-trained workforce is the best defense against Identity Theft and data breaches.

a. Annually explain the Program rules to relevant staff, and train them to spot security vulnerabilities, and update them about the new risks and vulnerabilities.

b. Have relevant staff signs a statement acknowledging that they read and understand the Program.
c. Advise employees that violation of this policy is grounds for discipline, up to, and including dismissal.

3. Service Provider Arrangements—The College will, as part of its contracts with third party service providers, require as a part of the contract that these providers have policies, procedures and programs that comply with the “Red Flag” rule, that the provider is aware of this policy, and that the provider will report to the College any Red Flags it identifies as soon as possible.

4. Program Updates—the College’s VPA will review the program annually and make recommendations for substantial changes to the program, if necessary. Any known Identity Theft incidents and the response to the incident will be reported immediately to the College President and the TCSG Assistant Commissioner, Administration (or equivalent position).

VI. RECORD RETENTION

Not Applicable.

Effective Date: May 3, 2012
Revises Previous Effective Date: N/A, New Policy
STATEMENT OF EQUAL OPPORTUNITY

I. POLICY:
The Technical College System of Georgia and its constituent technical colleges do not discriminate on the basis of race, color, creed, national or ethnic origin, gender, religion, disability, age, political affiliation or belief, genetic information, disabled veteran, veteran of the Vietnam Era, or citizenship status (except in those special circumstances permitted or mandated by law). This nondiscrimination policy encompasses the operation of all TCSG and technical college-administered programs, federally financed programs, educational programs and activities involving admissions, scholarships and loans, student life and athletics. It also applies to the recruitment and employment of personnel and the contracting for goods and services.


TCSG and the technical colleges are expected to promote the full realization of equal opportunity through affirmative and continuing practices. TCSG and each technical college shall develop Affirmative Action Plans based on federal guidelines to ensure compliance with applicable mandates. Each is required to report and monitor Affirmative Action Plan data as directed by federal compliance guidelines.

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

III. PROCEDURE:
A. Publications, advertisements, job announcements, and job and enrollment applications shall contain a statement of equal opportunity and shall contain no indication, either, explicit or implied, of a preference for one class of persons over another.

B. Notices shall be conspicuously posted in public places at the System Office and in the technical college buildings, informing job applicants and employees that the organization is an equal opportunity organization and advising students, applicants and
employees of their rights to notify an appropriate college official, local, state, or federal agency if they believe they have been subjected to unlawful discrimination.

C. Prior to the beginning of each school year, the college is required to publish the Statement of Equal Opportunity in the local newspaper(s) in the college’s service area with a statement that all vocational opportunities will be offered regardless of race, color, national origin, sex or disability. The notice must include a brief summary of program offerings and admission criteria and the name, office address, and phone number of persons designated to coordinate compliance under Title IX and Section 504.

D. Each college shall appoint individuals to act as Coordinators to ensure compliance with federal laws including but not limited to Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, and Title VI and Title VII of the Civil Rights Act of 1964, as amended. The names, locations and contact information for these Coordinators will be widely published in materials/information distributed by colleges.

E. The Commissioner shall develop procedures for implementing the requirements of this policy and addressing employee and student complaints of unlawful discrimination.

F. This policy and applicable procedures will be published and executed by each technical college.

G. Inquiries concerning the administration of this policy and applicable procedures may be addressed to any of the following offices or designated individuals:

TCSG Office of Human Resources
TCSG Office of Legal Services
College Title IX Coordinators
College Disabilities Coordinators
College Office of Human Resources
College Veteran’s Benefits Coordinators

IV. RECORD RETENTION:

None

Last Reviewed: September 6, 2012
Approved: July 7, 1988
UNLAWFUL HARASSMENT OF STAFF

I. Purpose
A. It is the policy of the Department of Technical and Adult Education that all employees shall be provided an environment free of unlawful harassment (including sexual harassment) and intimidation.
B. All employees are expressly prohibited from engaging in any form of harassing behavior or conduct.
C. Any employee who has engaged in harassing behavior or conduct will be subject to disciplinary action, up to and including dismissal.
D. All employees are required to report any act of unlawful harassment. Reports of unlawful harassment will be treated in an expeditious and confidential manner.
E. The Department will not tolerate retaliation for having filed a good faith harassment complaint or for having provided any information in a harassment investigation. Any employee who retaliates against a complainant or witness in an investigation will be subject to disciplinary action, up to and including dismissal.
F. Any employee who knowingly makes a false charge of harassment or retaliation, or any employee who is untruthful during an investigation is guilty of misconduct and may be subject to disciplinary action, up to and including dismissal.
G. Employees in a supervisory or managerial capacity are prohibited from knowingly permitting harassing conduct or behavior in assigned work unit(s) and from making sexual advances, welcome or unwelcome, toward any subordinate.
H. The harassment of a Department employee by a non-employee (e.g. vendor, contractor, etc.) in conjunction with the performance of his/her assigned duties and responsibilities and the harassment of a non-employee by a Department employee will not be tolerated.

II. Applicability
This procedure shall uniformly apply to all Department employees and govern behavior during normal work hours, at departmental functions at or away from the primary work site before or after normal work hours, and/or while off duty.

III. Definitions
Compliance Officer: The person designated by the Commissioner to conduct investigations.
Department: All Department of Technical and Adult Education work units, including associated technical colleges.
Employees: Any individual employed in a full or part time capacity in any Department work unit.
Human Resources Director: The person holding the position of Human Resources Director at the TCSG Central Office or that person’s designee.
Intimate Parts of the Body: Intimate parts of the body mean the primary genital area, anus, groin, inner thighs, or buttocks of a male or female and the breasts of a female.
**Local Investigator:** The person at the technical college who is responsible for the investigation of unlawful harassment/retaliation complaints.

**Non-Employee:** Any third party, (e.g. volunteer, vendor, contractor, etc.) who conducts business with or on behalf of a Department work unit.

**President:** The President of the technical college where the accused violator is currently employed.

**Retaliation:** Unfavorable employment action taken, unfavorable employment condition created, or other action taken for the purpose of intimidation that is directed toward an employee because the employee initiated an allegation of unlawful harassment/retaliation or who participates in an investigation.

**Sexual Harassment (a form of unlawful harassment):** Sexual harassment is defined as unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, written, electronic or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment.
2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

**Examples of Sexually Harassing Conduct or Behavior:** Sexually harassing conduct or behavior (regardless of the gender of the persons involved) includes:

1. Physical touching
2. Sexual comments of a provocative or suggestive nature
3. Suggestive looks or gestures
4. Jokes, printed material or innuendoes; or
5. Making acceptance of unwelcome sexual conduct, advances, or requests for sexual favors of any nature a condition for employment, employment decisions, or continued employment (pressure for sexual favors)

This is a representative list of harassing conduct or behavior and is not intended to be exhaustive.

**Unlawful Harassment (Other Than Sexual Harassment):** Verbal or physical conduct that disparages or shows hostility or aversion toward an individual because of that person’s race, color, religion, gender, national origin, age, or disability. Harassment does one or more of the following:

1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment; or
2. Has the purpose or effect of unreasonably interfering with an individual’s work performance.

**Examples of Unlawfully Harassing Conduct or Behavior (Other Than Sexual Harassment) or Generally Offensive Behavior/Conduct:**

1. Offensive remarks, jokes, epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, sexual orientation, national origin, age or disability.
2. Displaying offensive written or graphic material, pictures, photographs, or drawings on walls, bulletin boards, computers, or other work locations, or which are circulated in the work place.
3. Offensive e-mail or voice mail message(s), or inappropriate use of the internet (e.g. downloading sexually explicit websites and/or information); and
4. Foul or obscene language.
This is a representative list of harassing conduct or behavior and is not intended to be exhaustive.

IV. Attachments
- Attachment 1 Commissioner’s Statement Prohibiting Unlawful Harassment
- Attachment 2 Employee acknowledgment of prohibition of unlawful harassment
- Attachment 3 Supervisor’s acknowledgment of prohibition of unlawful harassment
- https://tcsg.edu/tcsgpolicy/
- http://gnet2.gntc.edu/

V. Procedure
A. Policy Administration
1. The Commissioner’s Statement Prohibiting Unlawful Harassment should be permanently displayed on official bulletin boards of the Department.
2. Supervisors must take ongoing proactive steps to ensure their work environments are free from any type of unlawful harassment and to educate their staff on appropriate conduct.
3. All current and future employees shall be required to read and become familiar with the Department’s policy regarding harassment.
4. As a condition of employment, all employees (current and future) in a non-supervisory/managerial capacity are required to read and sign the employee acknowledgment of prohibition of harassment statement (Attachment 2), which will become a permanent part of the employee’s personnel record.
5. Employees serving in a supervisory/managerial capacity and employees appointed to a position with supervisory/managerial responsibilities are required to read and sign a supervisor’s acknowledgment statement (Attachment 3), which will become a permanent part of the employee’s personnel record.
6. Any employee, student, contractor or volunteer who has any questions concerning this procedure should direct those questions to the Executive Director, Legal Services at 404-679-1605, Human Resources Director at 404-327-6927, or the Deputy Commissioner at 404-679-1706.

B. Reporting and Management Action
1. All employees are required to report allegations of unlawful harassment/retaliation against themselves or others, or other possible policy violations.
   - Allegations or suspicions of unlawful harassment/retaliation or other possible policy violations may be reported by the complainant within the chain of command, or he/she may bypass the normal chain of command and report an allegation/suspicion directly to the Human Resources Director at 404-327-6927, the Executive Director, Legal Services at 404-679-1605, the Commissioner’s Office at 404-679-1601, the Deputy Commissioner’s Office at 404-679-1706, or email at UnlawfulHarassment@tcsg.org.
• Such reports can initially be expressed in writing, by telephone, or in person; however, the report will ultimately be required to be in writing.

2. Supervisors who have reason to believe that unlawful harassment and/or retaliation may exist shall immediately inform their President, Assistant Commissioner, or one of the persons listed above in 1(a).

3. Other than reporting the information and discussing it with the investigator, he/she must keep the information confidential unless release is approved, or unless final action has been taken pursuant to this procedure.

4. An affected President or Assistant Commissioner may suspend with pay, temporarily transfer, or reassign personnel involved in order to prevent possible further harassment or to facilitate the investigation. In an emergency situation, a President or Assistant Commissioner or their designee may take appropriate actions to protect the complainant/alleged victim and/or to deter the alleged violator from any further harassment of the complainant/alleged victim. The affected President or Assistant Commissioner shall report all action of this nature and any subsequent change in status or assignment to the Human Resources Director.

5. Unless otherwise authorized by the Commissioner in writing, no disciplinary action shall be taken against the alleged violator until an investigation has been completed, a written report has been issued and action has been taken in accordance with this procedure.

6. All reports or allegations of unlawful harassment/retaliation by a central office employee, Vice President or President of a technical college shall be referred to the Executive Director, Legal Services for investigation by the Compliance Officer.

7. Any incident of potentially unlawful harassment/retaliation may be referred by the President of a technical college to the Executive Director, Legal Services for investigation by the Compliance Officer. Investigations by the Compliance Officer may be done in conjunction with the local investigator at the President’s request.

8. The Compliance Officer/local investigator shall notify the affected Assistant Commissioner or President of the complaint and the pending investigation, unless otherwise directed.

C. Investigations

1. All complaints shall be investigated thoroughly. Any President or local investigator is encouraged to consult with the Compliance Officer, Human Resources Director or Executive Director, Legal Services with any questions or concerns.

2. If a complaint does not specify facts sufficient to support an allegation of unlawful harassment/retaliation or other conduct/behavior prohibited by this policy, the local investigator may determine that the allegations shall not be investigated. This determination will be done with joint approval by the local investigator and the President. In the case of an investigation being performed by the Compliance Officer this shall be done with joint approval of the Human Resources Director and the Executive Director, Legal Services.

3. Investigations will be conducted by gathering relevant information and interviewing appropriate witnesses.

4. The local investigator who conducts the investigation will present facts in a written report to their President. In instances of investigations performed by the Compliance
Officer, the facts will be presented to the Assistant Commissioner, Human Resources Director and Executive Director, Legal Services.

5. Reports or other investigative materials generated through the application of this policy will be processed and maintained confidentially to the extent permitted by law.

D. Review and Disposition

1. After reviewing the final report, the Assistant Commissioner/President shall make a recommendation as to whether the facts support a finding that unlawful harassment/retaliation or other policy violation has occurred. In matters investigated by the Compliance Officer, the Human Resources Director and the Executive Director, Legal Services will confer and reach a joint finding regarding the existence of unlawful harassment/retaliation or other violation of this policy.

2. If the recommendation does not support a finding of unlawful harassment or unlawful retaliation or other violation of this policy, the matter will be closed.

3. If the recommendation supports a finding of unlawful harassment/retaliation or any other policy violation, appropriate disciplinary action will be recommended and taken.

4. The local investigator/Compliance Officer will provide written notice to the complaining party and subject employee of the completion of the investigation. Notice should be given as soon as is reasonably practical, provided that if disciplinary action is to be initiated, no parties will be notified until all disciplinary actions are served.

VI. Record Retention

- Attachment 1 Georgia Department of Technical and Adult Education Commissioner’s Statement Prohibiting Unlawful Harassment
- Attachment 2 Employee Acknowledgment Statement - Retain permanently in the official and local personnel file
- Attachment 3 Supervisor Acknowledgment Statement - Retain permanently in the official and local personnel file

Investigative Files Shall Be Retained for 4 years after the close of the investigation and any adverse action hearings.

Approved: March 9, 2007

Students of Georgia Northwestern Technical College should report any alleged discrimination on the basis of race, color, creed, national or ethnic origin, gender, age, or religion to:

Sonya Briscoe, Special Populations Coordinator, Title VI and Title IX Coordinator
Building I Office I105
Georgia Northwestern Technical College
One Maurice Culberson Drive, Rome, GA 30161
706-295-6932 sbriscoe@gntc.edu
Employees of Georgia Northwestern Technical College should report any alleged discrimination on the basis of race, color, creed, national or ethnic origin, gender, age, or religion to:

Peggy Cordell, Director of Human Resources  
Building A Office A113  
Georgia Northwestern Technical College  
One Maurice Culberson Drive, Rome, GA 30161  
706-295-6959  pcordell@gntc.edu

Students of Georgia Northwestern Technical College should report complaints concerning discrimination on the basis of disability to:

Sheila Parker, Section 504 / ADA Coordinator  
Disability Services Coordinator  
Building B Office B115 Floyd, Gordon, and Polk County Campuses  
Georgia Northwestern Technical College  
One Maurice Culberson Drive, Rome, GA 30161  
706-295-6517  sparker@gntc.edu

Michael Walters  
Disability Services Coordinator  
Building 200 Office 209 Walker County Campus  
Georgia Northwestern Technical College  
265 Bicentennial Trail, Rock Spring, GA 30739  
706-764-3799  mwalters@gntc.edu

Kevan Watkins  
Disability Services Coordinator  
Building 600 Office B634 Whitfield Murray Campus  
Georgia Northwestern Technical College  
2310 Maddox Chapel Road, Dalton, GA 30721  
706-272-2958  kwatkins@gntc.edu

Employees of Georgia Northwestern Technical College should report complaints concerning discrimination on the basis of disability to:

Peggy Cordell, Director of Human Resources  
Building A Office A113  
Georgia Northwestern Technical College  
One Maurice Culberson Drive, Rome, GA 30161  
706-295-6959  pcordell@gntc.edu
RECRUITING AND HIRING

Vacant positions shall be filled by selecting the best-qualified applicant on the basis of merit.

The Department and its constituent Technical Colleges shall conduct all recruitment activities in accordance with Equal Employment Opportunity and Affirmative Action laws and all other applicable laws, rules and regulations. The Department shall not discriminate against any employee or applicant for employment in the recruitment, hiring, promotion, demotion, transfer, layoff or termination, rate of pay, selection for training, or for any other reason on the basis of religious opinions or affiliations, race, color, national origin, disability, sex or age.

The Commissioner is authorized to transfer employees within the agency if is deemed beneficial to the productivity of the agency.

Each Technical College and Office of the Department shall follow the guidelines of the Recruiting and Hiring procedure.

Reference
Procedure: Recruiting and Hiring
Procedure: Intrasystem Recruitment

Adopted May 5, 1988
Revised: April 13, 1995
Revised: January 17, 2001; September 28, 2001; August 25, 2003
Code: 03-02-01
Approved

HIRING PROCESS
FULL TIME FACULTY/STAFF
AND PART-TIME STAFF POSITIONS

I. The hiring manager submits an Authorization - Position Search form to the vice president who, if approves, signs and forwards the form to the director of Human Resources. The director of Human Resources will forward to the vice president of Administrative Services and the president for approval. This form must be approved by the president prior to beginning a search. The director of Human Resources or designee will notify the vice president once all approvals are received.

II. The hiring manager develops the position announcement and sends to the vice president for approval. If approved, the vice president forwards to the director of Human Resources or designee.
III. The position must be posted a minimum of five working days. A position may be posted internally or externally depending upon the selection criteria developed by the hiring manager and vice president in conjunction with the director of Human Resources. Internal job announcements are open only to current college employees. External job announcements are open to all qualified candidates. The external job announcement may be posted/advertised in newspapers, relevant publications, GNTC website, TCSG website, and other suitable websites. The applicant will submit application materials using the system found on the employment page of the GNTC website.

Note: Part-time employees and adjunct faculty must submit the appropriate application packet within the established announcement period to be considered for any open position.

IV. For candidate screening purposes, the hiring manager will access the web-based system to ensure that the candidate meets the minimum qualifications set forth in the position announcement and, if the position is for a faculty member, set forth in the Credentials Manual. If necessary, a review committee of at least 3 people will then measure and rate the remaining applicants to narrow the applicants to a number that can be interviewed.

V. A candidate who does not submit a timely application packet is not required to be interviewed. A candidate whose resume does not meet the established minimum job qualifications shall not be interviewed or otherwise considered for the posted vacancy. Also, in making the determination of which candidate to interview, preferred qualifications that were listed on the job posting can be considered in determining which candidates to interview.

VI. The director of Human Resources or designee will coordinate the interviews. An interview committee (minimum of 3 members who did not serve on a review committee) shall be appointed by the vice president or designee to conduct the interviews. The hiring manager should be one of the members of the interview committee. The hiring manager will provide relevant, job-related questions that pertain to the vacant position to Human Resources. Human Resources will develop the Applicant Rating Form. The interview committee will use this form to interview and rate each candidate accordingly. At the conclusion of the interviews, the entire search file and all Applicant Rating forms will be submitted to the director of Human Resources or designee.

VII. The director of Human Resources or designee will observe all interviews, but shall not participate as a member of the committee. The vice president or designee may also serve in a similar capacity as an observer. The interviews will take place on the campus that is most convenient to the applicants if at all possible.

VIII. After completion of interviews, the interview committee will present to the vice president its top three candidates, without any ranking order. The vice president will review these candidates’ qualifications and the Applicant Rating Forms and may interview any or all of the recommended candidates. The hiring manager is responsible
for verification of references. These references should be documented in writing for the search file. The vice president may elect to accept or reject the candidates presented by the interview committee. If accepted, the vice president will make a hiring recommendation to the president. If the vice president does not recommend any of the candidates, he/she may have the committee meet to further review the submitted resumes of prospective candidates or, instead, may direct that the search process be discontinued and a new search be initiated.

**IX.** The president reserves the right to interview the recommended candidate for the vacant position and/or review any or all applicant materials of other candidates. The president also reserves the right to reject the recommendation of the vice president. The president reserves the right to terminate the search and reopen a new search.

**X.** If the president accepts the recommended candidate, the vice president will make a verbal offer of employment to the selected candidate and will have the hiring manager complete and submit the Authorization to Add or Change Payroll form to the vice president. The vice president will review, sign, and forward to the director of Human Resources. A letter of intent is prepared by the director of Human Resources. This letter shall contain the salary offer, the proposed employment date, and other pertinent information including policies related to the position. This letter shall be signed by the successful candidate and returned to the director of Human Resources. Once the letter is received in Human Resources the required hiring documents will be completed by the successful candidate. These documents will include but not be limited to the background check release form. The successful applicant is not officially hired until a successful background check is complete.

*Created: 07/01/09*
*Revised: 08/24/09*
*Revised: 07/01/11*

**HIRING PROCESS**

**ADJUNCT INSTRUCTOR POSITIONS**

**I.** The dean completes the Authorization - Position Search form and forwards to vice president of Academic Affairs or designee along with the draft of the position advertisement. If the position search is approved, the vice president of Academic Affairs or designee will forward it to the director or Human Resources. The director of Human Resources will notify the vice president of Academic Affairs when request to hire has been approved. If the hire is approved, the vice president of Academic Affairs or designee will send the position ad to Human Resources for posting.

**II.** The position must be posted a minimum of five working days. A position may be posted internally or externally depending upon the selection criteria developed by the dean and vice president in conjunction with the director of Human Resources. Internal job announcements are open only to current college employees. External job announcements are open to all qualified candidates. The external job announcement may
be posted/advertised in newspapers, relevant publications, GNTC website, TCSG website, and other suitable websites. The applicant will submit application materials using the system found on the employment page of the GNTC website.

III. For candidate screening purposes, the dean will access the web-based system to ensure that the candidate meets the minimum qualifications set forth in the Credentials Procedure Manual and the position announcement. If necessary, a review committee of at least 3 people will then measure and rate the remaining applicants to narrow the applicants to a number that can be interviewed. A candidate who does not submit a timely application packet is not required to be interviewed. A candidate whose resume does not meet the established minimum job qualifications shall not be interviewed or otherwise considered for the posted vacancy. Also, in making the determination of which candidate to interview, preferred qualifications that were listed on the position announcement may be considered in determining which candidates to interview.

IV. The director of Human Resources or designee will coordinate the interviews. An interview committee (minimum of 3 members who were not on the review committee) shall be appointed by the dean to conduct the interviews. The dean may be one of the members of the interview committee. The director of Human Resources or designee will observe all interviews, but shall not participate as a member of the committee. The vice president or designee may also serve in a similar capacity as an observer. The interviews will take place on the campus that is most convenient to the applicants if at all possible.

V. For the interviewing process, the dean will provide relevant, job-related questions that pertain to the vacant position to the director of Human Resources or designee. The director of Human Resources or designee will develop the Applicant Rating Form. The interview committee will use this form to interview and rate each candidate accordingly. At the conclusion of the interviews, the entire search file and all Applicant Rating forms will be submitted to the director of Human Resources or designee.

VI. After completion of interviews, the interview committee will present to the vice president of Academic Affairs or designee its top candidates (preferably at least 3), without any ranking order. The vice president or designee may review these candidates’ qualifications and the Applicant Rating Forms and may interview any or all of the recommended candidates. The vice president or designee may elect to accept or reject the candidates presented by the selection committee. If the vice president or designee does not recommend any of the candidates, he/she may have the committee meet to further review the submitted resumes of prospective candidates or, instead, may direct that the search process be discontinued and a new search be initiated. The dean is responsible for verification of references and employment. The references should be documented in writing for the search file.

VII. The president reserves the right to interview the recommended candidate for any vacant position. The president also reserves the right to reject any recommendation of the vice president or designee. If rejected, the search process would be terminated and a new search initiated.
VIII. Using the approved adjunct pay scale, the dean will make a verbal offer of employment to the selected candidate. If accepted, the dean will complete the Authorization to Add/Change payroll form and forward to the vice president of Academic Affairs or designee. If approved, the vice president of Academic Affairs or designee will sign and forward to the director of Human Resources or designee. Once the president has approved, the director of Human Resources or designee will notify the candidate to finalize the offer and schedule a time to complete the appropriate paperwork. The successful applicant will contact the director of Human Resources or designee to complete the employment paperwork.

   NOTE: Adjunct faculty cannot begin teaching until the completion of a satisfactory background check. The director of Human Resources or designee will notify the dean about the status of the background check.

IX. Once the adjunct faculty member has been hired and assigned to a class(es), the dean will enter the payroll and class information into the payroll application which will be used to create the memorandum of agreement prepared by Academic Affairs, Floyd County Campus. This agreement shall contain the salary offer, the employment date, and other pertinent information including policies related to the position. This memorandum of agreement shall be signed by the successful candidate and returned to the Academic Affairs, Floyd County Campus.

Created: June 6, 2009
Revised: July 1, 2009
Revised: August 25, 2009
Revised: July 1, 2011
CATEGORIES OF EMPLOYMENT

I. POLICY:

With very limited exceptions, employees of the Technical College System of Georgia and its associated technical colleges are members of the unclassified service. By statute and pursuant to the intent of the General Assembly, all employees hired on or after July 1, 1996 shall be included in the unclassified service and are considered “at will” employees. Within the Technical College System of Georgia, all such employees are considered to be employed “at will” unless their employment status is subsequently changed through a written employment contract.

The Commissioner or a technical college president may offer employment contracts as provide by State Board Policy. No employment contract shall encompass a period to exceed twelve (12) calendar months. Adjunct faculty shall not be issued employment contracts; instead, terms and conditions of employment shall be outlined in a memorandum or letter of appointment which shall be provided to and acknowledged by each adjunct faculty member. No such appointment shall exceed a single academic term and adjunct faculty are not permitted to work between academic terms.

If tenure was conferred on an employee prior to or at the time of conversion of a technical institute from operation by a local board of education to state control, he/she shall retain tenure unless he/she later accepts a promotion or transfers to a different position at his/her technical college or accepts a position at another technical college or the TCSG System Office. NOTE: the Technical College System of Georgia does not confer tenure upon its faculty.

The employment status of those employees who remain members of the classified service shall be governed by State Personnel Board Rules as well as State Board Policies and TCSG Procedures.

Provided an applicant meets all pre-employment hiring requirements outlined in applicable State Board Policies and TCSG Procedures, he/she may be appointed to a full-time or part-time position at the TCSG System Office or at a technical college in one of the following employment categories: Regular Appointment; Regular, Part-time Appointment; Temporary Appointment; Adjunct Faculty Appointment; or, Federal/College Study Student Appointment.

II. APPLICABILITY:

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

III. RELATED AUTHORITY:
IV. DEFINITIONS:

**Academic Term:** a division of an academic year during which a technical college holds classes, e.g. a semester or mini-semester.

**Adjunct Faculty:** a temporary, time-limited appointment. Professional credentials required for appointment as full-time faculty in a given academic program will also be required for appointment in this capacity in the same academic program. The employee’s appointment will be limited to a single academic term and corresponding terms and conditions of employment will be outlined in a memorandum or letter of appointment. Work entails the delivery of academic instruction for one or more assigned course(s) in one or more technical college(s) as provided in this Procedure.

**At Will:** an individual considered to be employed “at will” may resign for any reason at any time or may be discharged for any reason not specifically prohibited by law and in a consistent with the provisions of applicable State Board Policies and TCSG Procedures.

**Classified Service:** an employment status which confers certain rights of appeal as promulgated in State Personnel Board Rules. Included are state agency employees who were in the classified service as of June 30, 1996 and who have remained in a classified position without a break-in-service since this date.

**ERS Covered Employer:** a state department of agency participating in the Employees’ Retirement System of Georgia. Included among participating agencies are the Technical College System of Georgia and its associated technical colleges.

**FICA – Medicare:** the portion of FICA (Federal Insurance Contributions Act) tax dedicated to support Medicare – the social insurance program administered by the U.S. government to provide health insurance coverage to individuals age 65 and over or those who meet other special criteria.
FICA – OASDI: the Social Security portion of the FICA tax dedicated to Old Age, Survivors and Disability Insurance.

Professional Laboratory Assistant: a temporary, time-limited appointment reserved for individuals possessing appropriate professional qualifications to independently direct student instructional activities in support of teaching faculty in an assigned academic program. The appointment encompasses single academic term and corresponding terms and conditions of employment are outlined in a memorandum or letter of appointment.

Seasonal Employee: under the Patient Protection and Affordable Care Act, a seasonal employee is defined as an employee in a position for which the customary annual employment (period) is six (6) months or less. NOTE: the term “customary” means that by the nature of the position (held), an employee works for a period of six (6) months or less and that the period should begin each calendar year in approximately the same part of the year.

TRS Covered Employer: includes colleges and universities associated with the Board of Regents; the State Department of Education; local Boards of Education; charter schools; RESA’s (Regional Educational Service Agencies); and, the Technical College System of Georgia and its associated technical colleges.

Unclassified Service: is defined as employment “at will” and includes all employees except those in the classified service.

V. ATTACHMENTS:

Adjunct Faculty Letter of Appointment

VI. PROCEDURE:

A. Categories of Employment

1. Regular Appointment: Individuals hired in this capacity are considered full-time, benefits eligible receive a monthly or semi-monthly salary, and are expected to be employed for a continuous period of nine (9) or more calendar months. Regular appointments entail a work commitment of thirty (30) or more hours per week.

   NOTE: (a) An individual appointed to a full-time faculty position which encompasses a period of employment ranging from nine (9) to eleven (11) calendar months shall receive a pro-rated salary which covers a twelve (12) month period.

   (b) A similar pay delivery process governs the transition of a currently employed faculty member from a twelve (12) month period of employment to a period ranging from nine (9) to eleven (11) months. These faculty members shall also receive a reduced monthly salary for twelve (12) months. However, any transition
that is not voluntary on the part of the employee (e.g., in response to a shortage of funds) may only be accomplished through a reduction-in-force approved by the Commissioner as provided in TCSG Procedure III.J.

2. Regular, Part-time Appointment: Individuals hired in this capacity (which may include faculty) receive a monthly or semi-monthly salary and have a work commitment of at least twenty (20) but no more than twenty-nine (29) hours each work week for a period of nine (9) or more calendar months. Individuals are not benefits eligible, but are eligible for pro-rated leave accrual and, with limited exceptions, are eligible for membership in the Teachers Retirement System of Georgia as referenced in Paragraph VI.C. Those individuals who are not eligible for membership in the Teachers Retirement System must participate in the Employees’ Retirement System of Georgia’s Defined Contribution Plan unless otherwise excluded by law.

3. Part-time, Hourly-Paid Appointment: Appointments are limited to the following two (2) circumstances:
   
a. an employee may be appointed to a TRS covered, hourly-paid position and may work no more than nineteen (19) hours each week for an indefinite period; or,

b. an employee may be appointed to a TRS non-covered, hourly-paid position (i.e., a non-supervisory custodial, maintenance, food service, security, or campus police position) and may work no more than twenty-nine (29) hours each week for an indefinite period.

   NOTE: it is the potential employment period which differentiates appointments in this paragraph from the various types of temporary, hourly-paid appointments referenced in Paragraph VI.A.4.

   Individuals hired in this capacity are not benefits eligible, do not accrue leave, are not eligible for membership in the Teachers Retirement System of Georgia (TRS) and may not become a regular member of the Employee’s Retirement System of Georgia. Instead, the employee must participate in the Employee’s Retirement System’s (ERS) Georgia Defined Contribution Plan unless otherwise excluded by law.

4. Temporary, Hourly-Paid Appointment: With the exception of emergency staffing situations outlined in Paragraph VI.A.4.a and appointments defined in Paragraphs VI.A.4.b, VI.A.4.c., and VI.A.f., no employee may work more than twenty-nine (29) hours per week. An individual hired as a temporary employee in any of the six (6) identified categories is not benefits eligible, does not accrue leave, is not eligible for membership in the Teachers Retirement System of Georgia (TRS), and may not become a regular member of the Employee’s Retirement System of Georgia. Instead, the employee must participate in the Employees’ Retirement System’s (ERS) Georgia Defined Contribution Plan unless he/she is otherwise
excluded by law. NOTE: no individual employed as a part-time, hourly-paid employee in a particular sub-category may also simultaneously serve as adjunct faculty. Additionally, no individual employed as a part-time, hourly-paid employee is permitted to serve in two (or more) different categories within this paragraph simultaneously.

The following categories of temporary positions/appointments are based on the anticipated or definitive period of employment and/or limitations governing hours worked:

a. Temporary Category 1 (Time Limited Appointment) – an hourly-paid employee (including those in a TRS covered position) may work between twenty (20) and twenty-nine (29) hours per week for a period not to exceed nine (9) consecutive calendar months. NOTE: if an emergency staffing situation exists which significantly impacts technical college operations (e.g., the inability of a TCSG child enrichment center or group day care home to meet Georgia Department of Early Care and Learning/Bright From the Start mandated staffing ratios for licensed facilities) it is permissible for an hourly paid employee to exceed the twenty-nine (29) hour threshold for no more than three (3) work weeks during an academic term. In response to an emergency staffing situation in the System Office, hourly paid employees may exceed the twenty-nine (29) hour threshold for no more than three (3) work weeks during any six (6) month period.

When an employee has reached nine (9) consecutive months of service, inclusive of any break(s) between academic terms, the individual must be separated from employment. The individual may be considered for re-employment after a break of at least thirty (30) calendar days.

b. Temporary Category 2 (Intermittent Appointment) – an hourly-paid System Office or technical college employee in a TRS covered or non-covered position whose utilization and work assignments are of an occasional, sporadic, or infrequent nature based on his/her unique skill sets and/or the specific needs of the System Office or his/her employing technical college may work up to forty (40) hours in a given work week provided, however, that no System Office employee may work more than twenty (20) calendar days during any six (6) month period and no technical college employee hired in this capacity may work more than twenty (20) calendar days during any academic term.

c. Temporary Category 3 (Fixed-Term Appointment) – an individual hired in this capacity is compensated on an hourly basis and has an appointment period not to exceed twelve (12) weeks. The individual may work up to forty (40) hours each week. At the conclusion of the established period, the employee must be separated from employment. The individual may be considered for re-employment after a break-in-service of at least six (6) calendar months. During the six (6) month period, the individual may not be reappointed in any capacity by the System Office or any technical college other than in a full-time, benefits eligible position as provided in Paragraph VI.A.1 (i.e., a Regular Appointment).
d. Temporary Category 4 (Professional Laboratory Assistant Appointment) – an individual hired in this capacity is compensated on an hourly basis and may work no more than twenty-nine (29) hours each week during an academic term. Employment in this capacity shall encompass a single academic term and the accompanying terms and conditions of employment shall be outlined in a memorandum or letter of appointment.

e. Temporary Category 5 (State of Georgia Retiree Appointment) – restrictions governing the appointment of a TRS or ERS retiree and the accompanying employment options are provided in Paragraph VI.D.1. and VI.D.2.

f. Temporary Category 6 (Seasonal Appointment) – an individual hired in this capacity is compensated on an hourly basis; may work up to 40 hours each work week; and, may have a period of employment not to exceed six (6) months during any calendar year. Given the nature of the position held and the assigned duties and responsibilities, the corresponding employment period should reasonably begin (each year) in approximately the same part of the calendar year (e.g., summer employment in a TCSG child enrichment center or group day care home). When the period of employment ends, the employee must be separated and may not be reappointed in any capacity (by his/her employing technical college or any other technical college or the System Office) for six (6) calendar months. The only exception to the re-employment prohibition is an appointment to a full-time, benefits-eligible position as provided in Paragraph VI.A.1. (i.e., a Regular Appointment).

NOTE: for those individuals serving in the capacity of head coach or an assistant coach in a TCSG intercollegiate athletic program (e.g., basketball, baseball, etc.) at a given technical college, he/she may not be re-employed until the following year’s sport’s season.

5. Adjunct Faculty Appointment: an individual hired in this capacity may be compensated on an hourly basis or a lump sum payment basis. Any such appointment shall encompass a single academic term and the terms and conditions of employment shall be outlined in a memorandum of letter of appointment. Adjunct faculty are not eligible to participate in the Flexible Benefits Program, do not accrue leave, and are not eligible for membership in the Teachers Retirement System of Georgia. Instead, an employee must participate in the Employees’ Retirement System’s Georgia Defined Contribution Plan unless he/she is otherwise excluded by law. Adjunct faculty are not eligible to participate in the State Health Benefits Plan unless an employee qualifies for healthcare coverage by meeting the eligibility guidelines established in the Patient Protection and Affordable Care Act (ACA). In these instances, the employee will be offered State Health Benefit Plan coverage by his/her employing technical college.

Adjunct faculty are eligible to work for more than one technical college during an academic term only with the written approval of each technical college president. Pay delivery for an adjunct faculty member working for more than one technical college is
governed by the provisions of the TCSG Other Employment Procedure (III.U.12). Additionally, adjunct faculty are considered to be exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act and the accompanying Salary Basis Test.

6. Federal/College Work Study Student Appointment: Appointments in this employment category are governed by applicable Internal Revenue Service, Department of Treasury, and Social Security Administration guidelines as they pertain to the student FICA exception. An individual hired in this capacity is considered a “temporary” employee and must work no more than twenty (20) hours per week when enrolled as a student during any academic term.

To have status as a student under these provisions, the individual must be pursuing a course of study (i.e., enrolled and regularly attending classes in pursuit of an educational credential) and his/her services as an employee must be incident to and for the purposes of pursuing the course of study. An individual is considered a student if education, not employment, is the predominant aspect of the individual’s relationship with the college. Student status for the FICA exception must be determined each academic term.

These individuals are not benefits eligible and do not accrue leave. In addition, they are specifically exempted from participation in the Georgia Defined Contribution Plan provided the appointment is consistent with applicable Internal Revenue Service (IRS) student exclusion criteria.

To ensure compliance with IRS guidelines, the employment status of a Federal/College Work Study Student must be modified to an hourly paid employee if any of the following conditions are present:

1. employment continues during a break between academic terms if the break exceeds five (5) weeks in duration;

2. when the student employee’s course load no longer qualifies him/her as at least a half-time student; or,

3. when the student employee’s work week exceeds twenty (20) or more hours when classes are in session.

B. Benefits Eligibility and Leave Accural:

1. Regular Employees: are eligible to participate in the State Health Benefits Plan, the Flexible Benefits Plan, and earn leave at rates established in State Personnel Board Rules. Faculty members whose period of employment ranges from nine (9) to eleven (11) calendar months and whose salary is pro-rated over a twelve (12) month period shall not earn leave during the month(s) they do not work. These employees will, however, continue to have deductions taken for all benefits’ selections, including health care coverage under the State Health Benefit Plan.
2. Regular, Part-time Employees: are not eligible to participate in the State Health Benefit Plan or the Flexible Benefits Plan. These employees are eligible for pro-rated leave accrual based on their hours worked consistent with applicable provisions of State Personnel Board Rules.

3. Part-time, Hourly-Paid Employees: are not benefits eligible and cannot participate in the State Health Benefit Plan or the Flexible Benefits Plan. They do not earn leave but are required to participate in the Employee’s Retirement System’s Georgia Defined Contribution Plan unless specifically excluded by law. NOTE: deductions will be taken for the Medicare portion of FICA.

4. Temporary Employees: are not benefits eligible and cannot participate in the State Health Benefit Plan or the Flexible Benefits Plan. They do not earn leave but are required to participate in the Employees’ Retirement System’s Georgia Defined Contribution Plan unless specifically excluded by law. NOTE: deductions will be taken for the Medicare portion of FICA.

5. Adjunct Faculty: employees do not earn leave and cannot participate in the Flexible Benefits Plan, but are required to participate in the Employees’ Retirement System’s Georgia Defined Contribution Plan unless specifically excluded by law. NOTE: deductions will be taken for the Medicare portion of FICA.

Adjunct faculty are not eligible to participate in the State Health Benefit Plan unless an employee qualifies for health care coverage by meeting eligibility guidelines established by the Patient Protection and Affordable Care Act (ACA). In these instances, the employee will be offered the opportunity to enroll in the State Health Benefit Plan.

6. Federal/College Work Study Student: these employees cannot participate in the State Health Benefit Plan or the Flexible Benefits Plan, they do not earn leave and are not required to participate in the Employees’ Retirement System’s Georgia Defined Contribution Plan. Provided these individuals meet the standards referenced in Paragraph VI.A.5., FICA-OASDI and FICA-Medicare deductions shall not be taken from their wages. NOTE: unlike Federal Work Study Student employees, College Work Study Student employees are subject to a deduction for the State Unemployment tax.

C. Retirement System Membership Eligibility:

1. With limited exceptions, a regular employee is eligible, upon appointment, to become a member of either the Teachers Retirement System of Georgia (TRS) or, if his/her regular work week is at least thirty-five (35) in length, the Employees’ Retirement System of Georgia (ERS). As referenced in State Board Policy
III.U.5. and as provided in O.C.G.A.§ 20-4-25, an employee’s decision, once made, is irrevocable and covers all period(s) of employment with the Technical College System of Georgia and its associated technical colleges. Faculty members whose period of employment is nine (9) to eleven (11) calendar months in length and whose salary is pro-rated over a twelve (12) month period shall continue to have deductions taken for retirement during the month(s) they do not work but remain in pay status.

NOTE: given the above statutory provision, a TCSG retiree who is receiving a retirement benefit/allowance from either TRS or ERS may not be re-employed in a full-time position and become a member of the other retirement system.

2. A regular, part-time employee in a TRS covered position is eligible, upon appointment, to become a member of TRS. NOTE: the provisions of Paragraph VI.C.1. relative to this election are applicable and, as such, this decision is irrevocable and covers all period(s) of employment with the Technical College System of Georgia and its associated technical colleges. Individuals employed in a TRS non-covered position must, as a condition of employment, participate in the Employee’s Retirement System’s Georgia Defined Contribution Plan unless excluded by law.

3. Part-time Hourly Paid employees, temporary employees and adjunct faculty must, as a condition of employment, become members of the Employee’s Retirement System’s Georgia Defined Contribution Plan unless excluded by law.

D. Hiring Restrictions Involving a State of Georgia Retiree:

1. Employees’ Retirement System of Georgia (ERS) Retiree
   a. a retiree who returns to employment in the System Office or a technical college may work up to forty (40) hours in one or more work week(s) provided the employee does not average more than twenty-nine (29) hours per week during any consecutive two (2) month period. Each two (2) month period will be calculated separately for compliance purposes.
   b. a retiree is limited to no more than 1,040 hours of work during any calendar year and may not return to work during the calendar month following his/her retirement. If a retiree works more than the allowed 1,040 hours during a calendar year, his/her retirement benefits will be suspended.
   c. a retiree who retired under the Early Retirement provisions (i.e., prior to the Normal Retirement Age as defined by ERS Rules) is not permitted to return to work for two (2) calendar months after his/her retirement. The System Office or employing technical college must certify that there is no agreement in place with the employee prior to his/her retirement date to return to employment.
2. Teacher’s Retirement System of Georgia (TRS) Retire

   a. before returning to work in a TRS covered position, a retiree must have a break-in-service of at least one (1) calendar month.

   b. a retiree from another TRS covered employer may return to work with the TCSG System Office or a technical college in a full-time salaried position and may become a member of the Employees’ Retirement System of Georgia provided the individual works a minimum of thirty-five (35) hours per week. Employment under these circumstances will not jeopardize the individual’s TRS retirement benefits. Additionally, the individual must elect ERS membership within thirty (30) days of beginning employment.

   c. a retiree returning to employment in the TCSG System Office or a technical college in a part-time, hourly paid position can work and be compensated for no more than the maximum number of hours each calendar month as determined by TRS.

   d. a retiree returning to employment in the TCSG System Office or a technical college in a part-time, salaried position can only receive forty-nine percent (49%) of the normal monthly contracted compensation for the position held. Additionally the employee cannot exceed forty-nine percent (49%) of the full-time status of the position held.

   e. a retiree employed as Adjunct Faculty may provide academic instruction consistent with the utilization restrictions outlined in the TCSG Procedure governing Institutional Staff Work Assignments (i.e., III.R.1.).

VII. RECORD RETENTION: Records created or collected pursuant to this procedure shall be maintained in accordance with Georgia Archive’s State Retention Schedule

Revised: MAY 28, 2014; March 27, 2014; March 6, 2012; January 21, 2011
Last Reviewed: MAY 28, 2014
Adopted: MAY 10, 2014
VERIFICATION OF EMPLOYMENT

The Department will provide verification of salary and basic employment information upon authorization from employees to organizations such as lenders, retailers, and credit card companies.

Created: September 28, 2001

Approved
PERFORMANCE MANAGEMENT

I. **POLICY:**

The Technical College System of Georgia is committed to a work environment that strives for and rewards high performance, maximizes flexibility and encourages professional development and ongoing communication between employees and their supervisors. The Commissioner shall establish the guiding principles and accompanying processes which shall comprise a Performance Management system for the System Office and all technical colleges. The process will include the periodic review and annual rating/evaluation of all employees, excluding short term, temporary employees.

Provided monies are appropriated by the General Assembly, performance-based salary increases for all eligible full-time employees of the System Office and all technical colleges will be delivered in a manner as outlined in the Appropriations Act, accompanying guidelines established by the Commissioner, and guidance from the Department of Administrative Services and the Office of Planning and Budget.

The Commissioner shall conduct an annual performance evaluation for each technical college president.

II. **RELATED AUTHORITY:**

O.C.G.A. § 45-20-21, Public Officers and Employees

Procedure: III. G.1 Performance Management

Each Department and each Technical College shall establish a system of written performance evaluation for all full-time employees.

Evaluation Period

1) The performance evaluation period begins on July 1 and ends on June 30 of the following year.

2) Employees newly hired by the Department during the performance evaluation period are to be evaluated the date of hire through June 30.

3) Performance based salary increases for instructional staff are effective September 1 of each year.

4) Performance based salary increases for support staff are effective October 1 of each
year.

5) Eligible employees hired between April 1 and June 30 for the current evaluation period should receive written recommendation to either grant or deny performance based salary increase from the evaluating supervisor.

6) When employees have transferred to new positions during a performance evaluation period, evaluating supervisors as of June 30 are to complete the evaluations and make the salary increase eligibility determinations. Evaluating supervisors may take into consideration any evaluation completed during the performance evaluation period by previous evaluating supervisors.

Revised: April 2, 2015; February 7, 2013; October 3, 2001
Last Reviewed: March 17, 2015
Adopted: October 6, 1988
PROMOTIONS

All promotions shall be based on an employee's demonstrated abilities.

The number of years an individual has spent in a present position is only one factor to be considered in recommending an individual for promotion. The level of performance in a present position and ability to carry out the responsibilities of a more responsible position are more important than years of service in the present position.

Salary increases for promotion shall be made for any amount within the employee's applicable salary range. However, managers are accountable for ensuring that their approved personal services budgets are not exceeded.

Individuals shall be considered for a promotion or a salary increase when the individual has demonstrated the ability to completely perform assigned functions in an exemplary fashion and this demonstrated ability has been documented.

Under ordinary circumstances, an employee should not be promoted to a vacant position, unless the job has been posted either internally or externally and a search conducted in accordance with the policy on recruitment and hiring. Exceptions to the policy must be approved by the Commissioner.

Promotions at the Central Office shall be approved by the Commissioner. Promotions in the Technical College shall be approved by the President.

Adopted: September 5, 1985
Revised: September 28, 2001
Code: 03-02-02

Approved
ADVERSE EMPLOYMENT ACTIONS

I. Policy:

This procedure addresses the processes accompanying an employee’s arrest and/or subsequent conviction for one or more criminal offense(s), as well as the dismissal of the following employees: those considered “at will” working in a full- or part-time, salaried position; tenured faculty; employees remaining in the classified service (i.e., those individuals in an employment status which confers rights of appeal as set forth in O.C.G.A.§45-20-8 and §45-20-9); employees working under the terms of an employment contract and only during the established contract period; and, probationary employees.

NOTE: The decision to non-renew the employment contract of a non-tenured faculty member is not subject to review and is not covered by the provisions of the Procedure.

With limited exceptions (including direct reports to the Commissioner and the dismissal of tenured faculty), the State Board of the Technical College System of Georgia policy on Positive Discipline provides for the steps/levels of disciplinary action for eligible (covered) Technical College System of Georgia (TCSG) employees, including the dismissal of “at will” employees and non-tenured employees working under the terms of an employment contract.

The dismissal of a Technical College President shall be accomplished under the provisions of TCSG Procedure I.F.I. – Employment of Presidents.

II. Applicability:

All technical colleges associated with the Technical College System of Georgia

III. Related Authority:

State Personnel Board Rules
O.C.G.A. §20-4-11
O.C.G.A. §45-20-1 et seq.
Positive Discipline Policy (III.T.)

IV. Definitions:

Adverse Action: disciplinary action resulting in an employee’s dismissal from employment.

Arrest: the restraining and seizure of an individual by the police or other person acting under the law in connection with a crime.
“At Will”: employees considered to be “at will” employees may be discharged or may quit for any reason not specifically prohibited by law.

Conviction: the result of a criminal trial or other proceeding in which the defendant has been found guilty of a crime (including a plea bargain/agreement and a plea of nolo contendere).

Classified Service: an employment status which confers certain rights of appeal as promulgated in State Personnel Board Rules. The classified service includes those employees of state departments/agencies (as defined in O.C.G.A. §45-20-1 et. seq.) who were in the classified service as of June 30, 1996 and who have remained in classified positions without a break-in-service since that date.

Dismissal: an involuntary separation from employment other than through a reduction-in-force.

Felony: a crime which generally carries a minimum term/sentence of one year or more in a state or federal prison.

Immediate Supervisor: a supervisor who establishes performance expectations, coaches, develops, and assesses the performance of a subordinate employee.

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.

Unclassified Service: with the exception of those employees working under the terms of an employment contract, the term is defined as employment “at will”. By application, the term encompasses all TCSG employees except those in the classified service as defined in O.C.G.A. §45-20-1 et.seq

V. Attachments:

N/A

VI. Procedure:

A. Types of Employees:

1. “At Will” Employees:

   By statute and pursuant to the intent of the General Assembly, all employees hired on or after July 1, 1996 shall be included in the unclassified service and are considered “at will” employees. Within the Technical College System of Georgia, all TCSG employees, regardless of hire date, are considered to be employed “at will” unless their status is subsequently changed through a written employment contract (including
those with tenure) or they remain in the classified service of the State Merit System. An “at will” employee in a full- or part-time salaried position meeting the established eligibility criteria outlined in the State Board of the Technical College System of Georgia Policy on Positive Discipline (i.e., III.T.) may be dismissed from employment pursuant to the accompanying processes. Those newly hired employees in a full- or part-time salaried position not meeting established eligibility criteria are considered probationary employees as referenced in the provisions of Paragraph VI.A.5.

2. Classified Employees:

Classified employees may be dismissed or placed on Suspension Without Pay as provided in Paragraph VI.C.4, pursuant to the provisions of applicable State Personnel Board Rules. Classified employees may also be separated through a Reduction-in-Force plan approved by the Commissioner of the State Personnel Administration.

A classified employee may appeal his/her dismissal pursuant to these Rules. Unless a different time period is specifically provided, an appeal must be filed and/or postmarked within ten (10) calendar days after the employee receives written notice of the action or decision or, the effective date of the action or decision, whichever is later. An appeal shall be considered timely if postmarked within the time period allowed for the appeal as provided in the written notice.

3. Employees Working Under an Employment Contract:

Employees working under the terms of an employment contract may be dismissed during the identified contract period for cause (to include, but not limited to, performance/attendance deficiencies, insubordination, misconduct or conduct reflecting negatively on the TCSG or technical college, failure to obtain/maintain educational credentials, inability or unfitness to perform assigned duties and responsibilities, violation(s) of TCSG policy or procedure(s) or technical college operating policies or procedures or, an arrest and/or conviction for those criminal offenses or other category of offenses referenced in Paragraph VI.D.); through a reduction-in-force plan approved by the Commissioner; or, in response to a technical college’s loss of enrollment and/or cancellation of one or more academic program(s) of study.

An employee under contract who is dismissed from employment for cause may request a review of this action pursuant to the provisions of the Positive Discipline policy.

An employee under contract who is dismissed from employment as a result of a Reduction-in-Force may file a complaint consistent with the
Complaint Resolution Procedure accompanying State Board policy III.M.1. if he/she believes that the Reduction-in-Force has not been followed in the manner previously authorized by the Commissioner.

The dismissal of an employee under contract in response to a routine closing of an academic program as authorized by the State Board of the Technical College System of Georgia shall not be subject to review.

The decision to renew or non-renew the contract of a non-tenured employee rests within the discretion of the Technical College President. In this circumstance, the decision to non-renew a contract is not subject to review.

Employees whose contract will not be renewed for the ensuing academic year of any part thereof must be notified in writing no later than May 31st or, as applicable, at least thirty (30) days prior to the contract’s end date.

At the discretion of the President and in conjunction with the expiration of an established contract term, a non-tenured technical college employee may transition to an “at will” employment status and continue his/her employment without an employment contract.

NOTE: Employees are expected to work their full contract period. The decision to accept the resignation of an employee with an employment contract during the established contract period rests with the President.

4. Tenured Faculty:

A faculty member with tenure may be dismissed for cause (to include, but not limited to, performance/attendance deficiencies, insubordination, misconduct or conduct reflecting negatively upon the TCSG or technical college, failure to obtain/maintain educational credentials, inability or unfitness to perform assigned duties and responsibilities, violation(s) of TCSG policy or procedures(s) or technical college operating policies or procedures or, an arrest and/or conviction for those criminal offenses or other category of offenses referenced in Paragraph VI.D.) or, in response to a technical college’s loss of enrollment and/or cancellation of one or more academic programs) of study. An employee may subsequently appeal his/her dismissal as provided in this procedure. A tenured employee may also be dismissed pursuant to a reduction-in-force plan approved by the Commissioner and may request a review of this decision consistent with applicable provisions of Paragraph VI.B.

NOTE: As referenced in the provisions of the Employment Categories Procedure (i.e., III.D.), if tenure was conferred on an employee prior to or at the time of conversion of a technical college/institute from operation by a local board of education to state control, he/she shall retain tenure unless
he/she later accepts a promotion or transfers to a different position (at his/her college) or, accepts a position at another technical college or the TCSG System Office. The Technical College System of Georgia and its associated technical college do not confer tenure upon its faculty.

5. Probationary Status:

Newly hired full- and part-time salaried employees are not covered by the provisions of the Positive Discipline Policy until they complete twelve (12) months of continuous service. These employees are considered “at will” unless their status is subsequently changed through a written employment contract. During the initial twelve (12) months of service, an employee not working under the terms of an employment contract is considered to be in a probationary status and may be released for any reason not specifically prohibited by law. If released, the action is not subject to review.

B. Dismissal of Tenured Faculty:

1. Except as provided in Paragraph VI.D., tenured faculty working under the terms of an employment contract who are to be dismissed during their contract period shall be notified in writing at least fifteen (15) calendar days in advance of the effective date of the adverse action. During the established notice period, an employee will be placed/remain on suspension with pay. Tenured faculty whose contract will be non-renewed for the upcoming academic year must be provided written notice no later than May 31st or at least thirty (30) days prior to the contract's end date.

2. The written notice must include: the basis for the action to be taken in sufficient detail to provide the employee with the ability to respond to the outlined reasons/charges; the effective date of the action; a statement advising the employee that he/she has a right to appeal his/her dismissal to the Commissioner within ten (10) calendar days after receipt of the notice; a statement that the ten (10) calendar day period includes weekends and State Holidays; a statement advising the employee that if there is no timely appeal, the dismissal action will become effective on the date specified without further notice and no further appeal rights will be available; and, a copy of this Procedure. An appeal shall be considered timely if postmarked within the time period provided in the written notice.

3. An employee who exercises his/her right to appeal in a timely manner may provide the Commissioner with any document(s)/material(s) of his/her choosing which supports the appeal. The employee should send a copy of all such document(s)/material(s) to his/her Technical College President should additional information be requested by the Commissioner or his/her reviewing official.
4. After reviewing the information/materials submitted by the college and the employee, the Commissioner shall issue a final written determination.

5. If the employee’s appeal is upheld, the written notice shall include a statement that the employee shall be reinstated and the accompanying terms and conditions.

6. If the dismissal is upheld, the written notice shall include the basis for the decision, the effective date of the action (which may be no earlier than the proposed effective date), and a statement that the employee may appeal this decision to the State Board of the Technical College System of Georgia within ten (10) calendar days from the date the employee receives written notice of the Commissioner’s decision. A statement should also be included that the ten (10) calendar day period includes weekends and State Holidays. An appeal will be considered timely if postmarked within the ten (10) calendar day period outlined in the Commissioner’s correspondence. The appropriate mailing address for any such appeal will be included in the written notice.

7. An appeal to the State Board will be referred to the Office of State Administrative Hearings for an evidentiary hearing.

C. Employee Arrest/Conviction:

1. Pursuant to the provisions of the TCSG Background Investigations Policy, (i.e., III. W.), all employees must report any arrest (and subsequent conviction) no later than two (2) business days following the date of the arrest (or conviction) to his/her immediate supervisor and/or reviewing manager. Failure to provide such notification is grounds for the delivery of disciplinary action consistent with the provisions of the Positive Discipline Policy.

2. At Will Employees or those Employees Working under the Terms of an Employment Contract:

   a. If an employee in either of these employment categories is arrested for one or more felony or misdemeanor offense(s) referenced in Paragraph VI.D, he/she may (at the discretion of his/her Technical College President, the Commissioner, or their designee) be placed on suspension without pay pending criminal court action or, as an alternative, may be permitted to use accrued annual and/or personal leave or, as applicable, accumulated Fair Labor Standards Act Compensatory Time to remain in pay status after the technical college or System Office has been notified of the arrest. The use of sick leave shall not be permitted. NOTE: for FLSA exempt employees subject to the salary basis test, an employee should not be placed on suspension
without pay until the beginning of the next established seven (7) day work period, i.e., work week.

b. Placement on suspension without pay pending criminal court action shall not exceed sixty (60) calendar days, inclusive of any time spent on paid leave, unless an extension is authorized by the Commissioner or his/her designee.

c. An employee may be dismissed at any time during the above referenced sixty (60) day period or may be dismissed in lieu of placement on suspension without pay based on his/her arrest for one or more criminal offenses or category of offenses referenced in Paragraph VI.D.

d. If the pending criminal charge(s) has/have not been successfully resolved at the conclusion of the sixty (60) day suspension without pay period (inclusive of any time spent on paid leave) and if no extension has been authorized, the employee may be dismissed from employment or, as an alternative, may request placement on Contingent Leave Without Pay. The decision as to whether to authorize a leave of absence without pay for this purpose shall be made by the Technical College President, Commissioner, or their designee. If dismissal is the course of action, it will be processed consistent with the provisions of the Positive Discipline Policy.

e. If charges are dismissed or a decision made by the prosecutor not to pursue the matter further (e.g., Nolle-Prosequi) during the suspension without pay period, the employee will be returned to active duty.

f. If, during the suspension without pay period, an employee is convicted or pleads nolo contendere to one or more of the criminal offense(s) referenced in Paragraph VI.D., he/she may be dismissed from employment pursuant to the provisions of the Positive Discipline Policy. If the employee is found guilty of or pleads nolo contendere to one or more lesser charge(s) and is placed on probation for said offense(s), he/she may, based on the relationship of the criminal offense(s) and the terms of the probation with his/her assigned duties and responsibilities, be dismissed from employment; be placed on suspension without pay for the duration of his/her probation; or, returned to active duty.

g. If, after dismissal, an individual is found not guilty, the charge(s) are dismissed, or the pending charge(s) are no longer pursued by the prosecutor, he/she will be eligible for re-employment.
3. Tenured Faculty Working under the Terms of an Employment Contract:

a. Tenured faculty working under the terms of an employment contract may, at the discretion of a Technical College President or his/her designee, be placed on suspension without pay following an arrest for one or more criminal offense(s) referenced in Paragraph VI.D., pending criminal court action. As provided in Paragraph VI.C.2.a., the employee may be permitted to use accrued annual and/or personal leave, or as applicable, accumulated Fair Labor Standards Act Compensatory Time to remain in pay status during this period.

b. Except as provided in Paragraph VI.D., a tenured faculty member placed on suspension without pay following an arrest or conviction for one or more criminal offense(s) may appeal this decision in the manner provided in Paragraph VI.B. NOTE: any appeal to the State Board involving a suspension without pay will not be referred to the Office of State Administrative Hearings. The appeal will, instead, be considered by the State Board and the Board’s decision will be final.

c. A tenured faculty member placed on suspension without pay or separated following an arrest and who is subsequently found not guilty; the charges are dismissed; or, a decision is made by the prosecutor not to pursue the matter further (i.e., Nolle Prosequi), shall be reinstated to active duty with full back pay and benefits. The employee will, as appropriate, receive pay, benefits, and leave as though there had been no placement on suspension without pay and/or break-in-service, minus monies received by the employee during this period from other employment and/or wage substitutes, including, but not limited to, unemployment insurance compensation. Any paid leave used by the employee while on suspension without pay will be restored. Any terminal leave pay delivered after dismissal (including, as applicable, FLSA Compensatory time, holiday pay, personal leave, etc.) must be repaid by the employee and all annual leave, personal leave, holiday time, and/or FLSA Compensatory Time will be restored.

d. A tenured faculty member who has remained on suspension without pay through adjudication and who is found guilty of or pleads nolo contendere to one or more lesser offense(s) for which dismissal is appropriate, may be dismissed from employment pursuant to the provisions of Paragraph VI.B. An employee who has been placed on suspension without pay or dismissed will not be eligible for the restoration of pay, leave, or benefits referenced in Paragraph VI.C.3.c. above if the dismissal, upon appeal, is upheld by the State Board.
e. A tenured faculty member who has remained on suspension without pay through adjudication and who is found guilty of or pleads nolo contendere to one or more lesser offense(s) for which disciplinary action other than dismissal is appropriate may be disciplined under the provisions of the Positive Discipline Policy. The employee will be eligible for back pay, leave restoration, and benefits as provided in Paragraph VI.C.3.c.

4. Classified Employees:

a. A classified employee may, at the discretion of a Technical College President, the Commissioner, or their designee, be placed on suspension without pay following an arrest for one or more criminal offense(s) referenced in Paragraph VI.D., pending criminal court action. As provided in Paragraph VI.C.2.a., an employee may be permitted to use accrued annual and/or personal leave, or as applicable, accumulated Fair Labor Standards Act Compensatory Time to remain in pay status.

b. Except as provided in Paragraph VI.D., an employee may appeal this decision in a manner pursuant to applicable State Personnel Board Rules.

c. An employee placed on suspension without pay or separated following an arrest and who is subsequently found not guilty or, the charges are dismissed or a decision is made by the prosecutor not to pursue the matter further (i.e., Nolle Prosequi), shall be reinstated to duty with full back pay and benefits in a manner outlined in Paragraph VI.C.3.c. and consistent with applicable State Personnel Board Rules.

d. An employee who has remained on suspension without pay through adjudication and who is found guilty of or pleads nolo contendere to one or more lesser offense(s) for which dismissal is appropriate, may be dismissed pursuant to State Personnel Board Rules.

e. An employee who has remained on suspension without pay through adjudication and who is found guilty of or pleads nolo contendere to one or more lesser offense(s) for which disciplinary action other than dismissal is appropriate may be disciplined under the provisions of the Positive Discipline Policy. The employee will be eligible for back pay, leave restoration, and benefits as provided in Paragraph VI.C.3.c. and applicable State Personnel Board Rules.
D. Emergency Situations:

1. After consultation with the TCSG General Counsel and/or Director, Office of Human Resources, the Commissioner or a Technical College President may take immediate action to place an employee in a suspension without pay status or dismiss an employee at the time of notification of an arrest or at any time during the suspension without pay period in response to one of the following circumstance:

   a. The employee has been charged with and it is likely that he/she has committed a serious, violent felony referenced in O.C.G.A.§ 17-10-6.1 (e.g., murder or felony murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, aggravated sexual battery, or other felony offenses involving violent behavior referenced in Paragraph VI.B.1.a. of the Background Investigations Policy III.W.;

   b. The employee has been charged with and it is likely that he/she has committed a sexual offense referenced in O.C.G.A. Title 16 (e.g., incest, sodomy, statutory rape, child molestations, enticing a child for indecent purposes, the sexual exploitation of children, etc.);

   c. For an employee working in a technical college’s day care/child care center when he/she has been charged with and it is likely that he/she has committed simple battery or simple assault when the victim is a minor, cruelty to children, criminal attempt/battery, or contributing to the delinquency, unruleiness or deprivation of a minor;

   d. The employee has been charged with and is likely to have committed a drug-related felony offense or any other felony/misdemeanor offense that may impact the safe and efficient operation of a technical college or the System office; technical college or System Office employees; the general public; or, as applicable, students; or,

   e. If in similar circumstances, criminal attempt when the crime attempted is any of the criminal offenses referenced above or any offense committed in another jurisdiction which, if committed in Georgia, would be one of these offenses.

2. The separation of a classified employee or the movement of a classified employee to a suspension without pay status shall conform to and follow applicable provisions of the State Personnel Board Rules governing emergency situations.

3. The separation notice of an “at will” employee or an employee working under the terms of an employment contract who is covered by the Positive
Discipline policy shall reference the employee’s “right to review” (of the decision) by the Commissioner.

4. The following steps should be followed for tenured faculty working under the terms of an employment contact if an emergency dismissal or his/her immediate placement on suspension without pay is pursued under the provisions of this paragraph:

   a. The written notice of adverse action initiated under this paragraph is the final determination of adverse action and must include: the basis for the action taken in sufficient detail to provide the employee with the ability to respond to the outlined reasons/charges (i.e., a statement explaining the emergency situation that caused this provision to be invoked); the effective date of the action; a statement advising the employee that he/she has a right to appeal the dismissal action to the State Board of Technical and Adult Education within ten (10) calendar days after receipt of the notice (including weekends and State Holidays); and, a statement advising the employee that if there is no timely appeal, the dismissal action will become effective on the date specified without further notice and no further appeal rights will be available. An appeal will be considered timely if postmarked within the time period provided in the written notice; and,

   b. An appeal to the State Board pertaining to an emergency dismissal will be referred to the Office of State Administrative Hearings for an evidentiary hearing. An appeal to the State Board pertaining to an emergency suspension without pay will not be referred to the Office of State Administrative Hearings. The appeal will, instead, be considered by the State Board and the Board’s decision will be final.

   c. If on appeal, it is determined that the dismissal action or placement on suspension without pay was correct but an emergency situation did not exist, the State Board may remedy the situation through the delivery of back pay to the employee for the normal notice period stipulated in Paragraph VI. B. 1.

   d. If on appeal, it is determined that neither dismissal or placement on suspension without pay is appropriate, the employee shall be returned to active duty and the Board shall remedy the situation in the manner outlined in Paragraph VI.C.3.c.

VII. Records Retention

All documents placed in an official personnel file shall be retained for a period of seven (7) years after an employee leave State service.
Revised: May 10, 2012, March 8, 2011
Last Review Date: May 10, 2012
Adopted: June 19, 2003
REDUCTION-IN-FORCE POLICY

I. POLICY:
It is the policy of the State Board of the Technical College System of Georgia that when position abolition(s) and/or reduction(s) in time status involving one or more employee(s) are necessary due to a lack of funds, mandated reductions in state spending, lack of work, the termination of a grant or other funding source, the need for enhanced workplace efficiencies, a reorganization of System Office or technical college operations, etc., such actions shall be accomplished in a manner that retains (where possible based on the scope of the reduction-in-force) the best performer(s). Retention factors include performance ratings, whether an employee is on an active step of discipline, as well as an assessment of an employee’s knowledge, skills, abilities, and exhibited competencies.

As previously authorized, the State Board specifically delegates to the Commissioner the ability to initiate reductions-in-force involving System Office employees and approve, disapprove, or modify reduction-in-force plan(s) submitted by a technical college President. Further, the State Board authorizes the Commissioner to address concerns raised by an affected employee that a reduction-in-force plan was not followed in the manner approved by the Commissioner.

The routine closing of an academic program of study authorized by the State Board of the Technical College System of Georgia in response to low enrollment, low placement rates, low cost effectiveness, or to achieve other operational efficiencies in a Technical College and which may result in a reduction in the number of employees shall not be considered a reduction-in-force for the purposes of this policy. In these instances, the affected employee(s) shall be released from employment at a time determined by the President and shall have no right to a review of this action.

A reduction in force will not be used to circumvent the State Board's Positive Discipline Policy regarding disciplinary action or the Rules of the State Personnel Board as they pertain to classified employees.

If one or more employees in a designated competitive group are in the Classified Service as referenced in Paragraph VI.C.3., the reduction-in-force shall be administered in a manner consistent with applicable State Personnel Board Rules.

Note: An employee furlough for one or more business days proposed in response to budgetary concerns is considered a temporary reduction-in-force and shall be administered in a manner consistent with these provisions. Prior to implementation, any technical college furlough proposed by a President must have the written approval of the Commissioner and encompass all full- and part-time college employees (regardless of funding source) unless one or more employees are specifically exempted by the Commissioner. Any System Office furlough shall
encompass all full- and part-time employees regardless of funding source unless one or more employees are specifically exempted by the Commissioner.

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

III. RELATED AUTHORITY:
State Personnel Board Rule 24
O.C.G.A.§ 20-4-35
Categories of Employment Procedure (III.D.)
Adverse Employment Actions Procedure (III.I.)
Positive Discipline Policy (III.T.)

IV. DEFINITIONS:
At Will: Employees considered to be employed “at will” may be discharged or may quit for any reason not specifically prohibited by law.
Business Day: Weekdays that administrative offices are open.
Classified Service: An individual who encumbers a position that held classified status (i.e., one which conferred a right of appeal as set forth in O.C.G.A.§ 45-20-8 and O.C.G.A.§ 45-20-9) as of June 30, 1996 provided that subsequent to June 30, 1996, the position had not been encumbered by an unclassified employee.
Competitive Area: The competitive area is the part of the organization to which the reduction in force is to apply. Generally, in reductions-in-force pertaining to a technical college, the competitive area is the entire technical college; however, limiting the scope of the competitive area may be appropriate if the affected position(s) are clearly distinguishable from those in other geographic areas and/or the interchange of employees is impractical given such factors as distance between work units.
Competitive Group: A competitive group is the class, function or program within the competitive area, consisting of one or more positions. All employees in a given competitive group (to include those that are “at will”, in the classified service, who work under the terms of an employment contract, or are tenured) shall be included in the reduction-in-force plan.
Furlough: A temporary reduction-in-force for one or more business days.
Immediate Supervisor: A supervisor who establishes performance expectations, coaches, develops, and assesses the performance of a subordinate employee.
Reduction-in-Force: A position abolition, reduction in time status, or furlough affecting one or more employees initiated in response to a lack of funds, a mandated reduction in state spending, lack of work, the termination of a grant or other funding source, the need for enhanced workplace efficiencies, a reorganization of System Office or technical college operations or activities, etc.
Reduction in Time Status: A reduction-in-force impacting one or more employees which involves a reduction in hours worked each week/work period or a reduction in the number of months worked in a calendar year.
**Regular, Full-Time Salaried Position:** As provided in the Categories of Employment Procedure, a position whose incumbent receives a monthly or semi-monthly salary and is expected to be employed for a continuous period of nine (9) or more calendar months. These appointments entail a work commitment of thirty (30) or more hours per week and the position is otherwise benefits eligible. The incumbent may also be eligible for membership in the Teachers Retirement System of Georgia and/or the Employee’s Retirement System of Georgia based on the conditions of his/her employment to include assigned duties and hours worked each week.

**Regular, Part-Time Salaried Position:** As provided in the Categories of Employment Procedure, a position whose incumbent receives a monthly or semi-monthly salary and has a work commitment of at least twenty (20) but no more than twenty-nine (29) hours per week for a period of nine (9) or more calendar months. The incumbent is eligible for pro-rated leave accrual and with limited exceptions is eligible for membership in the Teachers Retirement System of Georgia.

**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.

V. ATTACHMENTS:
A. Reduction-in-Force Assessment Matrix Guidelines
B. Reduction-in-Force Assessment Matrix Definitions
C. Reduction-in-Force Assessment Matrix - Technical College
D. Reduction-in-Force Assessment Matrix - System Office
E. Technical College Special Case Exception Form
F. System Office Special Case Exception Form

https://tcsb.edu/tcspolicy/docs/03-02-06.html

VI. PROCEDURES:
A. Termination at Administrative Discretion:
1. If a reduction-in-force is necessary, one or more “at will” employees in a competitive group with less than twelve (12) months of continuous service in a regular full- or part-time salaried position may be released from employment without initiating the provisions of the Reduction-in-Force policy. Any such release of an employee otherwise covered by the provisions of the Positive Discipline policy shall be carried out pursuant to the provisions of the Adverse Employment Actions policy.

2. Temporary employees and adjunct faculty are not covered by the provisions of the Reduction-in-Force policy and may be released from employment to preclude the necessity of or in conjunction with a reduction-in-force pursuant to the provisions of the Adverse Employment Actions procedure.

B. General Provisions:
1. If a reduction-in-force plan encompasses the abolition of one or more salaried positions (or in very limited circumstances a reduction in time status) and the defined competitive group contains more incumbents than will be impacted, the accompanying processes shall be accomplished in a manner that retains the best performer(s).
2. Retention factors are separate and distinct steps in the reduction-in-force process and are outlined below in order of weight/significance:
   a. Step 1 - performance ratings/evaluations;
   b. Step 2 - whether an employee is on an active step of discipline consistent with the provisions of the Positive Discipline Policy;
   c. Step 3 - an assessment of an employee’s knowledge, skills, abilities, and exhibited competencies; and,
   d. Step 4 - continuous, unbroken service with the Technical College System of Georgia in a regular, full-time salaried position.

3. Only if a tie is present after the assessment of performance ratings/evaluations (i.e., Step 1) will Step 2 (an active disciplinary record) be considered. This same methodology will continue through Step 4 in the process. Only in the event of a tie after a given step among two or more employees will the next step be considered.

4. For purposes of this policy, performance ratings/evaluations for the twenty-four (24) month period immediately prior to proposed effective date of the reduction-in-force shall be averaged if more than one appraisal/evaluation has been delivered during this period. A single appraisal/evaluation may be used if only one such appraisal/evaluation has been delivered. If an employee has not received an appraisal/evaluation during the twenty-four (24) month period, the employee will be provided with a presumptive rating of “Met Expectations” or “Satisfactory”.

5. During the Step 1 assessment, technical colleges using a multi-level numerical, descriptive, or merit approach to performance management shall convert scores to the following performance-based model and shall apply a point value as noted below:

<table>
<thead>
<tr>
<th>Rating</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does Not Meet Expectations</td>
<td>0</td>
</tr>
<tr>
<td>Needs Improvement</td>
<td>1</td>
</tr>
<tr>
<td>Met Expectations</td>
<td>2</td>
</tr>
<tr>
<td>Exceeds Expectations</td>
<td>3</td>
</tr>
<tr>
<td>Far Exceeds Expectations</td>
<td>4</td>
</tr>
</tbody>
</table>

One or more appraisals/evaluations which is or whose average equals to less than a whole number (e.g., a score of 2.4) shall be rounded as follows: a score with a fraction of 0.5 or higher shall be rounded to the next higher whole number; and a score with a fraction of less than 0.5 shall be rounded to the next lower whole number.

6. If one or more additional employees must be impacted after those with the lowest point value as referenced above (i.e., a tie exists and there are more employees with the same point value than must be dismissed), then Step 2 (i.e., those on an active step of discipline) shall be next in order to be impacted.

7. If one or more additional employees must be impacted after consideration of performance ratings/evaluations and disciplinary records, then Step 3 of the process will be initiated. This involves a supervisory/managerial assessment of each remaining employee’s knowledge, skills, abilities and exhibited competencies using Attachments A and B.

8. The assessment guidelines and accompanying definitions provide the scoring methodology and no two employees may receive the same ranking. For example, the employee who has consistently been the best performer versus others remaining in the
competitive group in the Performance-Results Category should be ranked the highest and receive a “1”. The next best performer should receive a “2” and so on. This same approach should be used for each of the remaining three (3) categories.

9. If one or more employees remain tied after the assessment of knowledge, skills, abilities, and exhibited competencies, Step 4 of the process will be considered. The employee(s) with the longest period(s) of continuous, unbroken service in a regular, full-time salaried position with the Technical College System of Georgia will be retained.

10. As referenced in Attachment B, such service shall include all years an employee worked in a postsecondary technical school operated by a local board of education immediately prior to the Technical College System of Georgia assuming governance (of the postsecondary technical school) and provided the individual was an active employee in a regular, full-time salaried position at the time of the transfer of the school to state governance.

11. For purposes of this calculation, a period of employment of six (6) months or more in a calendar year will be considered as one (1) year of service. A period of six (6) months or less in a calendar year will not be considered.

12. If a tie continues to exist among one or more employees after all four (4) steps are considered, a technical college President or the Commissioner for a System Office reduction-in-force shall determine a methodology for breaking the tie. The methodology could be by lot, some additional measure of performance such as the highest number of “met expectations/satisfactory” or higher rating indicators in the most recent appraisal or for all appraisals during the twenty-four (24) month period, or other approach which does not conflict with the provisions of Technical College System of Georgia’s Statement of Equal Opportunity.

13. Exceptions to the process for identifying employee(s) to be impacted by a reduction-in-force shall be limited. No employee ranked lower in the competitive group shall be retained in preference to another employee in the competitive group who is higher in the order of the reduction-in-force unless the duties and responsibilities associated with the job to be performed cannot be accomplished satisfactorily after a reasonable training period by another employee in the competitive group who is higher in the order of retention. In this limited instance, an employee who is lower in the order of reduction-in-force may be considered for retention in preference to other employees higher in the order of retention. If such a circumstance exists, a technical college President or, in the System Office, the Deputy Commissioner or an Assistant Commissioner, must complete a Special Case Exception Form (Attachment E or F). The completed form must accompany the reduction-in-force plan submitted to the Commissioner.

C. Technical College Reduction-in-Force Plan(s):

1. For reductions-in-force involving one or more technical college positions, the college President shall define the competitive area and the competitive group.

2. The plan shall contain the following information:
   a. a brief statement of the circumstances requiring the reduction-in-force;
   b. the proposed effective date;
   c. a definition of the competitive area;
   d. a definition of the competitive group;
e. as applicable, the cutoff date after which performance appraisal/evaluation scores will not be considered; and,
f. a list of affected employee(s).

3. For reduction(s)-in-force involving one or more position abolition(s) (or, as applicable, reduction(s) in time status) and the defined competitive group includes more incumbents than will be impacted, the plan must also include a Reduction-in-Force Assessment Matrix (Attachment C) which shall be completed following the methodology referenced in the Reduction-in-Force Assessment Matrix Guidelines (Attachment A) and the Assessment Matrix Definitions (Attachment B).

4. The Director of Human Resources in the System Office shall initially review the submitted plan and accompanying documentation to include the justification for the reduction-in-force, as well as the defined competitive area and competitive group. The Commissioner shall subsequently approve, disapprove or, modify the submitted reduction-in-force plan.

5. The documentation for a proposed employee furlough shall be limited to: a statement discussing the need for a furlough; the number of proposed furlough days and the specific date(s), if known; methodology for how the furlough will be administered; a projected amount of monies to be saved by implementing one or more furlough days; and, a statement that the furlough will encompass all full- and part-time employees (regardless of funding source) unless one or more employees are proposed to be exempted. Note: if one or more employees are to be exempted from the furlough (or the number of furlough days reduced for certain employees in a tiered salary approach to furlough implementation), the accompanying documentation should include justification for the exclusion/ approach.

6. If a reduction-in-force plan (including those involving an employee furlough) is approved, each affected employee shall be provided written notice of at least thirty (30) calendar days of the action to be taken unless such advance notice is impractical for budgetary reasons (e.g., in response to a reduction in funding for the identified position(s).

7. A copy of an approved reduction-in-force plan and all submitted forms/documentation shall be made available for inspection, upon verbal or written request, to any employee included in a competitive group. These documents are considered a public record for the purpose of general disclosure under the Georgia Open Records Act.

8. When the reduction-in-force plan has been completed, the college President shall certify, in writing, to the Commissioner that the plan was accomplished as authorized.

9. An affected employee who believes that an approved plan was not carried out in the manner authorized by the Commissioner may request that the Commissioner review the college’s action(s). The request should be made in writing and must be received in the Commissioner’s Office within five (5) business days after the action (i.e., a dismissal, reduction in time status, or furlough) was implemented. The employee must include his/her rationale and supporting information. The Commissioner will issue written findings within ten (10) business days after receiving the correspondence. Any such request that does not follow these guidelines will not be considered. The Commissioner’s decision in this matter shall be final and not subject to further review.

D. System Office Reduction-in-Force Plan(s):
1. For reductions-in-force involving one or more System Office positions, the composition of the plan, including the scope of the competitive area and the competitive group, shall be determined by the Director of the Office of Human Resources in conjunction with input from the Deputy Commissioner or affected Assistant Commissioner.

2. The plan shall contain the following information:
   a. a brief statement of the circumstances requiring the reduction-in-force;
   b. the proposed effective date;
   c. a definition of the competitive area;
   d. a definition of the competitive group;
   e. as applicable, the cutoff date after which performance appraisal/evaluation scores will not be considered; and,
   f. a list of the affected employee(s).

3. If the competitive group contains an employee who is in the Classified Service, the reduction-in-force shall be administered pursuant to the provisions of applicable State Personnel Board Rules.

4. For reduction(s)-in-force involving one or more position abolition(s) (or, as applicable, reduction(s) in time status) and the defined competitive group includes more incumbents than will be impacted, the plan must also include a Reduction-in-Force Assessment Matrix (Attachment D) which shall be completed following the methodology referenced in the Reduction-in-Force Assessment Matrix Guidelines (Attachment A) and the Assessment Matrix Definitions (Attachment B).

5. The Commissioner shall review the submitted plan and accompanying documentation to include justification for the reduction-in-force, as well as the defined competitive area and competitive group. The Commissioner shall subsequently approve, disapprove or modify the submitted reduction-in-force plan.

6. If a reduction-in-force plan is approved, each affected employee shall be provided written notice of a least thirty (30) calendar days of the action to be taken unless such advance notice is impractical for budgetary reasons (e.g., in response to a reduction in funding for the identified positions).

7. The documentation for a proposed employee furlough shall be limited to: a statement discussing the need for a furlough; the number of proposed furlough day(s) and the specific date(s), if known; methodology for how the furlough will be administered; a projected amount of money to be saved by implementing one or more furlough days; and, a statement that the furlough will encompass all full- and part-time employees (regardless of funding source) unless one or more employees are proposed to be exempted.

   Note: if one or more employees are to be exempted from the furlough (or the number of furlough days reduced for certain employees in a tiered salary approach to furlough implementation), the accompanying documentation should include justification for the exclusion/approach.

8. A copy of an approved reduction-in-force plan and all submitted forms/documentation shall be made available for inspection, upon verbal or written request, to any employee included in the competitive group. These documents are considered a public record for the purpose of general disclosure under the Georgia Open Records Act.
9. When a reduction-in-force plan has been completed, the Director of the Office of Human Resources shall certify to the Commissioner, in writing, that the plan was accomplished as authorized.

10. An affected employee who believes that an approved plan was not carried out in the manner authorized by the Commissioner may request that the Commissioner review the actions of the Deputy Commissioner or, as applicable, an Assistant Commissioner. The request should be made in writing and must be received in the Commissioner’s Office within five (5) business days after the action (i.e., a dismissal, reduction in time status, or furlough) was implemented. The employee must include his/her rationale and supporting information. Any such request that does not follow these guidelines will not be considered. The Commissioner shall issue written findings within ten (10) business days after receiving the correspondence. The Commissioner’s decision in this matter shall be final and not subject to further review.

VII. RECORDS RETENTION
All documents placed in an official personnel file shall be retained for a period of seven (7) years after an employee leaves State service.
All documents associated with the development and implementation of a reduction-in-force plan should be retained for a period of seven (7) years.

*Adopted: September 1991
Revised: January 1994; August 29, 2001; September 6, 2012*

Attachment A.

**Technical College System of Georgia Reduction-in-Force Policy Guidelines**

**Assessment Matrix for Knowledge, Skills, Abilities, and Related Competencies**

1. The Reduction-in-Force Assessment Matrix is to be used in identifying (by rank order) which employees are to be impacted by a reduction-in-force when tie(s) exist after the first two steps in the reduction-in-force process (i.e., performance ratings and an active disciplinary action).

2. The TCSG’s commitment to equal employment opportunity is articulated in the agency’s Statement of Equal Opportunity and has been communicated throughout the organization. Any Reduction-in-Force plan submitted by a technical college will be closely reviewed by the Director of Human Resources in the System Office to ensure that improper criteria to include, but not limited to, race, age, gender, religion, color, disability, national or ethnic origin, creed, genetic information, or citizenship or veterans status, does not influence these processes. The Director of Human Resources will also ensure that any plan developed in the System Office meets this same standard.

3. All supervisors and managers must be fully familiar with the instructions and the accompanying assessment definitions prior to completing the Reduction-in-Force Assessment Matrix. Any questions relative to the use of these processes should be directed to the Director of Human Resources in the System Office.

4. Exceptions to the process for identifying employee(s) to be impacted by a reduction-in-force shall be limited. No employee ranked lower shall be retained in preference to
another employee in the competitive group who is higher in the order of the reduction-in-force unless the duties and responsibilities associated with the job to be performed cannot be accomplished satisfactorily after a reasonable training period by another individual in the competitive group who is higher in the order of retention. In this limited instance, an employee lower in the order of reduction-in-force may be retained in preference to other employees higher in the order of retention. In these instances, a Technical College President or, in the System Office, the Deputy Commissioner or an Assistant Commissioner must complete a Special Case Exception Form (Attachments E or F). The completed form must accompany the reduction-in-force plan submitted to the Commissioner.

Attachment B.

Reduction-in-Force - Assessment Matrix Definitions

Definition

**Performance - Results** Compare employees based on achievement of business results and objectives over the past twenty-four (24) months. Results of this ranking should be relatively consistent with the Performance Planning and/or Performance Appraisal/Evaluation process(es) and accompanying comments during the established review period(s). The employee who has consistently been the best performer among those in the competitive group in achieving desired results should be ranked the highest (a score of “1”) even though the overall assessment/rating may be comparable. The employee with the next highest ranking should receive a score of “2” and so on.

**Performance - Competencies** Compare employees based on an assessment of each individual’s achievement in applicable competencies to include: integrity, judgment/decision-making, leadership skills, impact on System Office/Technical College activities, adaptability, interpersonal skills, planning and resource management, oral and written communication skills, initiative, innovation, responsiveness, professionalism, knowledge and development of people (for supervisors and managers).

The employee who has demonstrated these competencies at the highest level as it relates to the organization’s activities and goals should be ranked the highest and receive a score of “1”. The next highest ranked employee should receive a score of “2” and so on.

**Criticality of Skills** Compare employees based on the critical nature of their relevant skills in conjunction with System Office or Technical College needs and to others in the Competitive Group. The individual whose skill set is most essential to the work performed as well as the current and changing needs of the organization should be ranked the highest.

The employee ranked the highest in this category should receive a score of ‘1”. The next highest ranked employee should receive a score of “2”, and so on.

**Breadth and Depth of Skills** Compare employees based on each individual’s breadth and depth of skills that translate to good performance in a variety of tasks or jobs relevant to the needs of the organization. Relevant factors may include work background, education, certification(s), and training. The employee with the most versatile skill set in relation to the work performed as well as the current and changing needs of the
organization would be ranked the highest and receive a score of “1”. The next highest ranked employee should receive a score of “2’, and so on.

_Tie-Breaker - Seniority_ In the event of a tie in the overall ranking, the initial tie-breaker shall be total years of continuous, unbroken service in a regular full-time, salaried position with the Technical College System of Georgia. Service calculations shall also include all years an employee worked in a postsecondary technical school operated by a local board of education immediately prior to the TCSG assuming governance (of the postsecondary technical school) and provided the individual was actively employed by the board of education at the time of transfer of the postsecondary school to state control.
EMPLOYMENT OF RELATIVES

It is the position of the Technical College System of Georgia that relatives of current Department employees may only be employed consistent with the provisions of this policy. In turn, the Department will take appropriate measures to avoid any situation in which a family relationship may interfere with the effective and efficient operation of any Department work unit, including its Technical Colleges. Therefore, the continued employment and/or future promotional opportunities of related employees, as well as those of a prospective employee, may be prohibited entirely or limited by these same guidelines. For the purpose of this policy, the term “relatives” includes: spouse; biological or step parent(s); guardian (as defined by law); biological or step grandparent(s); biological, step, or half sister or brother; child/grandchild (including biological, adopted, foster, step child, legal ward, or child for whom an employee stands in loco parentis); aunt/uncle; niece/nephew; first cousin; or, immediate in-law (i.e., mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law or son-in-law).

General Provisions
1. No individual shall be employed in a Central Office or Technical College Work unit which will result in the existence of a supervisor - subordinate relationship between the individual and any relative of the individual through any line of authority in the work unit. The term, “line of authority” is defined as authority extending vertically through one or more organizational levels of supervision or management.
2. Relatives will not be employed or placed in a work environment in which fiscal checks or balances are among the assigned duties and responsibilities of the positions involved.
3. Relatives will not be placed in a working relationship in which the nature of the assigned duties and responsibilities may contribute to personal or financial gain, fraud, collusion, other abuses of position, or a possible conflict of interest.
4. Employees shall not advocate for or cause the advancement, appointment, employment, promotion, or transfer of a family member/relative to any Department position.

Policy Enforcement
The Deputy Commissioner, the Assistant Commissioners and College Presidents in consultation with the Department’s Director of the Office of Human Resources are fully responsible for ensuring that the provisions of this policy are not violated.

Adopted: July 1, 1986; Revised: December 7, 1995; August 21, 2001; August 4, 2005
Code: 03-01-04
ETHICS AND STANDARDS OF CONDUCT FOR EMPLOYEES

Policy:

All employees of the Technical College System of Georgia (TCSG) are expected to maintain the highest ethical and professional standards of conduct while carrying out their official duties and responsibilities and associated professional obligations. All employees must work solely for the public good while striving to maintain the public trust.

Employees must avoid even the appearance of impropriety or conflict of interest in an effort to ensure that their official actions are not motivated by private or personal interests. This includes all aspects of their interactions with our students, other employees, and the System’s business, community, and state and local government partners.

While performing their assigned duties, all employees are expected to adhere to federal and state law, all State Board policies and TCSG procedures, the Code of Ethics of Government Service outlined in O.C.G.A. § 45-10-1, and all provisions of the Governor’s January 10, 2011 Executive Order establishing a Code of Ethics for Executive Branch Officers and Employees.

Any employee whose position is funded by or whose position utilizes federal funds is subject to relevant federal conflict of interest regulations.

Related Authority:
45 CFR 94
45 CFR 602
O.C.G.A. § 45-10-1
Governor Deal’s January 10, 2011 Executive Order
State Board Policies and TCSG Procedures

Revised: March 6, 2014
Last Reviewed: February 6, 2014
Adopted: February 6, 2014
ETHICAL RESPONSIBILITIES

I. POLICY:

If the Technical College System of Georgia is to carry out its mission of providing quality technical education and customized business and industry workforce training to the citizens of Georgia, employees of the Technical College System of Georgia must maintain the highest level of ethics, integrity and objectivity as they perform their duties in support of these objectives. As a public agency, maintaining the public’s trust in all of our operations is vital.

To this end and pursuant to the State Board Policy III.L, all Technical College System of Georgia employees shall adhere to the provisions of the Code of Ethics of Government Service outlined in O.C.G.A. §45-10-1 and all provisions of Governor Deal’s January 10, 2011 Executive Order establishing a Code of Ethics for Executive Branch Officers and Employees. Failure to adhere to these provisions may result in disciplinary action or dismissal from employment.

II. APPLICABILITY:

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

III. RELATED AUTHORITY:

45 CFR 94
45 CFR 602
O.C.G.A.§ 21-5-70(6)
O.C.G.A.§ 45-10-1
Governor Deal’s January 10, 2011 Executive Order
State Board Policy III.K Employment of Relatives
State Board Policy III.L Ethics and Standards of Conduct for Employees
TCSG Procedure III.L.6 Other Employment
TCSG Procedure III.L.3 Gifts, Honoraria, and Expenses

IV. DEFINITIONS:

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

Agency Head: The Commissioner of the Technical College System of Georgia
**Employee:** The Commissioner and any employee of the TCSG System Office, including Quick Start, and associated technical colleges.

**Executive Order:** Governor Deal’s January 10, 2011 Executive Order

**Family Member:** a spouse, parent, grandparent, child, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister.

**Lobbyist:** shall have the meaning defined in O.C.G.A. § 21-5-70(5)

**Pro Bono:** professional work undertaken voluntarily and without payment as a public service.

**Proceeding:** any event requiring a decision, act or course of action relating to an employee’s official duties or area of responsibility. Examples of proceedings include, but may not be limited to, internal investigations or appeals processes, governing board or committee meetings, vendor selections whether or not subject to bid, and financial transactions or reporting.

**Public Officer:** The Commissioner of the Technical College System of Georgia

V. **ATTACHMENTS:**

Governor Deal’s January 10, 2011 Executive Order
Sample Employee Acknowledgement

VI. **PROCEDURE:**

A. General Provisions:

1. Employees must safeguard their ability to make objective, fair, and impartial decisions and, therefore, should not accept any benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision or to reward a past decision.

2. Employees must avoid any conduct, whether in the context of business, financial or social relationships, which may undermine the public trust, whether that conduct is unethical or lends itself to the appearance of ethical impropriety.

3. In carrying out their official duties and responsibilities, all employees must work solely for the public good, striving
vigilantly to avoid even the appearance that their actions are motivated by private or personal gain.

4. Employees are responsible for familiarizing themselves with and adhering to policies and procedures contained in the State Board Policy Manual located at [https://tcsg.edu/tcsgpolicy/](https://tcsg.edu/tcsgpolicy/).

5. The Commissioner of the Technical College System of Georgia is fully responsible to the Office of the Governor for system-wide compliance with the Executive Order.

6. The Deputy Commissioner, Assistant Commissioners and College Presidents are responsible for compliance with the Executive Order within their respective areas of responsibility. To ensure compliance, employees should be required to execute an Acknowledgement of Understanding of their responsibilities outlined in State Board Policy and TCSG procedures governing ethics and standards of conduct. (See Attachment B).

**B. Conflicts of Interest:**

1. Employees shall make every effort to avoid even the appearance of a conflict of interest. An appearance of a conflict of interest exists when a reasonable person would conclude from the circumstance that the employee’s ability to protect the public interest or perform public duties is compromised by personal interests. An appearance of a conflict of interest could exist even in the absence of a true conflict of interest.

2. An employee shall recuse himself or herself from any proceeding in which the employee’s impartiality might reasonably be questioned due to his/her personal or financial relationship with a participant in the proceeding. A “participant” includes, but is not limited to, an owner, shareholder, partner, employee or agency of a business entity involved in the proceeding. If the employee is uncertain whether the relationship justifies recusal, the employee shall disclose the relationship to the person presiding over the proceeding. The presiding officer shall determine the extent to which, if any, the employee will be permitted to participate. If the affected employee is the person presiding, then the vice chair or other substitute presiding officer shall make the determination.

3. Employees shall not directly or indirectly ask, accept, demand, solicit, seek or receive a financial or other benefit for themselves or for others in return for being influenced in the discharge of their official duties and responsibilities.
4. A conflict of interest may also arise in situations in which an employee engages in an outside activity/business activity which, while not necessarily incompatible, inconsistent, or impermissible in conjunction with his/her official duties and responsibilities may, nevertheless, interfere with the employee’s ability to properly perform his/her official duties.

5. Questions regarding situations or circumstances which may result in an actual or perceived conflict of interest should be directed to the System Office’s General Counsel or Ethics Officer.

6. Any employee of a TCSG technical college which accepts federal research monies and whose position is funded by or whose position utilizes such funds are subject to relevant federal conflict of interest regulations as promulgated in CFR 45 and CFR 602.

7. Any employee engaged in activities or transactions with other countries are required to comply with all relevant anti-corruption laws including the federal Foreign Corrupt Practices Act. Regulated transactions with other countries include but may not be limited to gifts to foreign officials, travel and entertainment expenses, facilitating payments, and political/charitable donations.

C. Nepotism/Employment of Relatives:

1. A Technical College System of Georgia employee shall not advocate for or cause the advancement, appointment, employment, promotion, or transfer of a family member to an office or position with the System Office or an associated technical college.

2. State Board Policy III.K governing the employment of relatives defines the parameters in which the relative of a current employee may be appointed to a System Office or a technical college position.

D. Dual Employment/Board Service:

1. No employee shall serve for compensation as a corporate officer or director of any for-profit or publically held company. Voluntary, pro bono services on behalf of a non-profit organization is permissible provided such service would not have the potential to create a conflict and does not impair the employee’s ability to discharge his/her public duties fully, faithfully, and impartially.
2. Pursuant to the Executive Order, the Commissioner may not have ongoing dual employment.
3. All full and part-time employees must request and receive approval to engage in other employment pursuant to the provisions of TCSG Procedure III.U.12 Other Employment.

E. Lobbying:

1. Pursuant to the Executive Order, state agencies are not permitted to contract with any person to provide lobbying, as that term is defined in O.C.G.A. § 21-5-70(5).
2. Employees shall decline to communicate on official government matters with any lobbyist who was a public officer within the preceding one-year period.

F. Gifts, Honoraria and Expenses

Ethical responsibilities governing gifts, honoraria and expenses are addressed in TCSG Procedure III.L.3.

VII. RECORD RETENTION:

All records developed in response to the Executive Order shall be maintained for a minimum of four (4) calendar years. Employee Acknowledgement statements, if required by colleges, shall be maintained in personnel files or may be maintained in electronic format consistent with the State of Georgia’s Secretary of State’s Records Retention Schedule.

Last Revised: 
Last Reviewed: 
Adopted: July 16, 2014
CONSENSUAL RELATIONSHIPS

I. Policy
The Technical College System of Georgia (TCSG) is committed to maintaining learning and work environments in its System Office and technical colleges that are as free as possible from conflicts of interests and favoritism.

In situations in which an employee uses his/her position of authority to persuade another employee or a student to enter into a non-consensual relationship, the harm to that person (i.e., the subordinate party) and to the TCSG is clear. Behavior of this nature can also subject both the TCSG and the employee (i.e., superior party) to the risk of liability. Any complaint initiated in response to such actions will be investigated in conjunction with the TCSG Procedure governing Unlawful Harassment or Student Unlawful Harassment.

Even in those instances in which the relationship is consensual, there is significant potential for harm when there is a power difference between the involved parties, e.g., supervisor and subordinate, faculty member and student, academic advisor and advisee, etc. Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power or position.

A supervisor’s consensual relationship with a subordinate or a faculty member’s consensual relationship with his/her student is likely to interfere with the supervisor’s/faculty member’s ability to act and make decisions fairly and objectively, without favoritism. Even if the supervisor/faculty member is able to avoid bias in these actions, others in the workplace or learning environment are likely to see themselves as being less favored and, therefore, disadvantaged by the relationship. In particular, voluntary consent by a student or an employee (in such a relationship) is difficult to determine with any degree of certainty given the fundamental power differential in the relationship. As such, these relationships may be less consensual than the individual whose position confers power believes and, as such, the faculty or staff member bears a special burden of accountability in any such involvement.

Additionally, consensual relationships may provide the basis for complaints by others outside the relationship when the relationship in question appears to give undue access or advantage to the participating student or subordinate staff member and/or, which may restrict opportunities or create a hostile or unacceptable work or academic environment for others outside the relationship.

For these reasons, the TCSG expressly prohibits consensual relationships between: a faculty or staff member and any student that he/she instructs, advises, supervises, or evaluates; a supervisor and any employee he/she directly or indirectly supervises/manages within all work units (s) under his/her span of control (i.e., line of authority); or, any technical college employee and a dually-enrolled high school student.
By establishing these policy parameters, the TCSG hopes to avoid the types of problems/situations referenced above and to insulate students and employees from the potential consequences of an inappropriate subordinate/superior party relationship. Further, the TCSG hopes to ensure that all members of the TCSG community are treated with dignity and respect without regard to factors that are not relevant to that person’s assigned duties and responsibilities and work performance or, a student’s academic achievement.

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

III. Definitions
Advise: A collaborative process designed to assist students in clarifying career objectives and, through the development of and progress through an educational plan (i.e., an academic program of study), better equip them to be a successful student and meet career and academic objectives. Advising incorporates appropriate guidance on course selections, review of academic progress, and referral to college resources and technologies that are available to students.

Conflict of Interest: In the context of this policy, a conflict of interest or an appearance of a conflict of interest is created when an individual evaluates, supervises, or has decision making power/authority affecting another individual (i.e., a fellow employee, student, or student employee) with whom he/she has an intimate, romantic, and/or sexual relationship. Relationships of this nature, even if consensual, may be viewed as exploitative or coercive and may negatively impact the integrity of the work or learning environment.

Consensual Relationship: Involvement in a mutually acceptable (i.e., consenting) romantic, dating, and/or sexual relationship.

Employee: Anyone employed by the Technical College System of Georgia in a full-time or part-time capacity.

Evaluation: In the context of a faculty/student relationship, to assess, determine, or influence a student’s academic performance, progress or potential. In the context of employment, includes, but not limited to, activities associated with establishing performance expectations as well as coaching and assessing or participating in the assessment of a subordinate’s performance.

Faculty: Any employee directly responsible for academic instruction to include evaluating and advising students, or who may otherwise directly or indirectly influence a student’s academic progress, performance or entitlement or eligibility for any associated academic opportunity.

Immediate Supervisor: A supervisor who establishes performance expectations, coaches, develops, and assesses the performance of a subordinate employee.

Line of Authority: Authority extending vertically through one or more organizational levels of supervision or management.

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.
**Student:** Anyone enrolled in a full- or part-time capacity in any academic program offered by a technical college associated with the Technical College System of Georgia including adult education programs.

**Supervisor:** Any employee who oversees, directs, and/or evaluates or participates in the evaluation of the work of others. The term encompasses employees in a management or administrative role in the System Office or a technical college possessing responsibility for directing the activities of one or more work units.

IV. Attachments

N/A

V. Procedures

A. General Provisions: Employment Relationships

1. No TCSG employee may engage in a consensual relationship with an employee he/she directly or indirectly supervises. This prohibition extends through all lines of authority and all work unit(s) under the supervisory employee’s span of control.

2. No TCSG employee serving in a supervisory capacity may participate in any decision impacting another System Office/technical college employee’s rate of pay, performance evaluation, promotional opportunities, or other employment action if he/she has had a consensual relationship with the employee as defined by policy.

3. All employees should be aware that entering into a consensual relationship with his/her supervisor is contrary to TCSG policy.

4. In the event that a prohibited consensual relationship exists at the time this policy is enacted, the supervisory employee must disclose the relationship to his/her immediate supervisor or reviewing manager and cooperate in developing arrangements to address the conflict of interest.

5. An immediate supervisor or reviewing manager who is notified or becomes aware of a consensual relationship involving his/her employees shall take immediate measures to eliminate the conflict of interest or the appearance of a conflict of interest.

6. An employee in a position of authority who enters into or continues a consensual relationship with a subordinate without reporting it or who fails to cooperate in efforts to eliminate the conflict of interest or appearance of impropriety will be subject to disciplinary action up to and including separation from employment.

7. In the event that a complaint of harassment or sexual harassment is brought by the subordinate party regarding an unreported relationship, there will be no presumption that the relationship was consensual in nature.

B. General Provisions: Faculty/Staff Member-Student Relationships

1. No faculty or staff member may engage in a consensual relationship with any student that he/she instructs or advises (i.e., formal academic advisement) or, supervises or evaluates in any manner or capacity.

2. Students, faculty and staff members should be aware that entering into a consensual relationship is contrary to TCSG policy and limits the faculty or staff member’s ability to teach and appropriately mentor, direct the work of, and/or employ the student in a part-time capacity.
3. If a prohibited consensual relationship exists at the time this policy revision is enacted, the relationship must cease. This may involve the student transferring to another course offering or withdrawing from a course taught by the faculty member in question, initiating a change in the student’s primary academic advisor, etc. In such instances, it may be necessary for the faculty/staff member to disclose the relationship to his/her immediate supervisor or reviewing manager and seek their assistance in remediating the conflict of interest. The good faith reporting of a consensual relationship in conjunction with the implementation of the revised policy will not, in and of itself, constitute a policy violation.

   Note: Any subsequent complaint generated by a student that the relationship was non-consensual will be investigated under the provisions of the Student Unlawful Harassment Procedure. Further there will be no presumption that the relationship was consensual in nature.

4. No faculty member should accept authority for/over a student with whom he/she has had a prior consensual relationship to include: permitting the student to enroll in his/her class; supervising the student as a work study, lab assistant, etc.; participating in decisions pertaining to a student’s grades, academic honors, degree/diploma/certificate, etc.; or, discussions centered on possible disciplinary action.

5. A faculty or staff member who enters into or continues a prohibited consensual relationship with a student after the effective date of this policy revision will be subject to disciplinary action up to and including separation from employment.

C. General Provisions: Consensual Relationships Outside an Official Supervisory or Evaluative Context

1. Those consensual relationships between faculty and/or staff members and/or students occurring outside of an official supervisory or evaluative context prohibited by policy may also be problematic for one or both parties as well as the System Office or technical college. When participating employees or an employee and a student are in the same general academic area or work unit or closely aligned work units, a relationship that the involved parties may view as consensual may, nonetheless, give the appearance of a conflict of interest by negatively impacting the integrity of the work or learning environment. Such relationships may also appear to others to be potentially exploitative or coercive; therefore, extreme care should be taken by both parties in the relationship to reduce these likelihoods.

2. In these situations, the faculty or staff member should always remove themselves from involvement in any employment or academic-related decision that may reward or penalize the employee or student.

Revise and Re-title to: Consensual Relationship
Draft - September 1, 2010,
Approved - September 15, 2010
GIFTS, HONORARIA, AND EXPENSES

I. Policy:

This Procedure serves to encompass those provisions of Governor Nathan Deal’s January 10, 2011 Executive Order establishing a Code of Ethics for Executive Branch Officers and Employees as they pertain to gifts, honoraria, and expenses. The Executive Order places additional restrictions on the activities and actions of Executive Branch officers and employees (other than those imposed by the provisions of O.C.G.A § 16-10-2, 21-5-1, 21-5-70, 45-1-6, and 45-10-1) with respect to carrying out their official duties, responsibilities, and obligations. Other major provisions of the Executive Order are referenced in the Procedure governing Standards of Business Conduct.

II. Applicability:

All employees of the Technical College System of Georgia.

III. Related Authority:

O.C.G.A.§16-10-2
O.C.G.A.§21-5-1
O.C.G.A.§21-5-70
O.C.G.A.§45-1-6
O.C.G.A.§45-10-1
O.C.G.A.§45-20-51

IV. Definitions:


Employee: any employee of the Office of the Governor, including the Governor, and any employee of any state agency, including an agency head.

Ethics Officer: the agency official designated by the Commissioner of the Technical College System of Georgia to ensure that all TCSG employees, including technical college employees, are aware of applicable ethics laws, policies and the January 2011 Executive Order.

Gift: anything of value exceeding $25.00 including, but not limited to, food, lodging, transportation, personal services, gratuities, subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or deposits of money.

Honoraria: monetary payment, stipend, or other compensation for a service (e.g., making a speech, reviewing a textbook, etc.) for which a fee is not traditionally established or required.

Lobbyist: an individual defined in applicable provisions of O.C.G.A.§21-5-70(6).

Public Officer: includes the executive head of every state department or agency, whether elected or appointed. The term also includes anyone who has discretionary authority over, or is a member of a public body which has
discretionary authority over, the selection of a vendor to supply any goods or services to any state agency.

**Value:** the actual retail price or cost attributable to a gift, less applicable taxes and gratuities or a reasonable estimate based upon customary charges for like goods or services in the locality. A series of tickets to sporting, entertainment, or similar events shall be valued at the face value of the ticket or fee, excluding any portion attributable to a charitable contribution, if provided by a charitable organization.

**Vendor:** any person who sells to or contracts with any state agency for the provisions of goods and services.

V. **Attachments:**

A. [Governor Deal’s January 2011 Executive Order](#)

B. [Report of Expense Reimbursement by a Third Party Organization](#)

C. [Acknowledgement Statement](#)

VI. **Procedure:**

A. **General Provisions:**

1. As provided in Governor Deal’s Executive Order:

   a. All officers and employees of state government must work solely for the public good, striving vigilantly to avoid even the appearance that their actions are motivated by private or personal interest;

   b. State employees should use their powers and resources to further the public interest and not for any financial or other personal benefit, other than their established hourly or salaried compensation and, as applicable, employer-provided benefits;

   c. State employees should not accept benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision or to reward a past decision; and,

   d. State employees must avoid any conduct, whether in the context of business, financial, or social relationships, which might undermine the public trust, whether that conduct is unethical or lends itself to the appearance of ethical impropriety.
2. Questions regarding the proper administration/application of the Executive Order with respect to individual employee(s) or any TCSG work unit should be directed to the TCSG Ethics Officer.

3. The Commissioner of the Technical College System of Georgia is fully responsible to the Office of the Governor for system-wide compliance with the Executive Order.

4. Any alleged violation of the Executive Order shall be reported by the Ethics Officer to the Office of the State Inspector General.

B. Gifts:

1. Except as provided in Paragraph VI.B.3., no employee, nor any person on his/her behalf, shall accept, directly or indirectly, any gift from any person with whom the employee interacts on official state business, including, without limitation, lobbyists and state vendors.
2. If a gift has been accepted, it either must be returned to the donor or transferred to a charitable organization.
1. Where appropriate for purposes of tradition, ceremony, or inter-governmental relations, or when acting as a representative of the Office or the Governor or an agency, an employee may accept a gift on behalf of an agency or the Office of the Governor.
2. An Executive Branch employee may not accept (and retain) a gift if the gift retains value after it is accepted.
3. The term “gift” shall not include:
   
a. An award, plaque, certificate, memento, or similar item given in recognition of the recipient’s civic, charitable, professional, public, or other service.
   b. Promotional items of a nominal value generally distributed to the general public or to public officers.
   c. Actual and reasonable expenses for food, beverages, travel, lodging and registration provided to permit participation in a meeting, demonstration, or training related to an employee’s official/professional duties and responsibilities, provided such participation has been authorized, in writing, by the Commissioner, technical college president, or his/her designee.
   d. As applicable, food, beverages, and registration at group events related to activities associated with the Technical College System of Georgia and/or its technical colleges to which substantial numbers of TCSG employees have been invited; provided, however, that such
attendance/participation does not conflict with other provisions of this Procedure and the Governor’s Executive Order.

C. Honoraria:

1. No employee may accept any honoraria.

D. Expenses:

1. If an employee’s actual and reasonable expenses for food, beverages, travel, lodging, registration, etc. are paid by a third party to permit the employee’s participation in a meeting/activity related to his/her official or professional duties, the employee shall file an expense reimbursement report consistent with the provisions of Paragraphs VI.D.2. and VI.D.3.
2. The Report of Expense Reimbursement by a Third Party Organization (Attachment B.) must contain a description of each expense (i.e., the amount paid on behalf of the employee) as well as the purpose, date, and location of the meeting/activity. A copy of the Commissioner’s, technical college president’s, or his/her designee’s written approval for such attendance should also be included.
3. The report shall be filed with the TCSG Ethics Officer no later than thirty (30) calendar days after participation in the training/activity has been completed and/or the associated expenses paid.
4. As referenced in the Executive Order, the preferred practice is for state agencies and not third parties to pay for the business-related travel of their employees to attend such meetings/activities.

VII. Records Retention:

1. All records associated with/documents developed in response to the Executive Order shall be maintained for a minimum of four (4) calendar years, similar to that for records documenting payment of registration fees which are not considered travel expenses (the latter requires retention for only three (3) calendar years).

Approved Version
Effective Date: March 8, 2011
STANDARDS OF BUSINESS CONDUCT

I. Policy:

The Technical College System of Georgia is committed to the pursuit of organizational excellence as it provides quality technical, academic, and adult education as well as customized business and industry workforce training to the citizens of Georgia.

To achieve this mission and to be good stewards of the resources that have been entrusted to the Technical College System of Georgia, all employees must conduct themselves in a manner which reflects high ethical standards, integrity, honesty, accountability, dedication to the public trust and, which conforms to state and federal law, State Board policies and TCSG procedures, and applicable gubernatorial Executive Orders.

In carrying out their assigned duties and responsibilities, all employees must also avoid even the appearance of ethical or financial impropriety, partiality, prejudice, favoritism, improper influence, as well as placement of self-interests above public interests.

It is the obligation of all employees to familiarize themselves with and follow State Board Policies and TCSG Procedures. Failure to adhere to these directives and/or state and federal law will subject an employee to disciplinary action consistent with the provisions of the State Board Policy on Positive Discipline and the TCSG Procedure on Adverse Employment Actions.

II. Applicability:

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

III. Related Authority:

O.C.G.A. §3-3-21.1(b)
O.C.G.A. §3-8-6
O.C.G.A. § 16-7-5
O.C.G.A. §16-7-81
O.C.G.A. §16-10-2
O.C.G.A. §16-11-14
O.C.G.A. §16-11-127.1
O.C.G.A. §19-7-5
O.C.G.A. §45-10-1
O.C.G.A. §45-10-22 et seq
O.C.G.A. §50-18-70 et seq
Governor Deal’s January 10, 2011 Executive Order
State Board Policies and TCSG Procedures
IV. Definitions:

Agency: for purposes of this procedure, the term is defined as any state agency, authority, department, board, bureau, commission, committee, office or instrumentality of the State of Georgia other than a political subdivision.

Business: any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, trust, or other legal entity.

Child Abuse: pursuant to the provisions of O.C.G.A. §19.7.5(b)(4) the term means:

1. Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child;
2. Neglect or exploitation of a child by a parent or caretaker;
3. Sexual abuse of a child; or
4. Sexual exploitation of a child.

NOTE: no child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an “abused” child.

Employee: any individual employed by the Technical College System of Georgia, including those employed at colleges and Quick Start.

Family: spouse and dependents.

Full-Time (Employee): any individual who works thirty (30) hours or more per week for any state agency and whose appointment is for a period of nine (9) or more calendar months.

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).

Part-Time: any amount of work other than “full-time” as that term is defined in this procedure.
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.

School Safety Zone: pursuant to the provisions of O.C.G.A. §16-11-127.1(a)(3), the term means any real property or building owned by or leased to any college, university, or other institution of postsecondary education.

Substantial Interest: direct or indirect ownership of more than twenty-five percent (25%) of the assets or stock of any business.

Technical College System of Georgia (“TCSG”): a state agency established pursuant to O.C.G.A. §20-4-14 and authorized to exercise state level leadership, management, and operational control over colleges, programs, and services. The agency consists, in part, of the Commissioner’s Office, various statewide programmatic and support divisions in the System Office, colleges, and the Office of Economic Development Programs/Quick Start.

Transact Business: to sell or lease any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative and/or to purchase surplus, real, or personal property on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative.

Weapon: pursuant to O.C.G.A. § 16-11-127.1(a)(4), within a school safety zone, means and includes any pistol, revolver, or any weapon designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106.

V. Attachments:

Policy Manual of the State Board of the Technical College System of Georgia

VI. Procedure:

A. General Provisions:

1. Pursuant to the provisions of O.C.G.A. §16-10-2, Technical College System of Georgia employees shall not directly or
indirectly solicit, receive, accept or agree to receive a thing of value by inducing the reasonable belief that the giving of the thing will influence his/her performance or failure to perform any official action. For compliance purposes, employees shall follow the guidelines established in Governor Deal’s January 10, 2011 Executive Order on Ethics and all provisions of the accompanying TCSG procedures governing Ethical Responsibilities (III.L.1.) and Gifts, Honoraria and Expenses (III.L.2.).

2. The Technical College System of Georgia expects all employees to provide a workplace that and learning environment where all employees, current and prospective students, contractors, volunteers, and all visitors to a TCSG work unit or technical college are treated with dignity and respect. Additionally, the TCSG expressly prohibits the harassment or discrimination of any individual by a TCSG employee because of the individual’s age, color, disability, gender, genetic information, national or ethnic origin, citizenship status, political affiliation or belief, race, religion, or status as a veteran of the Vietnam era or as a disabled veteran. (See TCSG Procedure III.A.1, Unlawful Harassment of Staff). Any employee who violates these guiding principles through his/her behavior or conduct will be subject to disciplinary action consistent with the provisions of the State Board policy on Positive Discipline and the TCSG procedure governing Adverse Employment Actions. NOTE: the practices of the Technical College System of Georgia with respect to its stated mission and strategic initiatives will not discriminate against any individual on this basis of his/her citizenship status except in those special circumstances mandated by law to include compliance with the federal Immigration Reform and Control Act as it pertains to employment.

3. Employees are encouraged to participate in the political process; however, as public employees, there are restrictions placed on these activities as outlined in the TCSG procedure governing Political Activities and Election Campaigns (III.L.5.). All employees should review these restrictions and must ensure that their TCSG activities remain separate and distinct from their individual political activities/ actions. It must always be clear in these pursuits that an employee acts as a citizen and not as a representative of the TCSG. Further, employees must not use TCSG resources, including computer and network systems and work time, to promote a political position or
candidate and/or to engage in a political campaign or personal activities.

4. The TCSG reserves the right to conduct reasonable, job-related searches (to include those associated with an internal investigation) of/on state property including, but not limited to, desks, work areas, state-issued computers, laptops, tablets, cellular phones, etc. All files, records and information stored on any TCSG device are the property of the agency and may be inspected at any time for any job-related reason with or without prior notice or permission. Further, employees should understand that electronic mail messages, internet usage, and all information created, transmitted, downloaded, received or stored on TCSG devices may be accessed at any time with or without prior notice. Employees should not assume that they have an expectation of privacy or confidentiality in such messages, data, or information, whether or not such information is password protected or, that deleted messages, data, information or previous internet use has been removed from a device.

5. Employees shall fully cooperate with any inquiry or internal investigation conducted by TCSG or, as applicable, any other state agency.

6. Employees assume personal responsibility and accountability for their actions at all times and must avoid any activity or behavior that might hinder their ability to fulfill assigned job responsibilities. Additionally, employees must avoid any activities/behavior that would bring discredit upon or adversely affect the organization’s ability to carry out its mission.

B. Collection and Use of Privileged or Confidential Information

1. While performing assigned duties and responsibilities, employees may have access to a wide variety of sensitive, privileged, and/or legally protected information, documents, files, records, etc. Any employees authorized to access and use such information in the performance of his/her job may do so only for a legitimate job-related reason as these records are the property of the TCSG. Any such access for personal use or use by others is strictly prohibited. NOTE: any request for public records (as that term is defined in O.C.G.A. §50-18-70 et seq.) shall be managed pursuant to the provisions of the TCSG procedure governing the Open Records Act (II.C.14).
2. Pursuant to the principles outlined in Paragraph VI.B.1., all employees shall refrain from any breach of confidentiality, falsification, fabrication, destruction, inappropriate and/or unacknowledged collection or other misuse of TCSG data, information or records pertaining to, but not limited to, students, employees, or operations and administration.

3. Supervisors and managers are responsible for the oversight of the information, data, documents, and records under their span of control and for ensuring their subordinate employees comply with these expectations for the protection and appropriate use of such information.

4. In the course of performing assigned duties and responsibilities, electronic transmissions are generally performed using TCSG information systems and equipment. Electronic entries and/or approvals must only be performed by those employees who have been authorized to carry out such functions/activities. To safeguard the confidentiality of this information, employees are prohibited from sharing their passwords with co-workers or individuals not associated with the TCSG. NOTE: this prohibition does not extend to an employee’s participation in an internal investigation or in response to a supervisory or managerial directive.

5. The Social Security Number of a student or current/prospective employee may only be collected when this information is specifically required to complete a designated transaction or activity. As referenced in Paragraph VI.B.1., all collected personal identifying information of a student or a current/prospective employee (including Social Security Numbers) must be maintained confidentially and securely. This information may not be accessed by, shared with, or released to anyone without a job-related reason to do so.

6. Employees shall not knowingly use their position in any manner which may result in financial or other benefit – directly or indirectly – for themselves, their relatives, or any individual with whom they are personally or financially involved.

C. Duty to Disclose

1. Employees are required to report any post-employment arrest and the subsequent disposition of any pending charge (e.g., conviction, dismissal, etc.) to their immediate supervisor and/or reviewing manager no later than two (2) business days following the date of arrest and final
disposition. Supervisors must then notify the Director of Human Resources or president immediately. Failure to comply with these notification provisions will be grounds for disciplinary action up to and including dismissal from employment.

2. As referenced in the Driver Qualification Procedure (III.Y.), an employee who may possibly drive on state business must disclose any license expiration, suspension, or revocation to his/her immediate supervisor (or, in the absence of his/her supervisor, another college or System Office official) no later than the business day following the formal notification of the license action by the Georgia Department of Driver Services or comparable agency/department in his/her State of Residence. An employee who operates a vehicle frequently or infrequently on state business is required to report any traffic offense referenced in Paragraph VI.D.4. of the Driver Qualification procedure to his/her immediate supervisor (or, in the absence of his/her supervisor, another college or System Office official) no later than the business day following receipt of the citation. Lastly, employees who receive a citation, ticket, or warning for any traffic offense while operating a vehicle on state business must also notify his/her immediate supervisor (or, in the absence of his/her supervisor, another college or System Office official) no later than the next business day. Failure to comply with these notification provisions will be grounds for disciplinary action pursuant to the provisions of the TCSG procedure on Adverse Employment Actions and the State Board policy on Positive Discipline.

3. A newly hired employee is required to disclose any conviction and/or pending charge(s) on the State Security Questionnaire/Loyalty Oath form. NOTE: This provision applies to current employees who transfer between TCSG work units if the form is utilized in the transfer process.

4. Written statements and all information provided by an applicant/prospective employee/current employee on an employment application or State Security Questionnaire/Loyalty Oath form will be deemed to have been made under oath pursuant to the provisions of O.C.G.A. §16-11-14.

5. An applicant/prospective employee/current employee who falsifies or misrepresents information on an employment application, a State Security Questionnaire form, or on any other hiring document/form including, but not limited to, criminal history information, educational
achievement (e.g., degree[s] obtained), military service, or prior work history may have an employment offer withdrawn. Any current employee may, in addition, be subject to disciplinary action pursuant to the provisions of the TCSG procedure on Adverse Employment Actions and the State Board policy on Positive Discipline.

D. Financial and Business Transactions

1. Employees engaged in fiscally-related activities must use sound business practices when receiving cash, making deposits, ordering goods and services, when initiating/managing financial transactions, etc. Employees are responsible for ensuring that all financial transactions are accomplished pursuant to local college procedures, applicable laws, rules, regulations, and State Board policies and TCSG procedures.

2. Employees participating in financial or business transactions, including vendor selection and contract management/oversight, must safeguard their ability to make objective, fair, and impartial decisions and must not accept any benefit which could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision or to reward a past decision.

3. Pursuant to the provisions of O.C.G.A. §45-10-22 et seq. and as provided in the TCSG procedure governing Other Employment (III.L.6):
   a. It is unlawful for a full-time employee, for himself/herself or on behalf of any business, or for any business in which the employee or member of his/her family has a substantial interest, to transact any business with any work unit/technical college associated with the Technical College System of Georgia; and,
   b. It is unlawful for a part-time employee, for himself/herself, or on behalf of any business, or for any business in which such employee or member of his/her family has a substantial interest to transact any business with any work unit/technical college associated with the Technical College System of Georgia except for:
      1. Any transaction made pursuant to sealed, competitive bids;
      2. Any transaction when the amount of a single transaction does not exceed $250.00 and when the aggregate of all such transactions
does not exceed $9,000.00 in a calendar year;
3. Any transaction involving the lease of real property to or from any agency if such transaction has been approved by the State Properties Commission; or,
4. The purchase of surplus state property at auction.

E. Weapons and Explosive Compounds

1. Employees may not carry/possess a firearm, long gun, weapon or an explosive compound or material (as these terms are defined in O.C.G.A. §16-7-81) in a school safety zone which includes (being) in or on any real property or building owned by or leased to a technical college (to include all technical college campuses and any off-site technical college work locations) or at any college-sanctioned function, unless an employee is:
   a. authorized, in writing, by the president to carry a weapon. The written authorization must:
      1. be kept by the employee on his/her person at all times while carrying a weapon or weapons;
      2. identify the weapon(s) which have been authorized;
      3. identify the period of time during which weapon(s) are authorized to be carried; and,
      4. include any other terms and conditions deemed necessary to ensure the safety and security of the campus community and/or to minimize the risk thereto.
   b. covered by the limited exceptions noted in Paragraphs VI.E.3, 4, or 5.; or,
   c. employed in a full or part-time position in a technical college's campus police department. In this capacity, the employee must be P.O.S.T. certified and authorized to carry a firearm and/or a long gun in the scope of his/her employment with the college. NOTE: This exemption does not extend to any other college employee who may be P.O.S.T. certified but who has been hired in another capacity.

2. When academic program curricula requires the use of items identified in the definition of weapons, instructors teaching
these course(s) may only use these item(s) in the delivery of academic instruction. When not in use, these item(s) must be stored in a safe and secure manner that is not accessible to any unauthorized individuals including, but not limited to, students or other staff members.

3. An employee who holds a weapons carry license may possess a weapon on his/her person while in a vehicle in a school safety zone or may keep a weapon in a locked compartment of, in a locked container in, or a locked firearm rack in a motor vehicle while (the vehicle) is in transit through a school safety zone to include when carrying or picking up a student.

4. An employee who holds a weapons carry license may keep a weapon in a vehicle parked in a school safety zone provided the weapon is secured in a locked compartment or, as applicable, in a locked firearm rack.

5. An employee may keep a weapon in a vehicle parked in a parking lot of a privately or publically owned building leased, in whole or in part, to a technical college. Any such weapon must be locked out of sight in the trunk, glove box, or other enclosed compartment or area or, as applicable, kept in a locked firearm rack.

6. No employee will be permitted to carry a firearm, handgun, long gun, or knife [as that term is defined in O.C.G.A. §16-11-125.1(2) or, as applicable O.C.G.A. §16-11-127.1(a)(4)] into any System Office or Quick Start work unit or any sponsored function unless he or she meets the exemption outlined in paragraph E.1.c of this section.

7. An employee who holds a weapons carry license may keep a firearm and/or a long gun in his/her privately owned vehicle while parked in the parking lot or the parking deck adjacent to the System Office building, the Quick Start Headquarters, or a Quick Start Regional Office. Any such weapon must be locked out of sight in the trunk, glove box, or other enclosed compartment or area or, as applicable, kept in a locked firearm rack.

8. Employees may not possess or transport a firearm, handgun, long gun, or any unlawful explosive compound or material in a State of Georgia vehicle; however, individuals employed as described in E.1.c of this section may transport a firearm, handgun, or long gun in a state vehicle provided they are acting within the scope of their employment and are otherwise authorized to operate a state vehicle.

F. Activities and Conduct
1. An employee’s possession and/or use of illegal drugs or alcohol in the workplace (to include any clinical internship/externship site) is incompatible with the mission of the Technical College System of Georgia (TCSG) and, as such, is expressly prohibited. The TCSG fully complies with the Federal Drug-free Workplace Act of 1988, the Drug-free Public Workplace Act of 1990, as well as applicable State Personnel Board Rules pertaining to a Drug and Alcohol Free Workplace. Authorized exceptions to the general prohibitions regarding alcohol are outlined in O.C.G.A. §3-8-6 and the accompanying State Board policy II.C.6 pertaining to the service and use of alcohol in a technical college’s business/conference center, as well as O.C.G.A. §3.3.21.1.(b) pertaining to the possession/use of alcohol for educational (i.e., instructional delivery) purposes.

2. It is expressly prohibited for any employee to possess/transport alcoholic beverages or illegal drugs in a state vehicle and/or to consume such while traveling in a state, leased/rental vehicle or, a personal vehicle used in conjunction with official state business upon which the state is providing or could provide a mileage reimbursement.

3. All employees are subject to work-related reasonable suspicion, post-accident, return-to-duty, and follow-up testing for alcohol and/or drugs. Any such testing will follow the guidelines established in State Personnel Board Rule 21 and, as applicable, the provisions of the TCSG procedure governing Drug and Alcohol Testing (III.Q.1). Additionally, all employees in safety sensitive positions as well as those that encompass high risk work, are subject to pre-employment drug and/or random alcohol and/or drug testing. NOTE: as provided in State Personnel Rule 21, an employee involved in a non-DOT regulated accident is subject to drug and alcohol testing if he/she causes or contributes to a loss of work time injury that requires medical attention away from the worksite or an accident that results in more than $2,000 in damage to State property (e.g., a traffic accident involving a state vehicle, a work-related accident involving equipment such as a fork lift, etc.).

4. As provided in the TCSG procedure governing Workplace Violence (III.X.), any violent act or threatening or disruptive behavior, language, or communication in any form is expressly prohibited. Employees shall not engage in prohibited behavior or conduct against another individual
in any TCSG worksite or at any sanctioned off-site function. This prohibition for employees extends to any off-duty setting when the act is directed to a work-related contact or otherwise bears a relationship to work.

5. Employees are prohibited from recording work-related meetings, conversations, etc., unless first authorized, in writing, by the Commissioner, technical college president, or his/her designee. Before considering such a request, the official should first discuss the matter with the System Office General Counsel or Legal Services Officer. Additionally, a supervisor or manager may not record conversations, meetings, etc., with an employee unless there is a specific work-related reason to do so and he/she has first consulted with the General Counsel or Legal Services Officer. NOTE: it is appropriate for student-based hearings/proceedings conducted by a college Disciplinary Hearing Officer or a Title IX Coordinator to be recorded.

6. All employees are responsible for reporting any suspected criminal or administrative misconduct by another employee, student, volunteer, visitor, vendor, or contractor to include the alleged theft of state property, funds or resources or, fraud, waste, or abuse relating to or involving the operations of the TCSG System Office or an associated technical college. All such reports of suspected irregularities or possible fraudulent activities/transactions should be reported to an employee’s immediate supervisor, reviewing manager, staff member of the Office or Human Resources, or other designated System Office or technical college official, to include the TCSG General Counsel. Supervisors receiving such reports are required to notify the college president or designated System Office personnel. Additionally, no employee will be subjected to harassment or retaliation for reporting any such concern. NOTE: any such report shall be promptly reviewed, investigated, and/or referred to the appropriate official(s) for further action as outlined in applicable State Board policies or TCSG procedures.

7. Pursuant to applicable provisions of O.C.G.A. § 19-7-5 a TCSG employee or a volunteer providing services in a TCSG work site who has reasonable cause to believe a child under the age of 18 had been abused must report or cause a report of the abuse to be made to a child welfare agency [e.g. the Department of Human Services’ Division of Family and Children Services (DFCS)] within twenty-four (24) hours of becoming aware of the abuse. If requested, the oral report may be followed by a written
An employee or volunteer who is required to report child abuse because he/she attends to a child pursuant to his/her duties (as an employee or volunteer) at a technical college must immediately notify the college president or his/her named designee (e.g., a child enrichment center director) of any suspected abuse. The president or designee is required to report or cause a report to be made within the twenty-four (24) hour period. Additionally, any person or official required to report a suspected case of child abuse and who knowingly and willfully fails to do so within the stipulated twenty-four (24) hour period may be charged criminally for his/her inaction.

NOTE: oral reports may be made by calling the DFCS Child Protective Center at 1-955-GACHILD/1-855-422-4453. Reports are taken 24/hours a day, 7 days a week. In an emergency situation, contact can be made to a local police department/agency or by calling 911.

8. As provided in the TCSG procedure governing Consensual Relationships (III.2.), the Technical College System of Georgia expressly prohibits consensual relationships between:
   a. A faculty or staff member and any student that he/she instructs, advises, supervises, or evaluates;
   b. A technical college employee and a dually-enrolled high school student; or,
   c. Supervisors and managers and their subordinate employees (i.e., any employee that he/she directly or indirectly supervises/manages) through any line or authority and within all work unit(s) under the supervisor’s or manager’s span of control. NOTE: any employee who desires to enter into a relationship prohibited by this specific sub-paragraph must notify the Commissioner, technical college president, or other System Office or technical college official of the potential relationship and request that one or both of the affected employees be considered for reassignment to avoid a conflict with these provisions;

9. The Technical College System of Georgia encourages employee interest and involvement in civic, community, and professional affairs; however, in the pursuit of these activities, an employee shall not consider or portray himself/herself a representative of the TCSG unless
specifically authorized to do so by his/her immediate supervisor or other official.

10. While the TCSG is not typically concerned with activities/actions of employees during non-work time, off-duty conduct becomes a concern when it negatively impacts TCSG operations or reflects unfavorably on the agency or state government. Any such conduct may result in the delivery of disciplinary action up to and including dismissal pursuant to the provisions of the State Board policy on Positive Discipline and the TCSG procedure governing Adverse Employment Actions.

VII. **Records Retention:**

All employment-related documents and/or employee acknowledgement statements will be maintained in an employee’s official personnel file or may be maintained and retained in an electronic format consistent with the State of Georgia’s Secretary of State’s Records Retention Schedule.

*Last Revised:* September 10, 2014; July 16, 2014; March 27, 2014; July 17, 2013; January 1, 2011; November 9, 2010; March 10, 2010; May 25, 2011

*Last Reviewed:* September 10, 2014

*Adopted:* May 25, 2011
POLITICAL ACTIVITIES, ELECTION CAMPAIGNS

1. Policy
The Technical College System of Georgia (TCSG) and its associated technical colleges shall comply with all applicable federal and state laws, rules, and regulations as they pertain to the ability of state employees to participate in the political process. This procedure outlines the activities that are specifically prohibited by State Personnel Board Rules and also addresses those instances in which a state employee may pursue (i.e., offer for) and hold certain elective or appointive offices. All TCSG employees, regardless of their classified or unclassified status, are subject to these Rules and are, therefore, covered by the provisions of this procedure.

http://www.tcsg.edu/tcsgpolicy/docs/Political_Activity_Request_Form_3-30-11.doc

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

III. Definitions
Ethics Officer: the agency official designated by the Commissioner of the Technical College System of Georgia to ensure that all TCSG employees, including technical college employees, are aware of applicable ethics laws, policies and any Executive Order issued by the Office of the Governor.

IV. Attachments
A. Political Activity Request Form

V. Procedures
A. General Provisions:
1. No applicant or employee will be subject to an adverse employment action on the basis of any voluntary disclosure of his/her political opinions or affiliation(s). NOTE: the selectee for any TCSG position will be required, as a condition of employment, to complete a State Security Questionnaire and Loyalty Oath which is designed to establish that the individual has no affiliation with any organization that has as one of its objectives the overthrow of the government of the United States or the State of Georgia.
2. No applicant for employment or any current employee participating in a selection process may be asked a question that is designed to elicit information as to his/her political, social or religious opinions or affiliation.
3. Any applicant (to include a current TCSG employee) for a System Office or technical college position who uses or attempts to use any coercive political pressure to secure an advantage in a selection process will be disqualified from further consideration and shall not be eligible for appointment or promotion.
Additionally, any current TCSG employee who engages in these actions will be subject to disciplinary action up to and including separation from employment.

4. All TCSG employees should familiarize themselves with the provisions of this policy and are personally responsible for determining if they are eligible to pursue, accept, and/or hold an appointment to a public office, political party office, or an office with a political organization.

5. Unless certain that there are no legal or policy prohibitions to pursuing or holding elective or appointive office, an employee should seek the advice of the System Office’s General Counsel or Director, Office of Human Resources, or a technical college’s Human Resources Director/Coordinator before accepting an appointment to or taking action to further his/her personal candidacy for a public office, political party office, or an office of a political organization.

6. An employee whose principal employment is in connection with an activity financed in whole or in part by loans or grants made by the United States or a federal agency is covered by the Federal Hatch Political Activities Act (5-U.S.C.A. 1501-1508) and may not:
   a. Use his/her official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office;
   b. Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or,
   c. Be a candidate for public elective office in a partisan election (which may include some part-time offices of local subdivisions of the State).

7. Any employee who engages in prohibited political activity will be subject to disciplinary action up to and including separation from employment.

**B. Offering for and Holding Elective or Appointive Office:**

1. Excluding the Commissioner, any TCSG employee may offer for and hold any elective or appointive office of a political subdivision of the state, political party, or political organization provided the office is not full-time, does not conflict with the performance of the employee’s official duties, and is not otherwise prohibited by law.

2. An employee seeking to hold an elective or appointive office must submit a Political Activity Request Form (Attachment A) and obtain the approval of the Commissioner or his/her technical college president or their designee before accepting a political appointment or seeking election to a public office, political party office, or an office of a political organization. NOTE: A Political Activity Request should not be denied without the decision maker first discussing the Request with the TCSG General Counsel; any denial will be issued without regard to age, race, color, sex, religion, national origin, disability, veteran status, genetic information, or political affiliation.
3. The Commissioner, technical college president, or his/her designee should forward a copy of the completed Political Activity Request Form to the TCSG Ethics Officer.

4. An employee must resign from employment or he/she will be removed (i.e., separated) from employment if he/she becomes a candidate for any:
   a. Full-time elective office of a political subdivision of this state or any other state;
   b. Full-time elective state office of a political party or political organization;
   c. Elective state office of this state or any other state; or,
   d. Elective civil office of the federal government.

5. An employee will be considered a candidate for public office when he/she personally engages in any political meetings, canvassing, and solicitation of votes, solicitation of campaign funds, or any activity that may reasonably be construed as offering a personal candidacy for office to include payment of his/her qualifying/filing fee.

C. Prohibited Political Activities:
   Employees are prohibited from engaging in the following political activities:
   1. Employees may not hold office or be employed in the legislative or judicial branches of the State of Georgia. Note: it is permissible for an employee to request an unpaid leave of absence to serve temporarily as an employee of the legislative branch while the General Assembly is in session and during any authorized “stay-over” period. Any such request must be approved, in advance, by the Commissioner or technical college president or his/her designee.
   2. Participating in any form of political activity during work hours or while in the TCSG System Office or on any technical college campus including any satellite campus or off-site work location.
   3. Soliciting other TCSG System Office or technical college employees for any political purpose at any time while in the TCSG System Office or on any technical college campus including any satellite campus or off-site work location.
   4. Retaliating against any employee for engaging in permissible political activity.
   5. Holding or being a candidate for any political office except as provided in Paragraph V.B.1.
   6. Directing, managing, controlling, or participating in a political campaign for state office or for (any) office in the county of the employee’s employing work unit, except for the employee’s own campaign as outlined in Paragraph V.B.1.
   7. Serving as a watcher, challenger, or partisan worker in any election.
   8. Seeking, using, or attempting to use any coercive political pressure to secure for themselves or any other person an appointment, promotion, salary increase, or any other employment advantage.
   9. Using or promising to use, directly or indirectly, any official authority to influence the political action/decision(s) of any other person, or to affect the
results of a nomination, campaign or election to any public office, political party office, or an office of a political organization.
10. Circulating a recall petition.
11. Transporting any political campaign literature or matter, engaging in soliciting votes, or transporting any person or persons soliciting votes in any primary or general election while traveling in a vehicle upon which the state is paying transportation mileage.

VI. Records Retention
A completed Political Activity Request Form shall be maintained in an employee’s official personnel file with all other employment-related documents.

Approved Version
Effective Date: March 8, 2011
OTHER EMPLOYMENT

I. POLICY:

Employees of the Technical College System of Georgia must avoid any outside business activity or other employment relationship that creates or could be perceived as creating a conflict of interest with his/her assigned duties and responsibilities with the System Office or his/her employing technical college. Except as provided in Paragraph VI.A.6., this procedure neither implies nor grants any System Office or technical college employee the opportunity to initially engage in or continue an outside business activity or employment with another entity. Authorization to participate in these activities may, therefore, be denied or withdrawn, at any time, by the Commissioner or his/her designee (for System Office employees) or a technical college president or his/her designee (for a technical college employee).

In conjunction with the administration of this procedure, each applicant for employment is expected to truthfully disclose on his/her employment application whether he/she is currently employed in a full- or part-time capacity; whether he/she currently serves as a contractor or consultant for a fee or honorarium; and/or, whether he/she currently operates a personal business (i.e. is self-employed).

If questioned during the selection process regarding current employment, an applicant should disclose whether he/she intends to: continue such employment; continue to serve as a contractor or consultant; and/or continue to operate his/her personal business if subsequently offered employment with the System Office or a technical college.

II. APPLICABILITY:

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

III. RELATED AUTHORITY:

Fair Labor Standards Act of 1938, as amended
Governor Deal’s January 2011 Executive Order on Ethics
O.C.G.A. § 45-10-22
O.C.G.A. § 45-10-23
O.C.G.A. § 45-10-24
O.C.G.A. § 45-10-26
Procedure: Categories of Employment
Procedure: Ethical Responsibilities
Procedure: Gifts, Honoraria, and Expenses
Procedure: Standards of Business Conduct
Procedure: Working Hours, Overtime, and Compensatory Time
State Personnel Board Rule 7 – Outside Employment

IV. DEFINITIONS:

Agency: for purposes of this procedure the term is defined as any state agency, department, board, bureau, commission, committee, office or instrumentality of the State of Georgia other than a political subdivision.

Appointing Authority: Within Georgia State Government, the person or persons authorized by law or delegated authority to make appointments to fill positions to include the Commissioner of the Technical College System of Georgia and technical college presidents. For purposes of this procedure, the term also includes any person properly designed by the appointing authority to perform any duty of the appointing authority to include an executive with any business.

Business: any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, trust, or other legal entity.

Exempt Employee: an employee who is not covered by or subject to the minimum wage and overtime provisions of the Fair Labor Standards Act based on the application of established exemption guidelines.

Family: spouse and dependents.

Full-time Employee: any individual who works thirty (30) hours or more per week for any state agency and whose appointment is for a period of nine (9) or more calendar months.

Limited Powers: those powers other than statewide powers.

Medicare: The United States federal government program of Hospital Insurance (Part A), Supplemental Medical Insurance (Part B), and Prescription Drug Coverage (Part D) protection provided under Title VXIII of the Social Security Act, as amended.

Non-Exempt Employee: an employee who is covered by or subject to the minimum wage, overtime, and recordkeeping provisions of the Fair Labor Standards Act.

Other Employment: includes working as an employee for any business or organization, contracting to provide a service for a fee, serving as a consultant for a fee or honorarium, or self-employment.

NOTE: other employment also includes service in any elected or appointed public office (i.e., federal, state, or local), or a position in a political party or organization. Guidelines governing such service are outlined in the TCSG Procedure governing Political Activities and Election Campaigns (III.L.5.).
**OASDI:** Old Age, Survivors, and Disability insurance – the official name for Social Security.

**Primary Agency:** the Technical College System of Georgia (TCSG) System Office, a technical college, or other State of Georgia agency which employee’s an individual at the time of his/her request to obtain other/secondary employment.

NOTE: for pay delivery purposes, the term is also defined as the TCSG organizational work unit having primary control and responsibility for the employee’s benefits and salary administration as determined by the employee’s lowest record number in the PeopleSoft HCM System.

**Part-time:** any amount of work other than “full-time” as the term is defined in this procedure.

**Public Official:** any person elected or appointed to a public office that has administrative and discretionary authority to receive and expend public funds and to perform certain functions concerning the public which are assigned to him/her by law. For purposes of financial disclosure and the reporting of business transactions, the Commissioner is considered a Public Official.

**Secondary Agency:** the TCSG organization work unit or other State of Georgia agency seeking to employ, on a full- or part-time basis, the services of an employee currently working for another State agency or, as applicable, the TCSG System office or a technical college.

**Secondary Employer/Employment:** an employee’s secondary place of employment.

**Substantial Interest:** direct or indirect ownership of more than 25% of the assets or stock of any business.

**Transact Business:** to sell or lease any personal property, real property, or services on behalf or oneself or on behalf of any third party as an agency, broker, dealer, or representative and/or to purchase surplus, real, or personal property on behalf or oneself or on behalf of any third party as an agent, broker, dealer, or representative.

**V. ATTACHMENTS:**

A. Initial Request for Approval of Other Employment
B. Request to Continue Other Employment
C. Request for Approval of Other Employment for Adjuncts
D. State Business Transaction Disclosure Report
E. PeopleSoft Employment Records Worksheet
F. FLSA Designation Worksheet
G. Overtime Calculation Worksheet
H. Frequently Asked Questions
VI. PROCEDURE:

A. General Provisions:

1. An employee of the Technical College System of Georgia’s (TCSG) System Office or an associated technical college may, consistent with the provisions of this procedure and established conditions (if any), pursue, hold, or continue secondary employment.

2. All TCSG employees whose position is designated as non-exempt are eligible to be employed (without the required conditions and prohibitions outlined in Paragraph VI.C.) by “state agencies” considered to be separate employers for purposes of compliance with the Fair Labor Standards Act Regulations. These agencies are limited to: state authorities; Community Services Boards; and, colleges and universities associated with the University System of Georgia.

3. An employee must report any full or partial ownership of a company if that company is currently transacting business with or is seeking to transact business with the TCSG System Office or any technical college. NOTE: a “company” is considered a “business” as that term is defined in Paragraph IV.

4. With the exception of service as an Interim President at another technical college following an appointment by the Commissioner, a technical college president may not be employed in any other capacity in the System Office or a technical college.

5. Pursuant to applicable provisions of the Governor’s Executive Order on Ethics, the Commissioner (as a Public Officer) is prohibited from any ongoing dual employment.

6. Provided a secondary employment relationship does not violate the provisions of Paragraph VI.B., and with the exceptions noted in Paragraph VI.A.7. and VI.A.8., a newly hired employee who desires to continue employment with a previous employer; desires to continue to serve as a contactor or consultant; or, who desires to continue to operate his/her own business, shall be authorized to do so for a period not to exceed six (6) calendar months after his/her System Office or technical college employment begins. Before this time period elapses, a System Office employee must submit Attachment B. (Request to Continue Other Employment) and receive written approval from the Commissioner or his/her designee to continue such secondary employment. Similarly, a technical college employee who desires to continue his/her secondary employment must submit Attachment B. and receive approval from his/her technical college president or his/her designee.

7. No TCSG employee serving in a part-time hourly-paid position or a temporary hourly-paid position (as these categories are defined in the Category of Employment Procedure – III. D.) may work in multiple TCSG employing organizations (i.e., the System Office and a technical college or two technical colleges) in a part-time/temporary hourly-paid capacity if...
the total hours worked between both employing organizations will total thirty (30) hours or more per week.

8. Secondary employment relationships for full-time or adjunct faculty shall also be governed by applicable provisions of Paragraphs: VI.C.4; VI.D.3; VI.E.3; and/or VI.E.5.

9. An employee who has previously received written approval to engage in secondary employment pursuant to the provisions of this procedure may not continue such employment while on authorized sick leave, authorized family leave with or without pay or, on authorized leave without pay without first submitting Attachment B. (Authorization to Continue Other Employment) and obtaining written approval from the Commissioner (for a System Office Employee), a technical college president (for a technical college employee), or his/her designee if a paid or unpaid absence or projected absence from work will encompass three (3) or more business days.

10. Any employee who violates the provisions of this procedure or corresponding federal or state law will be subject to disciplinary action consistent with the provisions of the State Board Policy on Positive Discipline and the TCSG Procedure on Adverse Employment Actions.

11. Any questions concerning the interpretation and/or application of these provisions should be directed to the System Office Director of Human Resources.

B. General Prohibitions

1. As outlined in the Policy Statement (i.e., Paragraph I.), an employee must avoid any secondary employment relationship that could create an actual or perceived conflict of interest with his/her System Office or technical college employment. Further, a secondary employment may not interfere/conflict with an employee’s ability to effectively perform his/her assigned duties and responsibilities in the System Office or a technical college.

2. Prohibited activities include, but are not limited to:
   a. performing duties/tasks/activities for a secondary employer while “at work” in the System Office or technical college including, but not limited to, the use of such communication devices/office equipment as a fax, copier, telephone or cellular device, computer, laptop, tablet, or any state-issued device;
   b. selling products or services to other employees;
   c. being “on call” for other employment;
   d. engaging in any business activity/transaction involving the State of Georgia or the Technical College System of Georgia from which the employee may benefit financially except through his/her regular compensation provided by the System Office or technical college; and/or,
   e. engaging in any business activity which results in a breach of confidentiality to include the falsification, destruction, inappropriate and/or unacknowledged collection, release, or other
misuse of TCSG data, information or records pertaining to students, employees, or System Office or technical college operations or administration.

3. Pursuant to the provisions of O.C.G.A.§ 45-10-23, it is unlawful for a full-time employee, for himself/herself or on behalf of any business, or for any business in which the employee or member of his/her family has a substantial interest, to transact any business with the System Office or any technical college.

4. Pursuant to the provisions of O.C.G.A. § 45-10-24, it is unlawful for a part-time employee, for himself/herself or on behalf of any business, or for any business in which the employee or member of his/her family has a substantial interest, to transact any business with the System Office or any technical college. Exceptions to this provision are as follows:
   a. any transaction made pursuant to sealed, competitive bids;
   b. any transaction when the amount of a single transaction does not exceed $250.00 and when the aggregate of all such transactions does not exceed $9,000.00 per calendar year;
   c. any transaction involving the lease of real property to or from any agency if such transaction has been approved by the State Properties Commission; and,
   d. the purchase of surplus state property at auction.

5. As provided in Paragraph VI.A.7., a part-time/temporary hourly-paid System Office or technical college employee is prohibited from working in another TCSG organization if the total hours worked in both employing organizations will total thirty (30) hours or more per week.

C. Fair Labor Standards Act Considerations and Accompanying Conditions Governing Certain Secondary Employment Opportunities with Another State Agency or, as Applicable, the TCSG System Office or a Technical College:

1. A full-time employee who holds a non-exempt, salaried position in the System Office or a technical college is prohibited from working for any other state agency (with the exception of those entities referenced in Paragraph VI.A.2.) or, as applicable, the System Office or another technical college unless all of the following conditions are met:
   a. the secondary employment is limited to service in a temporary or part-time, hourly-paid position. NOTE: for service as adjunct faculty, refer to the provisions of Paragraph VI.C.1.c.
   b. the employee’s rate of pay must be established at time and a half his/her “regular rate” – i.e., the equivalent hourly rate of pay based on the employee’s salary in his/her full-time position.
   c. for secondary employment relationships as adjunct faculty in a TCSG technical college, the employee must be paid an hourly rate of pay which must be minimally established at time and a half his/her regular rate with his/her primary employer (i.e., the System Office or a technical college). Further, the employing technical
college must maintain accurate time records for each seven (7) day work period to account for all hours worked during the academic term. NOTE: the employee may not be paid lump sum.

d. the rate of pay for the part-time service must be adjusted if the employee’s regular rate of pay in the full-time position is increased and the adjustment results in the rate of pay (for the part-time service) falling below the time and a half threshold; and,

e. the employment cannot commence until both appointing authorities or their designee have approved the appointment, in writing, and the secondary employer has agreed to comply with all outlined conditions.

2. a part-time/temporary hourly-paid System Office or technical college employee is prohibited from working in a part-time, hourly-paid capacity for another State agency (with the exception of those entities referenced in Paragraph VI.A.2.) if the total hours worked in both organizations will exceed forty (40) hours per week unless all of the following conditions are met:

a. the employee’s rate of pay with the secondary agency/employer must be minimally established at time and a half his/her regular rate of pay with the System office or technical college;

b. the rate of pay delivered for such additional part-time service must be adjusted if the employee’s regular rate of pay is increased by the System Office or technical college and the adjustment results in the rate of pay falling below the time and a half threshold;

c. the employment cannot commence until both appointing authorities or their designee have approved the appointment, in writing, and the secondary agency/employer has agreed to comply with all outlined conditions; and,

d. other than the need for written approval from both appointing authorities or their designee, the remaining provisions of Paragraph VI.C.2., do not apply to secondary employment relationships involving hourly-paid employees whose total hours worked between both state agencies/organizations does not exceed forty (40) hours per week.

3. a part-time, hourly-paid System Office or technical college employee may not continue to work in this capacity if he/she accepts a full-time, benefits-eligible, non-exempt position with any state agency (other than those referenced in Paragraph VI.A.2.) or, as applicable, the System Office or a technical college unless all of the conditions listed in Paragraph VI.C.1 are met.

4. an adjunct faculty member may not continue to work in this capacity if he/she accepts a full-time, benefits-eligible, non-exempt position with the System Office, another technical college, or a state agency (other than those referenced in Paragraph VI.A.2.) unless all of the following conditions are met:
a. when the secondary employment relationship begins, the employee must transition to or continue to be paid an hourly-rate of pay for service as adjunct faculty;
b. the employee’s hourly rate of pay must be established or adjusted (if necessary) to at least one and one-half times his/her regular rate of pay with his/her full-time agency/employer;
c. the individual’s rate of pay must subsequently be adjusted if his/her regular rate of pay in the full-time position is increased and the adjustment results in the rate of pay for service as adjunct faculty falling below the time and a half threshold; and,
d. the employment cannot commence until both appointing authorities or their designee have approved the appointment in writing and the secondary agency/employer has agreed to all noted conditions.

D. Hiring a Non-Exempt Employee From Another State Agency:

1. No individual working in another State agency in a full- or part-time non-exempt position may be employed in any non-exempt System Office or technical college position without first receiving written approval from his/her employing agency and, as applicable, the Commissioner, technical college president, or their designee.
2. If an individual works in a full-time, non-exempt, salaried position with another State agency and is subsequently appointed to a part-time, hourly paid position in the System Office or a technical college, his/her hourly rate of pay must be minimally established at time and a half the equivalent hourly rate of pay in his/her full-time position. NOTE: the rate of pay delivered for such part-time service must be adjusted if the individual’s regular rate of pay is increased by his/her full-time state employer.
3. If an individual works in a part-time, hourly paid position with another State agency and is subsequently appointed to a part-time, hourly paid position in the System Office or a technical college, and the total hours worked between both State employers will exceed forty (40) or more hours per week, all of the following conditions must be met:
   a. the individual’s rate of pay with the System Office or technical college must be minimally established at time and a half his/her regular rate of pay with the other State agency.
   b. the rate of pay delivered for such part-time service must be adjusted if the individual’s rate of pay with the other State agency is increased.
   c. if the individual’s total hours worked between both State employers will not exceed forty (40) hours per week, the provisions of Paragraph VI.D.3(a) and (b) above do not apply. Instead, the hourly rate of pay can be established in keeping with regular System Office or technical college practices.
4. If an individual works in a full-time, non-exempt position with another State agency and is subsequently appointed as adjunct faculty in a technical college, the employee may not be paid on a lump sum basis;
instead, the employee must be paid an hourly rate of pay that must be at least equal to time and a half the individual’s regular rate of pay in his/her full-time position. NOTE: the individual’s rate of pay must subsequently be adjusted if his/her regular rate of pay in the full-time position is increased and the adjustment results in the rate of pay for service as adjunct faculty falling below the time and a half threshold.

5. If an individual works in a part-time, non-exempt position with another State agency and is subsequently appointed as adjunct faculty in a technical college, his/her rate of pay and method of compensation will be based on which agency is considered the primary employer (i.e., at which agency does the employee work the most hours). If the technical college is considered the primary employer, the individual may be paid lump sum as the job of adjunct faculty is usually considered to be exempt from the Fair Labor Standards Act. If the other State agency is considered the primary employer, the individual must be paid an hourly rate and the provisions of Paragraph VI.D.3. are applicable in setting and managing the individual’s rate of pay.

6. The provisions of Paragraphs VI.D.2 through VI.D.5. do not pertain to the appointment of an individual working for a state authority, a Community Services Board, or a college or university associated with the University System of Georgia.

E. Request for Other Employment:

1. Before accepting other employment, an employee must first request approval by submitting the Request for Approval of Other Employment form (Attachment A.) to his/her local Human Resources Director for review of any FLSA concerns listed in Paragraph VI.C.

2. If the request complies with the provisions of Paragraph V.C, it is then presented to the immediate supervisor for review in conjunction with the reviewing manager to ensure that the proposed employment does not:
   a. conflict with the employee’s currently assigned duties and responsibilities; and,
   b. does not present an actual or perceived conflict of interest.

3. If the request complies with the provisions of this procedure, the supervisor will recommend approval and forward the form through his/her reviewing manager to the Commissioner, technical president, or his/her designee for review and a final determination. NOTE: pursuant to applicable provisions of Categories of Employment Procedure (III.D.), adjunct faculty are eligible to work for more than one technical college during an academic term only with the written approval of each technical college president on Attachment C, Request for Approval of Other Employment for Adjuncts.

4. If the request is denied, the reason(s) for the decision should be noted on the request form. A copy of the form should be provided to the employee with the original placed in the employee’s official personnel file.

5. If approval is granted, an employee’s authorization to engage in the other employment will continue until employment with that employer ends.
NOTE: as provided in the Categories of Employment procedure, any secondary employment authorization for a full-time or adjunct faculty member engaged in the delivery of academic instruction or teaching responsibilities with any public or private sector employer (to include another TCSG technical college or a college or university associated with the University System of Georgia) will be limited to a single academic term. To provide sufficient time for review, the request should be submitted well in advance of the identified academic term.

6. If an employee’s job responsibilities and/or established work hours with the secondary employer as outlined in the original request for approval change significantly, the employee must submit Attachment B. (Request to Continue Other Employment) for review and approval. 7. An employee may not begin other employment prior to obtaining written approval from the Commissioner, technical college president or his/her designee.

F. Pay Delivery Involving a TCSG Employee Working Part-Time in the System Office or at Another Technical College:

1. When circumstances warrant and in addition to the Completed Request for Approval of Other Employment Form, a memorandum of understanding should be signed between the System Office and the technical college or, as applicable, between technical colleges when a full-time employee is approved to work part-time with another TCSG work unit. The agreement should contain the expected length of part-time service, compensation for such service, and any other identified terms and conditions of employment. NOTE: neither the System Office nor a technical college will charge inter-agency fees associated with the part-time employment or temporary duty assignment.

2. With respect to payment for hours worked/services rendered, the following provisions will apply to employment relationships involving: a full-time System Office employee working part-time for a technical college; a full-time technical college employee working part-time for another technical college; or, a full-time technical college employee working part-time in the System Office:
   a. payment for all hours worked in the part-time, hourly-paid capacity will be delivered to the employee by the System Office or technical college providing the full-time employment (i.e., the primary agency). NOTE: an employee whose full-time position is considered FLSA exempt and who is serving as adjunct faculty may be paid in one or more “lump sum” installments as outlined in a memorandum of letter of appointment;
   b. all payments must be remitted to the employee’s full time employer, i.e., the System Office or technical college. Such payments must include the employer portion of fringe benefits and expenses provided to the employee including Medicare, OASDI, health insurance and, as applicable, retirement contributions;
   c. expenses incurred during an employee’s part-time employment (e.g., travel reimbursements) will be paid directly to the employee
by the System Office or technical college providing the part-time employment. All such payments will be consistent with the provisions of established Statewide Travel Regulations.

3. Unlike the provisions outlined in Paragraph VI.F.2., a part-time hourly-paid employee working in another part-time capacity either in the System Office or in another technical college shall be paid directly by each part-time employer for all hours worked. The only exception to this provision involves a part-time employee working for two technical colleges and these colleges are on differing pay schedules (i.e., monthly vs. semi-monthly payroll). In this scenario, the college with the lowest PeopleSoft record will bill the other college in a manner outlined in Paragraph VI.F.2.

NOTE: if an adjunct faculty member or other part-time employee works simultaneously for multiple technical colleges, the Human Resources Director at each technical college should work closely together to ensure that taxes paid on behalf of the employee and employer remain in balance.

G. Pay Delivery Involving a TCSG System Office or Technical College Employee Who Also Works in Another State Agency:

A System Office or technical college employee who works in a full- or part-time capacity for another state agency shall be paid directly by that agency for the full- or part-time service.

H. Pay Delivery Involving an Employee of Another State Agency Who Also Works in the TCSG System Office or in a Technical College:

An employee who works in another state agency in a full- or part-time capacity and who also works in the System Office or in a technical college will be paid directly by the System Office or the technical college for his/her service to the System Office or technical college. Compensation shall for service as adjunct faculty shall be delivered in a manner consistent with the provisions of this procedure and is based on his/her employment status w/ the other employing agency (i.e., full- or part-time) and FLSA status (exempt or non-exempt).

I. Business Transactions Disclosure Requirements:

1. Pursuant to the provisions of O.C.G.A.§ 45-10-26 and as outlined in Paragraph VI.B.3. and VI.B.4., an employee who has transacted business with the State of Georgia or any agency of the State of Georgia must electronically file a State Business Transaction Report (Attachment D.) with the Georgia Government Transparency and Campaign Finance Commission prior to January 31 of each calendar year.

2. Neither the Commissioner (as a Public Officer) nor any other TCSG employee is required to file the State Business Transaction form if no transaction(s) have taken place.

3. Any employee who has transacted business with the State of Georgia or any agency of the State of Georgia and who fails to file a State Business
Transaction Report by the required deadline date is subject to the penalties referenced in the Attachment D.

VII. RECORD RETENTION:

1. Forms and other documents associated with an employee’s request for secondary employment shall be maintained in his/her official personnel file.
2. Documentation of payments between the System Office and technical college(s) shall be maintained by the System Office of Human Resources and each technical college’s Office of Human Resources and Business Office.

Revised: October 29, 2014, January 9, 2013
Last Reviewed: October 29, 2014
Approved: June 1, 2007 (Procedure: Dual Employment)
CHILDREN IN THE WORKPLACE

I. POLICY:

The State of Georgia (through its benefits and leave programs) and the Technical College of Georgia (TCSG) (through employment-related policies, procedures, and programs) seek to provide a work-life balance which is supportive of employees and their family. The TCSG cannot, however, permit the continued or reoccurring presence of children in the workplace due to potential legal liability, health and safety concerns, and/or the potential disruption to other employees and/or to TCSG operations. For these reasons, children may not be brought to the workplace except in the circumstances referenced in Paragraph VI.A.1.

II. APPLICABILITY:

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

III. RELATED AUTHORITY:

N/A

IV. DEFINITIONS:

Child: any individual under the age of eighteen (18).

V. ATTACHMENTS:

N/A

VI. PROCEDURE:

A. General Provisions:

1. A child may not be brought to the workplace except in the following circumstances:
   a. an emergency situation referenced in Paragraph VI.A.7.;
   b. when a child is enrolled in a technical college’s child enrichment center or group day care home;
   c. when a child is participating in a technical college dual enrollment program or in a live work project (e.g., as a client receiving dental hygiene or cosmetology services);
   d. when a child is present for a brief visit (e.g., a visit in conjunction with a school activity or holiday, the time period before or
immediately after a scheduled doctor’s appointment – provided the child is not contagious; or,

e. in conjunction with an activity that is specifically scheduled and designed for the child’s or children’s benefit.

2. A child may not be present in the workplace on a regular or reoccurring basis such as after school or on school holidays.

3. Any child having an illness or an infectious disease that prevents him/her from attending a child care facility, being kept by a child care provider, or from attending school may not be brought to the workplace.

4. The workplace may not be used as a substitute for regular childcare; therefore, if an employee must attend to his/her child and short-term childcare arrangements cannot be made, the employee should request leave to accommodate the child/children pursuant to the TCSG Leave Procedure (III.U.6.) to include, as applicable, the use of accumulated FLSA compensatory time. If an employee has no accrued leave or, as applicable, accumulated FLSA compensatory time, the employee may request to be placed on authorized leave without pay for the absence.

5. An employee who brings a child to the workplace is responsible for the child’s safety and behavior and should not leave the child unattended. The TCSG does not accept responsibility/liability for any injury to a child visiting any TCSG workplace. Additionally, the employee is also financially responsible for any damages caused by a child in the workplace.

6. A child is not permitted in any area of the System Office or a technical college that is potentially hazardous or high-risk including, but not limited to: mechanical rooms; areas/work rooms where chemicals are stored; workshops/work areas/laboratories associated with an academic program (e.g., welding, construction, automotive, air conditioning, etc.); areas containing power tools or machinery, including those with exposed moving parts; and, food preparation areas to include those associated with a technical college culinary arts program.

7. In an emergency situation (e.g., when an employee cannot be absent from work due to work load demands), an employee’s immediate supervisor, reviewing manager or other TCSG official may grant an exception to this general prohibition for one or more scheduled work day(s). If an exception is granted, the employee is responsible for supervising his/her child while he/she is in the workplace and must ensure that the child is not disruptive to other employees. NOTE: an exception will not be considered for a child with an infectious disease/condition.

8. A supervisor, reviewing manager, or TCSG official may direct an employee to remove a child from the workplace at any time if it is determined that the provisions of this procedure have not been followed.

VII. RECORD RETENTION:

N/A
EMPLOYEE COMPLAINT RESOLUTION POLICY

The Technical College System of Georgia (TCSG) is committed to the fair and equitable treatment of all employees and encourages employees to bring their concerns forward without fear of reprisal. Prompt reporting, open, honest communications, and timely processing of complaints are vital to facilitating an effective resolution.

A uniform process for the resolution of employment concerns not addressed by the Positive Discipline Policy, the Unlawful Harassment Procedure or other specific complaint resolution process shall be established and followed by employees of the System Office and the technical colleges. The process is intended to encourage communication between the parties involved, either directly or through an intermediary, to facilitate a mutual understanding of and appropriately address any policy or safety issues.

While this complaint resolution process is provided to employees as a mechanism for expressing concerns about employment, it is not intended to alter in any way the employment at-will relationship between the TCSG and its at-will employees or those employees working under the terms of an employment contract, if applicable. Employees who have been formally notified that they are to be dismissed from employment, who have tendered their notice of resignation, or whose contract will not be renewed are not eligible to bring forward a complaint under this policy. Employees who have been disciplined under the provisions of the Positive Discipline Policy may not bring forward a complaint under this Procedure relative to the delivery of or level of disciplinary action.

Complaints relating to harassment or discrimination on the basis of race, color, national origin, sex, age, disability, religious or political affiliation, and/or veteran’s status shall be filed and resolved pursuant to the Unlawful Harassment Procedure. Employees in the Classified Service must follow the procedure for grievances established by the Department of Administrative Services and/or the State Personnel Board.

Any individual who supplies false or misleading information in conjunction with a complaint or anyone who attempts to harass, intimidate, or retaliate against an individual for filing a complaint or for providing information in connection with a complaint will be subject to disciplinary action or dismissal.

The Commissioner shall establish a procedure for resolving complaints pursuant to this policy which shall be utilized by the technical colleges and System office staff in addressing employee complaints. The procedure will replace the one outlined in the Employee Grievance Procedure.

References
Policies:

III.B. Statement of Equal Opportunity
III.T. Positive Discipline
III.J. Reduction-in-Force
V.H. Academic Standards, Evaluations, and Appeals

Procedures:

III.A.1 Unlawful Harassment of Staff
V.J. Student Records
V.P. Student Grievances
III.M.1 Employee Complaint Resolution Procedure

Rules:

State Personnel Board Rule 478-1-.20, Employee Grievances

Statutes:

O.C.G.A §45-22-1 TO §45-22-12, Public Employee Hazardous Chemical Protection and Right to Know Act of 1988

O.C.G.A. § 45-1-4: Georgia Whistleblower Act

M. I. Employee Complaint Resolution Procedure

I. Policy

The Technical College System of Georgia (TCSG) is committed to the fair and equitable treatment of all employees and encourages employees to bring their work-related concerns forward without fear of reprisal. Prompt reporting, open, honest communications, and timely processing of employee complaints are vital to facilitating an effective resolution.

The purpose of this procedure is to establish a uniform process for the resolution of employment concerns not addressed by the Positive Discipline Policy, the Unlawful Harassment Procedure or other specific complaint resolution process. It shall be followed by employees of the System Office and the technical colleges. The process is intended to encourage communication between the parties involved, either directly or through an intermediary, to facilitate a mutual understanding of and appropriately address any policy or safety issues.

While this complaint resolution process is provided to employees as a mechanism for expressing concerns about employment, it is not intended to alter in any way the employment at-will relationship between the TCSG and its at-will employees or those
employees working under the terms of an employment contract, if applicable. The procedure replaces III.M. Employee Grievance Procedure.

II. Applicability

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

III. Related Authority

Policies:

III.A. Statement of Equal Opportunity
III.T. Positive Discipline
III.J. Reduction-in-Force
V.H. Academic Standards, Evaluations, and Appeals
III.M. Employee Complaint Resolution Policy

Procedures:

III.A.1 Unlawful Harassment of Staff
III.A.2 Unlawful Harassment and Discrimination of Students
V.J. Student Records
V.R. Student Grievances

Rules:

State Personnel Board Rule 478-1-.20, Employee Grievances

Statutes:

O.C.G.A §45-22-1 TO §45-22-12, Public Employee Hazardous Chemical Protection and Right to Know Act of 1988

O.C.G.A. § 45-1-4: Georgia Whistleblower Act

IV. Definitions

The following definitions apply to the provisions included in this procedure:

A. Immediate Supervisor: an individual charged with developing performance plans and managing and evaluating the performance of employee(s) in those work unit(s) under his/her span of control.

B. Reviewing Manager: a manager charged with reviewing the performance evaluations prepared by lower-level supervisor(s) in his/her direct line of supervision.
C. Reviewing Official: an individual with the authority to grant the relief being sought by the employee and who has been designated by the Complaint Coordinator to evaluate and/or resolve an employee complaint. In the System Office, the Reviewing Official shall be the Deputy Commissioner, or, as applicable, an Assistant Commissioner.

D. Complaint Coordinator: an individual(s) who has been designated by the technical college President or TCSG Commissioner to receive, evaluate and/or resolve employee complaints or assign employee complaints to an appropriate Reviewing Official. The Director of Human Resources of the Technical College System of Georgia is designated as the Complaint Coordinator for complaints filed by the System Office employees and for those technical college complaints directed against the President.

E. Eligible Employee: any full- or part-time employee of the Technical College System of Georgia to include those working in the System Office or a technical college. Employees who have been formally notified that they are to be dismissed from employment, who have tendered their notice of resignation, or whose contract will not be renewed are not eligible to bring forward a complaint under this Procedure. Employees who have been disciplined under the provisions of the Positive Discipline Policy may not bring forward a complaint under this Procedure relative to the delivery of or level of disciplinary action (i.e. Reminder 1, Reminder 2, or a day of Decision Making Leave.

V. Procedure

A. Subject Matter of Employee Complaints

1. This procedure may be used when an eligible employee’s complaint relates to:
   a. An erroneous, arbitrary, or capricious interpretation or application of a State Board policy, TCSG procedure, college operating policy or procedure or applicable state/federal law or regulation other than an allegation of illegal harassment or discrimination referenced in V.A.2.a of this procedure;
   b. Unsafe or unhealthy working conditions;
   c. Retaliation for filing a complaint or exercising any right provided for in a State Board or technical college policy, procedure or state/federal statute.

2. This procedure may not be used when an eligible employee’s complaint relates to:
   a. Allegations of illegal harassment or discrimination, including race, color, national origin, sex, age, disability, religious or political affiliation. Complaints of this nature must be filed pursuant to the provisions outlined in Procedure III.A.1, Unlawful Harassment of Staff;
b. A supervisor or manager’s decision concerning the affected employee’s attendance, work performance or conduct. Rather, employees must follow the procedure outlined in Policy III.T., Positive Discipline or the college procedure regarding review of performance evaluations;

c. Contract non-renewals;

d. Temporary work assignments;

e. Budgetary matters or organizational structure;

f. Selection or non-selection of an employee for a position, unless the selection violates a written policy or procedure;

g. Termination, demotion, reassignment, furlough, salary reduction, change in time status, or reduction-in-force; or

h. Any other issues which have a separate process for resolution.

NOTE: An employee impacted by a reduction-in-force who believes that the accompanying plan was not followed in a manner approved by the Commissioner may request a review by the Commissioner as provided in State Board Policy III.J.

3. If an individual wishes to bring a complaint accusing another of misconduct and remain anonymous, the ability of the System Office or technical college to fully respond and bring about an appropriate resolution may be impacted.

B. Resolution Process

1. Employees should first discuss their complaint with their immediate supervisor or manager. If the complaint relates to his/her immediate supervisor, the employee should discuss his/her concerns with the Reviewing Manager or others in the employee’s chain of command.

2. Supervisors and Reviewing Managers are expected to address employee complaints in a reasonable and timely manner and advise the employee on any policy matters relating to the complaint. Supervisors and Reviewing Managers have certain reporting requirements when complaints pertain to illegal discrimination or harassment and are expected to fulfill their obligations, even if the employee making this type of complaint indicates he/she does not wish to pursue it.

3. While employees are encouraged to resolve complaints within their chain of command, eligible employees may also file a written complaint with the Complaint Coordinator. The Complaint must include:
a. An explanation of the employee’s specific concern;
b. A description of how the employee’s employment has been affected;
c. The time, date and place of any event pertaining to the complaint;
d. The identity of any witnesses with knowledge of the subject of the complaint;
e. Any policy or procedure at issue and how it was erroneously interpreted or applied; and
f. A description of the relief or results the employee is seeking.

4. The Complaint Coordinator will provide an initial response to the employee’s complaint within ten (10) calendar days of the receipt of the complaint. The response will include:
   a. A statement that the complaint is appropriate for resolution under the Complaint Resolution process and describe the manner in which it will be addressed; or
   b. A statement that the complaint concerns a matter excluded from the provisions of the procedure.
   c. If the complaint is appropriate for resolution pursuant to another policy or procedure, the Complaint Coordinator will notify the employee of the policy and forward the complaint to the appropriate official.

5. If the Complaint Coordinator determines the Complaint Resolution process is appropriate to address the complaint, he/she may refer the matter to mediation upon the concurrence of all involved parties, may investigate and recommend a resolution, or refer the complaint to a Reviewing Official for investigation and resolution.

6. Investigation of employee complaints may be based solely on written statements and documents provided; interviews with the employee, witnesses and others; meeting with the parties to facilitate communication and resolution; clarification and/or interpretation of relevant policies; or any other action required to gather sufficient information to recommend a resolution.

7. Within thirty (30) calendar days of the receipt of the complaint by the Complaint Coordinator, the Coordinator will notify the employee of the recommended actions to resolve the complaint or that an extension of time is necessary.

8. Should the employee accept the recommendation, the appropriate actions will be taken and the matter will be closed.

9. Should a technical college employee wish to appeal the recommendation, he/she must submit a written appeal to the president within seven (7) calendar days of receipt of the recommendation. A System Office employee may submit a written appeal to the Commissioner within seven (7) days of receipt of the recommendation.
10. The college president, or Commissioner, as applicable, will evaluate the appeal and determine if the initial decision is appropriate or may direct other action(s) be taken to address the complaint.

11. The college president, or if applicable, the Commissioner will notify the employee of the decision within ten (10) calendar days of receiving the appeal. Absent extraordinary circumstances, the president’s decision will be final. For System Office employees who submit an appeal, the Commissioner’s decision will be final and conclude the processing of the complaint.

12. Should a technical college employee wish to appeal the president’s decision, he/she must submit a written appeal to the Commissioner within seven (7) calendar days of receipt of the president’s decision.

13. The Commissioner may decline to consider the appeal or may affirm, reverse or modify the decision. The employee will be informed of the decision within fifteen (15) calendar days of receipt of the appeal. The Commissioner’s decision will be final and will conclude the processing of the employee’s complaint.

14. As referenced in Paragraph IV.D., complaints directed against a technical college president must be filed with the TCSG System Office Complaint Coordinator and will be processed as those filed by System Office staff.

C. Other General Considerations

1. Information concerning the nature, scope, evaluation and resolution of employee complaints submitted pursuant to this procedure shall be confidential to the extent possible and will be shared only with those persons with a need to know; information pertaining to the complaint can be produced under the Georgia Open Records Act unless it is subject to one of the exceptions contained in the statute.

2. Employees should file complaints as promptly as possible as the ability to effectively address issues is compromised by the passage of time. Complaints should generally be filed within thirty (30) calendar days of the conduct, decision or event that is the subject matter of the complaint or when it was first discovered. The Complaint Coordinator may determine a complaint is not appropriate for resolution under this procedure if the amount of time that has passed since the complained of act would significantly impact the effectiveness of the fact-finding or resolution process.

3. Student complaints are not covered by this procedure. Students seeking review of academic decision or reporting other complaints may do so pursuant to V.H. Academic Standards, Evaluation, and
Appeals; Unlawful Harassment of Students and/or Student Grievance procedures.

4. Employees seeking information regarding the Complaint Resolution process may consult with their local Human Resources offices, the TCSG Office of Human Resources, the Office of Legal Services or the designated Complaint Coordinator.

5. Information on the Complaint Resolution procedure must be distributed and published by the Complaint Coordinator in a manner to ensure that it is available to employees.

6. Multiple complaints filed by an employee may be consolidated into a single complaint with the timeframe for response determined by the date of the receipt of the last complaint.

7. Separate complaints filed by two or more employees regarding the same issue(s) may be consolidated into a group grievance with the timeframe for response determined by the date of the receipt of the last complaint. Employees will be notified of the decision to consolidate.

8. Retaliation in any form against individuals filing complaints is strictly prohibited and in many instances a violation of state and federal laws. Any individual who supplies false or misleading information in conjunction with a complaint or anyone who attempts to harass, intimidate, or retaliate against an individual for filing a complaint or for providing information in connection with a complaint filed under this process will be subject to disciplinary action consistent with the applicable policies.

VI. Record Keeping

1. Complaint Coordinators must maintain a record of all written complaints and any applicable documents for a minimum of two (2) years from the date of final resolution.

2. Materials/documents relating to complaints shall not be maintained in the official personnel files.

VII. Attachment

Employee Complaint Resolution Form, revised September 6, 2012

Effective: September 6, 2012
(Replaces State Board Policy III.M.1, Complaint Resolution Procedure and III.M. Employee Grievance Procedure)

Last Reviewed: September 6, 2012
Revised: July 13, 2012
Adopted: July 13, 2012
DRUG FREE WORKPLACE

The Technical College System of Georgia (TCSG) is committed to providing a working and learning environment that ensures the productivity of TCSG employees as well as the safety and security of all employees, students, contractors, volunteers, and visitors to TCSG worksites and technical college campuses. To this end, it is the policy of the State Board of the Technical College System of Georgia that all System worksites, including all associated technical colleges, shall be drug-free pursuant to the provisions of the federal Drug-free Workplace Act of 1988, the Drug-free Public Work Force Act of 1990, and applicable State law. All Technical College System of Georgia (TCSG) employees, both permanent and temporary, full- and part-time, are covered by these provisions.

It is expressly prohibited for any TCSG employee to engage in the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs, unauthorized drugs, inhalants, or other controlled substances (as defined in O.C.G.A.§16-13-21) while performing state business, e.g., while performing assigned duties and responsibilities on State premises or worksites, while traveling in a State, leased or rental vehicle, or a personal vehicle upon which the State is providing or could provide a mileage reimbursement, while traveling commercially, etc. NOTE: An employee’s use of another person’s prescription drug(s)/medication(s) is prohibited as this activity is illegal under Georgia laws.

The prohibition regarding the unlawful manufacture, distribution, dispensation, possession or use of illegal drugs/controlled substances also extends to all non-working hours regardless of location as these activities clearly impact an employee’s ability to perform his/her public duties. For purposes of this policy, the term “illegal drug” includes, but is not limited to, marijuana/cannabinoids (THC), cocaine, amphetamines/methamphetamines, opiates, or phencyclidine (PCP). Pursuant to applicable State Personnel Board Rules, the unauthorized use of legally prescribed drugs that may adversely affect job performance or safety is also prohibited.

Pursuant to applicable provisions of the Drug and Alcohol Testing Procedure III. O.1., all applicants for and current TCSG employees in safety sensitive positions as well as positions that encompass high risk work including those identified health sciences faculty positions with responsibility for the supervision of students in a public or private clinical/internship/externship setting, are subject to pre-employment drug and random drug and/or alcohol testing. Additionally, all TCSG employees are subject to reasonable suspicion, post-accident, return-to-duty, and follow-up testing for drugs and/or alcohol.

An employee’s violation of this policy and/or applicable provisions of the Drug and Alcohol Testing Procedure III. O. 1. will result in the delivery of disciplinary action up to and including dismissal from employment.

Alcohol Testing and Results
An employee who refuses to submit for alcohol testing shall be dismissed from employment. An employee whose test results reflect the presence of alcohol will be subject to disciplinary action up to and including dismissal from employment.

**Drug Testing and Results**

An employee who refuses to submit to drug testing or whose test result is confirmed positive by a Medical Review Officer for the presence of illegal drug(s) shall be dismissed from employment.

Any applicant for a System Office or technical college position who is currently employed with another State of Georgia agency/entity and who refuses pre-employment drug testing or whose test result is confirmed positive by a Medical Review Officer for the presence of illegal drug(s) will not be employed in any capacity by any TCSG work unit or technical college; and,

Any applicant for a System Office or technical college position not currently employed by the State of Georgia and who refuses pre-employment drug testing or whose test result is confirmed positive by a Medical Review Officer for the presence of illegal drug(s) will not be employed in any capacity by any TCSG work unit or technical college. Further, the individual will be disqualified from state employment for a period of two (2) years pursuant to the provisions of O.C.G.A § 45-20-111(b).

**Employee Arrest and Disposition/Conviction**

All employees are required to report any post-employment arrest, as well as the subsequent disposition of the pending charge(s) (e.g., conviction, plea of nolo contendere, dismissal, etc.), to his/her immediate supervisor or reviewing manager no later than two (2) business days following the arrest and, later, the final disposition. NOTE: Applicable provisions of the federal Drug-free Workplace Act of 1988 pertaining to work done under federal contracts or grants stipulate that the TCSG must notify the appropriate federal funding agency of a criminal drug statute conviction (by a covered employee) occurring in the workplace within ten (10) days after receiving notice of the conviction.

Pursuant to the provisions of O.C.G.A. § 45-23-4(a), any employee convicted for the first time of a drug-related criminal offense shall be suspended without pay for a period of not less than two (2) months and are allowed to return to duty only after completion of a drug abuse treatment and education program licensed under the provisions of Chapter 5 of Title 26 and approved by the System Office or technical college. Pursuant to the provisions of O.C.G.A. § 45-23-6, additional disciplinary action may be delivered up to and including dismissal from employment.

Pursuant to the provisions of O.C.G.A.§ 45-23-4(b), any employee convicted for a second or subsequent time of a drug-related criminal offense shall be dismissed from
employment and shall be ineligible for other public employment for a period of five (5) years from the date of the most recent conviction.

NOTE: Disciplinary action for positions covered by the Drug-free Workplace Act of 1988 must be taken no later than thirty (30) days following notification of the conviction.

An employee’s failure to provide notification of an arrest, conviction, or final disposition of an outstanding charge may result in the delivery of disciplinary action up to and including dismissal from employment.

**Assistance**

The Technical College System of Georgia is willing to assist employees with alcohol and/or drug-related difficulties. An employee must, however, advise his/her immediate supervisor, reviewing manager, or other System Office or technical college official, in writing, of his/her need for assistance prior to notification of a required alcohol/drug test and prior to an arrest for an alcohol/drug-related offense. The Technical College System of Georgia provides an Employee Assistance Program to assist eligible employees with alcohol and/or drug-related difficulties. An employee may also seek assistance through his/her health insurance provider.

**Employee Notification**

All TCSG employees must be advised of this policy. All newly hired employees are required to sign the accompanying acknowledgement statement which will be maintained in their official personnel file.

Information pertaining to the dangers of drug abuse in the workplace will be made available to each technical college’s Office of Human Resources for distribution to staff. Similar information will be available for System Office employees in the Office of Human Resources.

**Acknowledgement Statement**

I acknowledge that I have read, understand, and agree to follow the conditions addressed in this policy. Based on my position of assignment, I understand that Federal law may require the Technical College System of Georgia to notify a federal agency of a criminal drug statute conviction which occurs in the workplace.

I understand that I am to be free of illegal drugs and controlled substances in the workplace or while performing assigned duties to include traveling on state business. I
also understand that I may be required as a condition of employment to undergo drug and/or alcohol testing as provided in the procedure governing drug and alcohol testing.

__________________________  __________________________
Applicant/Employee Name                  Date
(Please Print)

__________________________
Applicant/Employee Signature

Reference
41 U.S.C. §701
O.C.G.A.§ 16-13-1 et.seq. – Dangerous Drugs
O.C.G.A.§ 45-23-1 et.seq. - Georgia’s Drug-Free Public Work Force Act
O.C.G.A.§ 45-20-90 et.seq. – Random Drug Testing in High Risk Jobs
O.C.G.A.§ 45-20-110 et.seq. – Pre-Employment Drug Testing

Adopted: August 3, 1989; Revised May, 2003; Revised March, 1, 2012
DEFENSE AND INDEMNIFICATION

In accordance with O.C.G.A. § 45-9-1 and O.C.G.A. § 45-9-4, any department or Technical College employee, including any member of the State Board or a local board, who is exposed to personal liability for damages arising out of the performance of their duties or in any way connected therewith shall be indemnified against expenses, including attorneys’ fees, judgments, fines and amounts paid in settlement.

In order to qualify for defense and indemnification, the board member, officer or employee shall promptly advise the Commissioner in writing upon being served with any summons, complaint, process, notice, demand or pleading. Such notice shall include the date the employee was served and the method of such service. If employee or former employee fails to cooperate completely with the defense of any such matter, then the employee or former employee shall forfeit any right to indemnification.

When approved by the Attorney General, the Department shall provide for the reimbursement to an officer, official or employee for reasonable legal fees and other expenses incurred in the successful defense of a criminal action arising out of the performance of his or her official duties.

When approved by the Attorney General, the Department shall provide for the reimbursement to an officer, official or employee who is required to maintain a professional license for reasonable legal fees and other expenses incurred in the successful defense of a charge arising out of the performance of his or her official duties in proceedings before a professional licensing board, disciplinary board or commission.

The Board reserves the right to provide legal counsel for the benefit of any officer, official or employee, current or former, and to negotiate, settle or otherwise manage the defense of any action, suit, or proceeding on the employee's behalf.

The Board authorizes the commissioner of administrative services to provide for the liability insurance coverage or contracts of indemnification for the Department and Technical College officers, officials and employees as provided by O.C.G.A. § 45-9-4(a).

References
O.C.G.A. § 45-9-1
O.C.G.A. § 45-9-4
Procedure: Defense and Indemnification

Created: July 23, 2001
Approved
NORMAL WORKING SCHEDULE

All full-time employees will be scheduled to work the designated full time hours of their position per week exclusive of time off for meals.

Violations, such as habitual tardiness, shall be considered cause for disciplinary action. The regular work day for each campus is listed below. The vice president of your division is authorized to vary work schedules of employees for the efficient operation of the college. The college must be adequately staffed during normal duty hours.

<table>
<thead>
<tr>
<th>Floyd County Campus</th>
<th>Gordon County Campus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours of Operation</td>
<td>Hours of Operation</td>
</tr>
<tr>
<td>Monday - Friday</td>
<td>Monday - Friday</td>
</tr>
<tr>
<td>7:45 am - 4:15 pm</td>
<td>7:45 am - 4:15 pm</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Polk County Campus</th>
<th>Walker County Campus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours of Operation</td>
<td>Hours of Operation</td>
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<tr>
<td>Monday - Friday</td>
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<td>7:45 am - 4:15 pm</td>
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<tr>
<th>Whitfield Murray Campus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours of Operation</td>
</tr>
<tr>
<td>Monday - Friday</td>
</tr>
<tr>
<td>7:45 am - 4:15 pm</td>
</tr>
</tbody>
</table>

http://www.gntc.edu/about/campuses/index.php
INSTRUCTIONAL STAFF WORK ASSIGNMENTS

I. POLICY:

Each technical college shall develop institutional teaching/workload and overload compensation guidelines within the parameters of this procedure; applicable state and federal laws, rules, and regulations pertaining to compensation and employee benefits; and all standards set forth by accrediting bodies. Any subsequent exceptions to the established guidelines may only be approved by the technical college president or his/her designee and documented and explained. NOTE: neither this procedure nor any college guidelines shall create an employment contract between an employee and his/her employing technical college or the Technical College System of Georgia.

II. APPLICABILITY:

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

III. RELATED AUTHORITY:

Office of Planning and Budget (OPB) Policy Governing Working Hours, Payment of Overtime, and the Granting of Compensatory Time
Patient Protection and Affordable Care Act
Fair Labor Standards Act of 1938, as amended
State Board Policy III.R. (Instructional Staff Work Assignments)

IV. DEFINITIONS:

Adult Education Teacher: full- or part-time employee who teaches adult education for a technical college. Teachers are considered to be exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act and not subject to the accompanying salary basis test.

Continuing Education/Economic Development Instructor: full- or part-time employee who teaches non-credit courses for continuing education or in conjunction with the Economic Development Division of a technical college. Instructors are considered to be exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act and not subject to the accompanying salary basis test.

Faculty, Adjunct: a temporary, time-limited appointment. Professional credentials required for appointment as full-time faculty will also be required for appointment in this capacity in the same academic program. Employment encompasses a single academic term and corresponding terms and conditions are outlined in a memorandum or letter of appointment.
Faculty, Full-time: employees who teach credit courses for a technical college and work forty (40) or more hours per week for a pre-determined period between nine (9) and twelve (12) months each academic year. Faculty are considered to be exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act and not subject to the accompanying salary basis test.

Podium Time: the actual elapsed time spent by an instructor or actual clock time spent in class from a faculty perspective - generally used in individualized instruction classes with students from multiple classes sitting together simultaneously. Podium time is not multiplied by the number of classes run simultaneously.

Preparatory Time: the time spent by part time instructional staff on related tasks outside the classroom including but not limited to preparing for class, setting up labs, grading papers, answering student questions, assessing student performance, and developing tests or other materials for class. Office hours and attendance at required meetings are excluded from this time.

V. ATTACHMENTS:

N/A

VI. PROCEDURE:

A. Staffing Guidelines:

1. Technical colleges will employ a sufficient number of qualified individuals to train and educate students in a variety of certificate, diploma, and degree programs, as well as in course(s) associated with adult education and continuing education. An applicant may be employed in a full- or part-time instructional/teaching capacity as provided in the TCSG Procedure governing Categories of Employment (III.D). In addition to classroom, lab or, as applicable, clinical instruction, full-time faculty members may be assigned duties associated with student advisement.

   NOTE: all full-time faculty members shall work a minimum of forty (40) hours each week. Incorporated in the hours worked standard are such activities as: classroom, lab, clinical, or online instruction; student advisement; holding office hours; class preparation time; committee assignments; and, any other duties and responsibilities which support the college mission and the needs of its students.

2. Adjunct faculty and part time instructional staff may not work more than twenty-nine (29) hours per week. Should an unforeseen staffing shortage occur during the semester, an employee may work 30 workload units or more per week with prior written approval from the college president, provided the average workload units are less than 30 per week during the annual measurement period. This exception may only occur one semester per measurement period per employee. Hours worked will be determined based on the established equivalency formula for the type of class scheduled according to the following categories:
a. Lecture classes – these courses receive 1.25 hours preparatory time for each hour in the classroom. EXAMPLE: a 3 contact hour lecture class equates to: 3 x (1 hour in class + 1.25 hour prep) = 6.75 work load units/hours or 3x2.25.

b. Clinical, internship, and practicum courses which are primarily associated with health programs but also in some technical programs - these courses require no preparatory time; therefore, hours worked are determined by/recorded on time sheet records.

c. Lab 2 classes, Lab 3 classes, any course that is considered individualized instruction - these courses receive .25 hours preparatory time for each hour in the classroom. EXAMPLE: a 3 contact hour class equates to: 3 x (1 hour in class + .25 hour prep) = 3.75 work load unit/hours or 3x1.25.

d. Adult Education classes – preparatory time for these courses will be included in hours worked recorded on time sheet records.

e. Continuing Education – preparatory time for non-credit courses will be recorded on time sheet records; however, for any course taught by adjunct faculty, the preparatory hours will be determined based on the appropriate equivalency formula.

B. Teaching Assignments:

Faculty may be assigned to teach credit or non-credit courses in their area(s) of expertise as part of their primary teaching load. Assigned courses may be taught during the day, evenings, weekends or, in an online or clinical environment. Teaching assignments may include teaching at one or more campus/site locations, or any combination thereof, and may include a combination of face-to-face and online instructional delivery methods. Faculty may be assigned to any campus/site based on the business needs of the college.

C. Teaching Loads:

In assigning teaching loads, technical colleges may consider the following productivity parameters: the type of class (lecture, lab, clinical, internship, etc.); accreditation standards; number and type of preparation; advisement load; section or class size; time and location of class(es); budgetary considerations; assigned number of credit hours; overall annual teaching load; type of appointment/employment (full-time salaried, part-time salaried, or adjunct faculty); and, other documented and consistently administered/approved considerations.

D. Office Hours and Other Assigned Duties and Responsibilities:

1. To afford students the opportunity to meet with faculty for advisement purposes as well as for assistance with coursework, all full-time faculty members shall establish and maintain a schedule of office hours which meets (or exceeds) college requirements.
2. Each full-time faculty member shall notify his/her students of these office hours and shall post his/her office hours in a location that is readily available to and easily accessed by his/her students.

3. Full-time faculty may also be responsible for curriculum development, committee assignments, and other instructional-related duties and responsibilities as assigned.

VII. Records Retention:

All records associated with instructional staff work assignments (e.g., faculty workload) shall be maintained for three (3) years.

Last Reviewed: October 29, 2014
Adopted: September 1, 1988
TRAVEL REGULATIONS

The State Accounting Office and the Office of Planning and Budget are responsible for establishing Statewide Travel Regulations. This responsibility was assigned to these organizations through House Bill 293, which was passed into law during the 2005 legislative session (codified as O.C.G.A. 50-5B-5).

These Regulations are designed to:
- Promote economy and efficiency in State government, and
- Treat employees fairly and equitably

The Statewide Travel Regulations are intended to provide organizations with guidelines relating to acceptable limits for expenses incurred for in-state and out-of-state travel. All agencies are required to follow the minimum guidelines outlined in the Statewide Travel Regulations.

The Statewide Travel Regulations Manual is located on GNET.

Georgia Northwestern Technical College
Supplemental Travel Policies
10/28/2010

Part-Time Instructor Travel: Part time instructors can not be paid travel for working on multiple campuses. That consideration must be made while writing the contract. If a part-time employee travels to a conference or other required event that is off campus, travel is applicable and a vehicle request should be made.

Travel in between Campuses for Full Time Employees: If a full time employee has to work on multiple campuses in the same day, they can get reimbursed for travel. If traveling back to the home campus, then a vehicle request must be made. If traveling from one campus to another and then going home, a school vehicle is not required; however mileage can only be claimed from one campus to the other.

Evening and Weekend Travel: If traveling within the 7 county service area after hours or on the weekends, the higher mileage rate is applicable without requesting a vehicle. If the travel is outside of the 7 county service areas, then a vehicle request must be made. Travel is not included in which the employee may leave before work hours or arrive back to the campus after hours. This is only for travel which is started and completed after the normal work day.

Travel to Clinical Sites: Instructors visiting clinical sites who live outside of Floyd, Gordon, Murray, Walker, or Whitfield Counties and visit a clinic site outside of the county do not have to request a vehicle if they will not be on campus the day of travel or
if they leave from or return to their home. However, personal commute miles must be deducted if they leave from and/or return to their home.

**Exemptions from requesting vehicle for travel within Floyd, Gordon, Murray, Polk, Walker, and Whitfield Counties:**

- Local travel for Economic Development which is short notice
- Local travel in Polk County, no vehicle available
- Local travel for Adult Literacy
POSITIVE DISCIPLINE

I. POLICY:

It is the goal of the Technical College System of Georgia to emphasize quality and excellence in all aspects of System operations. As such, the System’s Positive Discipline process is designed to promote a high level of employee discipline by correcting performance problems as they arise, building genuine employee commitment to the organization, and encouraging and promoting the development of effective working relationships between supervisors and their subordinate staff. The Positive Discipline process focuses on effective and timely decision-making coupled with individual responsibility and accountability.

The Positive Discipline process emphasizes an employee’s responsibility and accountability for his/her own behavior and actions by communicating an expectation of change and improvement in a respectful, non-threatening way, while maintaining concern for the seriousness of the situation. Key aspects include recognizing and encouraging good performance, correcting performance problems through coaching and counseling, building commitment to high work standards and safe work practices, and promoting excellence in the delivery of services.

II. APPLICABILITY:

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

III. DEFINITIONS:

Appointing Authority: In the System Office, the Commissioner of the Technical College System of Georgia as well as those manager(s) to whom the Commissioner has delegated the responsibility for directing associated work unit activities. In a technical college, the President or his/her designee shall serve in this capacity.

“At Will”: individuals considered to be “at will” employees may be discharged or may quit for any reason not specifically prohibited by law.

Business Day: Weekdays that administrative offices are open.

Covered Employee: An employee working under the terms of an employment contract. Also included are full-time or part-time salaried employees in an “at will” employment status who have been continuously employed for more than twelve (12) calendar months.

Decision Making Leave (DML): A Decision Making Leave is the third and final step of formal discipline, consisting of a formal discussion between work unit management and
an employee about a serious work related problem. After the discussion, the employee is suspended from work with pay for the following day. He/she must then decide either to solve the immediate problem and agree to perform at a fully acceptable level in all areas of the job or, instead, to resign and pursue other employment opportunities.

**Discussion Worksheet:** The pre-meeting checklist portion of the Discussion Worksheet helps supervisors prepare for discussions with their subordinate staff about performance-related problems or issues pertaining attendance, behavior/conduct, safety, etc. The results of the meeting are recorded on the post-meeting summary portion of the document.

**Dismissal:** This employment action normally occurs when the progressive steps of disciplinary action have failed to bring about a correction in an employee’s work performance, conduct, behavior or attendance. Dismissal is the appropriate action when a disciplinary problem reoccurs within the twelve (12) month period in which a Decision Making Leave is active or when a single offense is so severe that any other disciplinary action would not be the appropriate remedy.

**Informal Coaching:** Brief informal discussion(s) between a supervisor and an employee concerning the need to improve in the areas of attendance, work performance, behavior/conduct, safety, etc. Informal coaching may include corrective feedback or referral for additional training.

**Non-Covered Employee:** This term includes salaried employees in an “at will” employment status who have worked for less than twelve (12) months as well as temporary employees, hourly-paid employees, adjunct faculty, technical college presidents, and other employees who report directly to the Commissioner of the Technical College System of Georgia.

**Performance Improvement Discussion:** A structured discussion to address a specific problem with an employee in the areas of attendance, work performance, conduct, behavior, and/or safety. The objective is to ensure that the employee recognizes that a problem exists, to mutually develop an effective solution, and to avoid the need for formal disciplinary action.

**Reminder 1:** The first formal step of the disciplinary process involving a discussion between a supervisor and an employee concerning work-related problem(s)/difficulties and the need (for the employee) to change his/her performance, behavior, conduct, etc. During this discussion, the supervisor informs the employee that this is the first level of discipline and concentrates on gaining the employee’s agreement to change his/her performance, behavior, conduct, etc.

**Reminder 2:** The second step of the disciplinary process in which the supervisor holds a formal discussion with the employee concerning work-related problem(s)/difficulties and the need to change his/her performance, behavior, conduct, etc.
**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.

IV. ATTACHMENTS:

   A. **TCSG Performance Management Matrix – Technical Colleges**

       B. **TCSG Performance Management Matrix – System Office**

       C. **Discussion Worksheet – Pre-Meeting Checklist**

       D. **Discussion Worksheet – Post Meeting Summary**

       E. **Reminder 2 Sample Memorandum**

       F. **Decision Making Leave Sample Memorandum**

       G. **Suspension With Pay Sample Letter**

V. PROCEDURES:

A. General Provisions:

1. The Positive Discipline process covers all employees working under the terms of an employment contract. Also included are all full-time and part-time salaried employees in an “at will” employment status who have been employed with the TCSG System Office or an associated technical college continuously for more than twelve (12) months. Salaried employees in an “at will” employment status who have worked for less than twelve (12) months, as well as temporary employees, hourly-paid employees, adjunct faculty, technical college presidents, and other employees who report directly to the Commissioner are excluded from coverage.

2. The Positive Discipline process is designed to address problems in such general areas as performance, conduct, behavior, attendance, and safety.

3. Each System Office or technical college supervisor and manager is responsible for communicating agency and college rules, practices, and expectations consistent with the guidelines set forth in this policy.

4. Neither the Positive Discipline policy or this accompanying procedure is considered an explicit or implied contract between the System and any employee or group of employees. The System reserves the right to adapt, modify, or abandon the policy and procedure at any time for any reason, with or without advance notice to any employee.

5. Every individual initially appointed to or promoted into a supervisory or managerial position is expected to complete Positive Discipline Training within ninety (90) days of
assuming his/her position. Each technical college as well as the System Office will conduct Positive Discipline training courses at regular intervals to ensure that all newly appointed or promoted supervisors and managers complete the training within the expected timeline.

6. A summary of the steps and activities associated with the Positive Discipline Process is outlined in the attached TCSG Performance Management Matrix’ (Attachments A and B).

B. Informal Discussions:

1. “Positive Contacts” are designed to recognize good performance and serve to encourage staff to continue to perform their assigned tasks in an exemplary manner. Employees can be recognized informally (e.g., “pat on the back”), placing an employee on a special committee, providing expanded training opportunities, etc.) or more formally with written commendations (notes to the employee with copies to the President, etc.). All supervisors and managers are expected to review the performance of subordinate employees regularly and conduct Positive Contact discussions when appropriate. Positive contacts and other forms of recognition should be noted in an employee’s productivity file.

2. “Informal Coaching” serves to informally advise an employee of the need to improve in one or more specific areas. Generally, the outcome of a coaching session is not documented in a formal memorandum to an employee; however, supervisors are encouraged to make a note of this activity in an employee’s productivity file.

3. “Performance Improvement Discussions” are more serious conversations about performance problems before the need for a formal step of disciplinary action arises. A supervisor will prepare the Pre-Meeting Checklist portion of the Discussion Worksheet (Attachment C) before the meeting. During the meeting, the supervisor will inform the employee that this is an informal discussion (i.e., not one of the three formal steps of disciplinary action) and seek to gain the employee’s agreement to change and correct the problem. Following the meeting, the supervisor will document the discussion using the Post-Meeting Summary portion of the Discussion Worksheet (Attachment D). He/she will provide the employee with a copy of the Post-Meeting Summary and a copy will be maintained in the employee’s productivity file. The supervisor will provide positive feedback when improvement occurs and document the improvement on the supervisor’s copy of the Discussion Worksheet.

C. Formal Disciplinary Action:

The formal levels of disciplinary action (i.e., Reminder 1, Reminder 2, and Decision Making Leave) represent increasingly serious and/or repetitive infraction(s) of established policies, rules, guidelines, and/or directives:
• **Reminder 1**: After consultation with his/her immediate supervisor and HR Coordinator/Director, the supervisor will prepare for the meeting by completing the Pre-Meeting Checklist portion of the Discussion Worksheet document.

During the meeting the supervisor will inform the employee that this meeting is a Reminder 1, the first formal step of TCSG’s Positive Discipline Process. The supervisor will seek to gain the employee’s agreement to change and return to fully acceptable performance.

Following the Reminder 1, meeting the supervisor will complete the Post-Meeting Summary portion of the Discussion Worksheet. A copy of the Pre-Meeting Checklist portion of the Discussion Worksheet will be provided to the employee and the employee will be asked to sign the supervisor’s copy to confirm that the discussion took place. A copy of the Discussion Worksheet will be maintained in the employee’s productivity file. A Reminder 1 remains active for 6 months.

• **Reminder 2**: Generally, there are three (3) situations/circumstances which may cause a supervisor to conduct a Reminder 2 discussion:
  - when a problem arises within a six (6) month period following the issuance of an earlier Reminder 1 in the same category, or
  - after an employee has received a maximum of three (3) Reminder 1s for unrelated problems within a period of six (6) months, or
  - when a performance, conduct, or attendance problem is sufficiently serious to require this level of discipline, regardless of any previous coaching sessions or disciplinary discussions.

After consultation with his/her immediate supervisor and HR Coordinator/Director, the supervisor will prepare for the meeting by completing the Pre-Meeting Checklist portion of the Discussion Worksheet. During the meeting, the supervisor will inform the employee that this meeting is a Reminder 2, the second formal step of the Positive Discipline Process. The supervisor will again (or for the first time) seek to gain the employee’s agreement to change and return to fully acceptable performance. Following the Reminder 2 meeting, the supervisor will complete the Post-Meeting Summary portion of the Discussion Worksheet, a copy of which will be given to the employee. In addition, the supervisor will prepare a memorandum (using Attachment E) advising the employee of the Reminder 2 transaction. The employee will be asked to sign the supervisor’s copy of the memorandum to confirm that the discussion took place. A copy of the Discussion Worksheet and memorandum will be maintained in the employee’s personnel file. In addition, a copy of the memorandum will be forwarded to the supervisor’s manager. A Reminder 2 remains active for nine (9) months. Consistent with provisions of Paragraph V.I., the affected employee may request a review of the Reminder 2.

• **Decision-Making Leave (DML)**: Generally, three situations may cause a supervisor to conduct a Decision Making Leave transaction with an employee under his/her supervision:
o when a problem arises within a nine (9) month period following the issuance of an earlier Reminder 2 in the same category, or
o after an employee has received a maximum of three (3) Reminder 2s for unrelated problems within a period of nine (9) months, or
o when a performance, conduct, or attendance problem is sufficiently serious to require this level of discipline, regardless of any previous coaching sessions or disciplinary discussions.

After consultation with his/her immediate supervisor, the HR Coordinator/Director, and, as applicable, the Vice President over the program area, Assistant Commissioner, or Executive Director, the supervisor will prepare for the Decision Making Leave transaction by completing the Pre-Meeting Checklist portion of the Discussion Worksheet. During these discussions, the parties will determine the day on which the employee will be suspended from work and the manner in which the employee’s work will be covered on that day.

On the day of the meeting the supervisor will tell the employee that he/she is being placed on a Decision Making Leave, the final step of the Positive Discipline process. The supervisor will advise the employee that immediately after the meeting concludes, he/she is to leave the workplace. Additionally, the employee should be instructed to spend the following day at home making a final decision about whether he/she can solve the immediate problem that triggered the Decision Making Leave and commit to maintaining fully acceptable performance in every area of his/her job or, instead, to resign and seek employment elsewhere.

The employee will be told that he/she will be paid for the day of Decision Making Leave and that if he/she returns with a commitment to solve the problem and maintain fully acceptable performance and another problem requiring disciplinary action arises, he/she will be dismissed.

Upon returning to work, the employee must advise his/her supervisor as to whether he/she has decided to solve the problem and commit to fully acceptable performance in every area, or, instead, resign. If the employee chooses to resign, a corresponding personnel action will be generated. If the employee decides to continue his/her employment, the supervisor will complete the Post-Meeting Summary portion of the Discussion Worksheet, a copy of which will be given to the employee. In addition, the supervisor will prepare a memorandum (Attachment F) formally advising the employee of the Decision Making Leave transaction, including the notification that any further problem(s) requiring the delivery of formal discipline will result in his/her dismissal. The employee will be asked to sign the supervisor’s copy of the memorandum to confirm that the discussion took place. A copy of the Discussion Worksheet and memorandum will be maintained in the employee’s personnel file. In addition, a copy of the document will be sent to the supervisor’s reviewing manager and, as applicable, Vice President, President, Assistant Commissioner, or Executive Director.
A Decision Making Leave remains active for twelve (12) months. An employee may request a review of the Decision Making Leave by following the provisions of Section V., Paragraph I.

- An employee who has been placed on Decision Making Leave is not eligible to receive a performance-based salary increase during the performance plan year in which the disciplinary action was initiated.

D. Dismissal:

Within the parameters of the Positive Discipline process, a dismissal normally occurs when the progressive steps of disciplinary action have failed to bring about a correction in an employee’s work performance, conduct, behavior, or attendance. Dismissal is the appropriate action when a disciplinary problem reoccurs within the twelve (12) month active period of a Decision Making Leave or when a single offense is so severe that any other disciplinary action would not be an appropriate remedy. The decision to dismiss a technical college employees must be approved by the President or, as applicable, the Commissioner. In the System Office, the dismissal must be approved by the Commissioner.

E. Skipping Disciplinary Steps

The Positive Discipline steps outlined in this policy are not required to be followed in sequence. Should an employee commit a serious offense, the employee may be placed on a Reminder 2 or Decision Making Leave. Additionally, if a pattern of repeating problems after the end of an active period of disciplinary action, progression to a more serious step of the Positive Discipline Process may be warranted.

F. Repeating Disciplinary Steps:

Generally, policy infractions or performance problems are classified into three broad categories: (1) attendance, (2) work performance, and (3) behavior/conduct. If an employee experiences problems in an unrelated area, he or she may receive more than one Reminder 1 or Reminder 2.

The maximum number of Reminder 1’s that may be active at one time is three, with no more than one in each category. Should another performance problem occur in a category after an employee has previously received a Reminder 1, or after an employee has received three Reminder 1’s in different categories within a period of six (6) months, the next step is a Reminder 2.

The maximum number of Reminder 2’s that may be active at one time is also three, again with no more than one in each category. Should another performance problem occur in a category within nine (9) months after an employee has previously received a Reminder 2 in that category, the discipline level will escalate to Decision Making Leave.
Because the Decision Making Leave requires a total performance decision on the employee’s part, an employee may receive only one such transaction in a twelve (12) month period. If a performance problem that would normally result in the delivery of formal discipline (i.e., Reminder 1, Reminder 2, or Decision Making Leave) occurs within the twelve (12) month period, the appropriate action is dismissal. However, the appointing authority or designee may consider any extenuating or mitigating circumstances before making a decision to dismiss an employee. Any such decisions should be made after consultation with the Executive Director of the Office of Legal Services or the System’s Director of Human Resources.

Note: If an employee is on an active Reminder 2 and experiences a disciplinary problem in an unrelated category, it is not appropriate to place the employee on a Reminder 1 for that offense since he or she is already at the Reminder 2 level. In this case a second Reminder 2 would be the appropriate sanction.

G. Deactivation of Disciplinary Action:

The purpose of deactivation of disciplinary action is to recognize and encourage improved performance. If an employee maintains fully satisfactory performance during the active period of the respective disciplinary level, the employee may request the appropriate supervisor to remove the record of discipline. It is the employee’s responsibility to request that the record of disciplinary action be removed. It is the supervisor’s responsibility to acknowledge the employee’s improvement and arrange for the removal of the documentation upon the employee’s request.

Upon being notified by the employee that the active period has been completed (Reminder 1 – 6 months; Reminder 2 – nine (9) months; Decision Making Leave – twelve (12) months), the supervisor will note that the disciplinary action has been deactivated on all records in the employee’s productivity file. The supervisor will also advise all individuals who were initially notified of the taking of the disciplinary action that the active period has been completed, that the disciplinary action has been deactivated, and that any records of the action should be so noted about the deactivation.

If another disciplinary problem arises with an individual who has completed the active period for a previous disciplinary offense, the response to the new disciplinary transaction will be the same as that taken with an employee who has never had any disciplinary offenses.

H. Performance Management Program:

The Positive Discipline process and the System/technical college performance management process are closely linked. As such, the employee’s performance appraisal rating will be influenced if the individual is on an active step of formal discipline.

I. Review Procedure
**Reminder 2:** A technical college employee who has been issued a Reminder 2 may request a review of the decision by the appropriate Vice President, or by the President if the Vice President participated in the review and approval of the disciplinary action. For staff in the System Office, the request for review will be directed to the appropriate Assistant Commissioner, Executive Director or, as applicable, the Commissioner.

To request a review, an employee must notify the designated individual within three (3) business days of the receipt of the Reminder 2 Memorandum. The employee’s response may be in writing, in person, or both. The designated reviewing official should provide the employee with a written response within ten (10) business days of receipt of the review request. This decision of the reviewing official will be final.

**Decision Making Leave:** A technical college employee placed on a Decision Making Leave may request a review of the action by the President or his/her designee if the President participated in the review and approval of the Decision Making Leave. For staff in the System Office, the request for review will be directed to the appropriate Assistant Commissioner, Executive Director or, as applicable, the Commissioner.

To request a review, an employee must notify the designated individual within three (3) business days of the receipt of the Decision Making Leave Memorandum. The response may be in writing, in person, or both. The reviewing official should provide the employee with a written response within ten (10) business days of receipt of the review request. The reviewer may repeal or modify the Decision Making Leave. The decision of the reviewing official will be final.

**Dismissal:** A technical college or System Office employee covered by the provisions of this policy and who has been notified of his/her proposed dismissal may request a review of this action by the Commissioner or his/her designee. To request a review, an employee must notify the Commissioner, in writing, within three (3) business days after receipt of the dismissal notice. The request should contain information and, as applicable, supporting material(s) which documents why the proposed dismissal should not be imposed. Any request for review that does not comply with these provisions will not be considered.

The Commissioner or his/her designee will provide the employee with a written response no later than ten (10) business days following receipt of the review request. If a review is requested consistent with these provisions, the proposed effective date of the dismissal will be delayed until the Commissioner’s decision is finalized. During this time period, the employee will remain in or be initially placed in a suspension with pay status. The Commissioner’s decision in these matters is final.

**NOTE:** The Positive Discipline Process does not permit third party representation in these matters.

**J. Crisis Suspensions**
A "crisis suspension" (i.e., a suspension with pay) is not a formal level of disciplinary action. A crisis suspension may be used when an employee's inappropriate behavior is so serious that immediate removal from the workplace is necessary. Some examples are theft, threat of violence, destruction of college property, reporting to work under the apparent influence of alcohol or drugs, insubordination, and arrest. Additionally, an employee may be placed on suspension with pay in conjunction with an internal investigation initiated in response to a workplace complaint or when an employee’s actions/behaviors may impact his/her ability to effectively perform his/her assigned job duties.

In these circumstances, the appointing authority will notify the employee that he or she is being suspended with pay pending investigation for alleged misconduct and is being temporarily relieved of duty. This conversation is immediately followed the delivery of written notification (of this action) using Attachment G. Additionally, the employee shall be required to leave System Office/Technical College property immediately.

The investigation should be completed as soon as possible and appropriate disciplinary action initiated if findings are substantiated.

K. Status

This Positive Discipline policy is not to be considered an explicit or implied contract between the Technical College System of Georgia or any of its associated technical colleges and any employee or group of employees. The System reserves the right to adapt, modify or abandon this policy at any time and for any reason, with or without notice to any employee.

VI. RECORD RETENTION:

All documents placed in an official personnel file shall be retained for a period of seven (7) years after an employee leaves State service.

Revises and Retitles: Policy III.T. Positive Discipline
Last Reviewed: September 27, 2012
Adopted: February 6, 2008
DRESS CODE

Employees of Georgia Northwestern Technical College (GNTC) serve as representatives of the college as well as role models for students. For this reason, employees shall refrain from wearing clothing that detracts from the College’s mission and public image and should always present themselves in a neat and appropriate manner.

In general, Georgia Northwestern Technical College employees shall dress in an appropriate manner and maintain personal grooming standards that are acceptable in a typical business environment. Blue jean pants are not acceptable business attire.

All full- and part-time employees shall maintain a professional appearance and wear attire appropriate for their occupation. It is understood, however, that some programs and departments perform work activities that require more casual and/or durable clothing and, therefore, may be exempt from the business dress requirement. These determinations will be made by the appropriate Vice President in consultation with the affected supervisor(s)/manager(s) and the Director of Human Resources.

At the discretion of the President, GNTC may, on certain days, allow employees to dress in a more casual fashion than is normally required.

Supervisors and managers are responsible for ensuring their employees follow these guidelines. Requested exceptions to these guidelines based on medical or religious reasons and/or questions pertaining to acceptable attire should be directed to the Director of Human Resources.

Effective: February 1, 2011

SECURITY ID BADGE

Purpose: It is the policy of Georgia Northwestern Technical College (College) to protect the health and safety of all students, faculty, staff and visitors which is the primary responsibility of the College. Based on this objective, the College will implement the mandatory use of Security Identification (ID) Badges which helps to create and promote safe and secure environments by providing visual identification of persons entering our campuses, increasing accountability of health and safety to the College and providing a method to call attention to suspicious persons.

Use of the Security ID Badge aids in the protection of: people, infrastructure and physical assets from intentional actions of disruption from any compromise of the individuals entrusted to the College.

The Security ID Badge is the standard for visual identification at Georgia Northwestern Technical College providing a unique identifier that verifies a person’s authorization to be on any of our campuses or off-site locations. The College campuses and facilities have public communities and assets, thus people should be readily identifiable.

Employees assigned Security ID Badges must wear the badge face up and visible at all times. Security ID Badges will feature an employee’s name and the employee’s unit (faculty/staff) only.

Where required by law, health care credential Security ID Badges will feature the employee’s name and professional suffix as it appears on their health care license (i.e. RN, EMT, etc.).
**Mandatory Use:** Supervisors are responsible for monitoring and addressing non-compliance of the individuals to whom they issue badges. Any misuse, alteration or fabrication of the badge may subject the holder to disciplinary action by the College. The Badge is the property of Georgia Northwestern Technical College and must be surrendered at termination of employment. The College has communicated with the departments that all employees full time and part time are required to wear Security ID Badges in accordance with this policy. Violations of this policy will be subject to disciplinary action according to the Technical College System of Georgia’s Positive Discipline Policy.

*Adopted: November 1, 2013  
Effective: January 2, 2014*

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**FAMILY MEMBER/VISITORS**

Employees may not bring or permit family members or visitors to be present at their workstation other than a brief, informal visit.

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**FACULTY/STAFF PARKING**

All full time and part time faculty/staff will be issued a parking permit by Human Resources. Reserved faculty/staff parking spaces are marked. The Name Badge/Parking Permit Request Form is located at GNET [http://gnet2.gntc.edu](http://gnet2.gntc.edu/) Contact Human Resources at humanresources@gntc.edu if you have any questions.

Parking Permit should be clearly visible at all times while on campus. Upon ending your employment with GNTC, please return parking permit to Human Resources.
NEW EMPLOYEE TRAINING

The following is a brief overview of new employee training. Training material with complete instructions is included in the payroll forms packet upon hire.

ETHICS IN ACTION TRAINING

The training “Ethics in Action”, is a baseline program that will enhance the ability of all Technical College Systems of Georgia (TCSG) employees to make ethical decisions and maintain the high standards of conduct required of state employees, regardless of work location, job position, or future career changes with TCSG and state government. This training is required for all new hire full-time and part-time employees. [http://eserver.dtae.org/](http://eserver.dtae.org/)

HAZARD MATERIAL TRAINING

Georgia Northwestern Technical College is required to have Hazard Material Training for all full-time and part-time employees. This web-based training is for the education of hazardous chemicals used on your job or in your work area. A copy of the Right to Know about the Hazardous Chemicals is located at [http://www.usg.edu/facilities/rtk-ghs](http://www.usg.edu/facilities/rtk-ghs) and [http://www.usg.edu/facilities/training/pathogens/](http://www.usg.edu/facilities/training/pathogens/). After reviewing these links, please complete the certification form located at [http://gnet2.gntc.edu/](http://gnet2.gntc.edu/). This training is required for all new hire full-time and part-time employees.

The Exposure Control Plan Coordinator is Frank Pharr 706-295-6881
The Hazard (Chemical) Communications Plan Coordinator is Bill Byars 706-295-6552

ONLINE FULL TIME FACULTY ORIENTATION
(Credit Classes Only)

Each new faculty member at Georgia Northwestern Technical College must complete the online faculty orientation. Instructions located at [http://gnet2.gntc.edu/](http://gnet2.gntc.edu/) along with GNTP Faculty Manual and GNTP Credentials Procedures Manual.

For assistance with Angel LMS, the quick start guide can be found at [www.gntc.edu](http://www.gntc.edu) under online learning. Please log into the faculty orientation at [http://gntc.angellearning.com](http://gntc.angellearning.com)

ONLINE ADJUNCT FACULTY ORIENTATION
(Credit Classes Only)

Each new adjunct faculty member at Georgia Northwestern Technical College must complete the online adjunct faculty orientation. Instructions located at [http://gnet2.gntc.edu/](http://gnet2.gntc.edu/) along with GNTP Adjunct Faculty Manual and GNTP Credentials Procedures Manual. For assistance with Angel LMS, the quick start guide can be found at [www.gntc.edu](http://www.gntc.edu) under online learning. Please log into the a
The Family Educational Rights and Privacy Act of 1974 (FERPA), with which Georgia Northwestern Technical College complies fully, was designated to protect the privacy of educational records.

The Family Educational Rights and Privacy Act affords students certain rights with respect to their education records. They are:

1. The right to inspect and review information contained in education records.

2. The right to request the amendment of the student’s education records that the student believes is inaccurate.

3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Georgia Northwestern Technical College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

   Family Policy Compliance Office
   U.S. Department of Education
   400 Maryland Avenue, SW
   Washington, DC 20202-5920
   (202) 260-3887

Faculty and staff are not permitted to release any identifiable information about a student or a former student to a third party (which includes parents and spouses). However, upon the written request of a student or former student, grades and other specified information may be released.

Any questions concerning FERPA should be directed to the Office of the Registrar.

   Selena Magnusson, Registrar
   Georgia Northwestern Technical College
   One Maurice Culberson Drive
   Rome, GA 30161
   (706) 295-6866
PAY PERIODS FOR EMPLOYEES

All full time and part time faculty & staff are paid semi-monthly. Adjunct faculty are paid in eight equal installments during fall and spring semester. Summer session installments are determined before summer session begins. If the payroll date falls on a weekend or holiday, direct deposit will be the last state workday before the holiday or weekend. New employees first pay check will be mailed to their home address, all following pay checks will be direct deposited. Direct Deposit of your net pay is mandatory as a condition of employment.

PAYROLL DEDUCTIONS

A. Required Payroll Deductions
Employees of the Technical College System of Georgia are subject to the following required payroll deductions as described below:

1. Social Security Taxes: O.C.G.A. §47-2-71 provides that a state employee who becomes a member of the Employees’ Retirement System after September 1, 1956, must also contribute to the Social Security Administration (SSA). The rate and maximum amount of liability are set annually by the Social Security Administration.

2. Medicare Tax: Public Law 99-272 (the Consolidated Omnibus Reconciliation Act of 1985) provides that state employees who are not eligible for Social Security Tax must contribute to the Medicare Tax. The rate is set annually by the Social Security Administration.

3. Federal Income Taxes: Chapter 24 of the Internal Revenue Code provides that all employees must have income taxes withheld from wages based upon their current Employee’s Withholding Allowance Certificate (W-4).

4. State Income Taxes: O.C.G.A. 48-7-101 provides that all employees must have income taxes withheld from wages based upon their current Georgia Employee’s Withholding Allowance Certificate (G-4).

5. Employees’ Retirement System Contributions: O.C.G.A. 47-2-52 provides that employees, with the exception of students, who are appointed at 35 hours or more per week on positions budgeted nine months or longer, who select the Employees’ Retirement System must have their contributions deducted from wages.

6. Teachers Retirement System: O.C.G.A. 20-4-10 thru 20 provides that employees, with the exception of students, appointed one-half time or more in a Teacher’s Retirement System position budgeted nine months or longer, who elect the Teachers’ Retirement System must have contributions deducted from wages.

7. Georgia Defined Contribution Plan: O.C.G.A. 47-22 provides that temporary, seasonal and part-time employees who are not eligible for membership in the Employees’ Retirement System (or Teachers’ Retirement System) must contribute to the Georgia Defined Contribution Plan.

8. Garnishments: O.C.G.A. 18-4-21 and 18-4-113 provides that creditors may, through the courts, issue a Summons of Garnishment or a Summons of Continuing Garnishment against an employer (the Technical College System of Georgia) as the garnishee and the employee as the defendant.

   Note: “Garnishment” is defined as any legal procedure by which the earnings of an individual (employee) are required to be withheld for payment of a debt.

9. Internal Revenue Service Levies: Chapter 64 of the Internal Revenue Code provides that, in order to satisfy the tax liability of an employee (tax-payer), the Internal Revenue Service may levy upon all wages and salary of the delinquent taxpayer. The Department is obligated to withhold the prescribed levy from the date the levy is made until the employee’s tax liability is satisfied or becomes unenforceable.
10. **Bankruptcy:** Pursuant to U.S.C. 28-2075, an employee may voluntarily file a petition of bankruptcy and submit a specified portion of future income to the court for payment to creditors. The Department is required to deduct the specified sum from the earnings of the employee for payment to the Federal Court until the employee’s liability to the court is satisfied. Bankruptcies supersede all levies and/or garnishments.

11. **Unemployment Or Wage Substitutes:** Opinion 65-55 of the Attorney General of Georgia provides that when a dismissed employee is reinstated with back pay that those wages be reduced by the amount of unemployment or other wages received during the period of dismissal.

12. **Child Support (Income Deduction Order)** O.C.G.A. 19-6-30 provides that the Georgia Office of Child Support Enforcement may issue an income deduction order to the employer for withholding a specific amount from the designated employee’s wages.
DIRECT DEPOSIT OF NET PAY

I. Policy
In response to an April 2010 directive from the State Accounting Officer and Commissioner of the State Personnel Administration, all full and part time Technical College System of Georgia (TCSG) employees hired on or after May 1, 2010 shall be required, as a condition of employment, to use direct deposit to receive all payroll related payments unless specifically exempted by the State Accounting Officer. At the discretion of the TCSG System Office or employing technical college, all such employees may also be required to have all other reimbursements (e.g., travel) directly deposited.

All employees hired prior to May 1, 2010 are subject to the same mandate; however, any employee who fails to adhere to the directive will continue to receive a paper check for associated wages. In these instances, pay delivery will be delayed as described in Paragraph V. B. 6. At the discretion of the TCSG System Office or employing technical college, these employees may be also required to have all other reimbursements (e.g., travel) directly deposited.

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

III. Definitions
Direct Deposit: The automatic deposit of net salary, hourly wages, or travel reimbursements to an employee’s individual bank or financial institution account by electronic means.
Off-Cycle Check: A check for wages generated at any point in the calendar month other than an established pay day.
Immediate Supervisor: A supervisor who establishes performance expectations, coaches, develops, and assesses the performance of a subordinate employee.
Paycheck: A check for net pay and a statement indicating the amount of gross pay, authorized deductions, and, if applicable, leave balances.
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.
Terminal Leave Pay: Payment for accrued, but unused, Annual Leave upon an employee’s separation from employment with the System Office or technical college. Terminal Leave Pay is not generated in response to an employee’s transfer to another Executive Branch agency or to another technical college associated with the Technical College System of Georgia.
Other Reimbursement: Expenses (i.e., meals, lodging, mileage, transportation, and miscellaneous expenses) reimbursed consistent with the Statewide Travel Regulations developed by the Office of Planning and Budget and State Accounting Office Regulations and, as applicable, technical college procedures/processes.
IV. Attachments

- Attachment A Direct Deposit Authorization Agreement (Technical College)
- Attachment B Direct Deposit Authorization Agreement (System Office)
- Attachment C Direct Deposit Notification Form (Technical College)
- Attachment D Direct Deposit Notification Form (System Office)
- Attachment E Direct Deposit Personal Exemption Request Form (Technical College)
- Attachment F Direct Deposit Personal Exemption Request Form (System Office)

V. Procedures

A. Participation:

1. Any individual hired or rehired on or after May 1, 2010 in a salaried or hourly paid position shall, as a condition of employment, complete the appropriate Direct Deposit Notification Form (Attachment C or D) and must enroll in direct deposit within thirty (30) calendar days from the effective date of his/her appointment. A new or rehired employee has an opportunity to request an exemption using the process outlined in paragraph V.B.; however, if he/she fails to meet the above referenced standards or maintain participation in direct deposit throughout the duration of his/her employment, he/she shall be subject to disciplinary action up to and including dismissal.

2. All employees hired prior to May 1, 2010 and not currently participating in the direct deposit program should enroll no later than June 1, 2010. Any employee who fails to enroll within this time period or who fails to request an exemption shall continue to receive a paper check for all associated wages. However, beginning July 1, 2010, all subsequent paper checks will be mailed directly to the employee by the State Accounting Office. The mailing will not occur until the System Office’s or employing technical college’s established pay day(s).

3. To initially enroll in direct deposit, an employee must complete a Direct Deposit Authorization Agreement (Attachment A or B).

4. No mandatory annual leave balance shall be established to govern an employee’s initial or continued participation in the direct deposit program.

5. Based on a recommendation of an employee’s immediate supervisor or reviewing manager, the System Office or technical college’s Office of Human Resources may temporarily discontinue an employee’s participation in the direct deposit program if the salaried employee has a low leave balance and is likely to be placed in a Leave Without Pay status for one or more scheduled work days during an established pay period due to previous or scheduled, authorized or unauthorized absence(s). All paper check(s) generated as a result of this action shall be processed consistent with State Accounting Office guidelines referenced in Paragraph V.B.6.

A. Personal Exemption Requests

1. An individual/employee desiring to be exempt from the direct deposit mandate must submit a Direct Deposit Personal Exemption Request Form (Attachment E or F) to the State Accounting Office by facsimile (770-359-5944) or electronic mail (stateaccountingoffice@sao.ga.gov). A copy of the Request Form should be provided to the System Office/Technical College Office of Human Resources.
2. All newly hired or rehired employees must submit Attachment E or F within thirty (30) calendar days of the date of his/her appointment. As noted in Paragraph V.B.3., employees hired prior to May 1, 2010 must submit an exemption request on or before June 1, 2010 by facsimile or electronic mail.

3. If an employee’s justification for requesting an exemption is that he/she is unable to obtain a bank account, the employee must submit a letter or other documentation from a financial institution supporting this contention with the completed Direct Deposit Personal Exemption Request Form.

4. If the basis for an employee’s exemption request is an extreme hardship, a letter to the State Accounting Officer should accompany the completed Direct Deposit Personal Exemption Request Form.

   Note: Neither personal preference; concerns regarding any costs associated with establishing and/or maintaining a bank account; or, a desire to withhold compensation-related information from a spouse or other joint account holder, will constitute an extreme hardship for purposes of receiving an exemption.

5. The State Accounting Officer shall make a decision on the appropriateness of an exemption request no later than fifteen (15) business days following receipt of the Direct Deposit Personal Exemption Request Form. The State Accounting Officer shall correspond directly with the employee via electronic mail regarding his/her decision.

6. Upon receipt and as outlined in the State Accounting Officer’s electronic mail message (e-mail), the employee should provide a copy of the e-mail to his/her Office of Human Resources.

7. As referenced in Paragraph V.A.2., an employee granted an exemption will receive a paper check which will be mailed to his/her home mailing address by the State Accounting Office. The check will be dated and mailed on each scheduled System Office/technical college pay day.

   Note: It is an employee’s responsibility to ensure that his/her mailing address in the Employee Self Service Module of the Team Georgia connection is accurate.

8. The State Accounting Office assumes no responsibility for any delay associated with an employee receiving his/her paycheck via the United States Postal Service or its equivalent.

   Note: If a paycheck is lost in the mail, an employee may have to wait up to seven (7) business days before a replacement check can be issued and mailed.

B. Business Exemption Requests

1. The State Accounting Officer may authorize a business exemption for a given employee or category of employees to accommodate the special business needs of an organization’s payroll processing activities (e.g., payment cancellations and re-writes, limited employment period of affected employees, a given category of employees not eligible for direct deposit, etc.).

2. A request for a business exemption may be initiated by the System Office for one or more employees or on behalf of all technical colleges for a given category of employees. A technical college may submit a request on behalf of one or more employees. Justification for the business exemption should comply with applicable State Accounting Office guidelines referenced in Paragraph V. C. 1.
3. A Business Exemption Request should be submitted to the State Accounting Office for consideration via electronic mail (e-mail) to the following e-mail address: stateaccountingoffice@sao.ga.gov

4. The e-mail should contain the basis for the request as well as the name of each employee to be exempted as well as his/her employee ID#, and mail drop ID#.

5. The State Accounting Officer or his/her designee will respond to the request by e-mail within the time frame established for personal exemption requests (Paragraph V B.5.). If a request is approved, the exemption will remain in effect until the System Office or technical college informs the State Accounting Office to discontinue the exemption.

6. It will be responsibility of the System Office/technical college Office of Human Resources or technical college Business Office to regularly update the State Accounting Office regarding changes to the list of exempted employees using the format referenced in Paragraph V. C. 4. Included should be the name(s) of all individual(s) to be added to the exemption list as well as those name(s) which should be removed.

7. Paper checks will be issued to all exempted employees in the same manner as for employees receiving a personal exemption (i.e., Paragraph V. B. 6.).

8. The State Accounting Office assumes no responsibility for any delay associated with an employee receiving his/her paycheck via the United States Postal Service or its equivalent.

   Note: If a paycheck is lost in the mail, an employee may have to wait up to seven (7) business days before a replacement check can be issued and mailed.

D. Administration

1. The following checks will not be automatically deposited into an employee’s account:
   a. The first check following enrollment in the direct deposit program;
   b. The first check after an employee authorizes any change to his/her personal account(s), including a change of banks or financial institutions, changes to the routing number and account numbers of an existing account or, after opening a new account at his/her current bank, financial institution, credit union, etc.;
   c. An off-cycle paycheck.

2. At the discretion of the System Office or employing technical college, a departing employee’s terminal leave pay may be delivered through direct deposit if the projected annual leave payout will occur at the conclusion of a normal payroll cycle, the projected amount accurately reflects the employee’s final leave balance, and the System Office/technical college exit process has been completed, including the return of all assigned State property (e.g., equipment, keys, ID, etc.) and materials associated with the position held.

3. Consistent with the provisions of the Direct Deposit Authorization Agreement, the System Office or technical college is authorized to adjust any over/under deposit made to an employee’s account.

E. Change(s) to a Direct Deposit Agreement:

1. An employee currently participating in the direct deposit program may add a new direct deposit account, cancel an existing direct deposit account, or modify an existing direct deposit (e.g. change the amount being deposited into an account) by accessing the Employee Self Service module under the Team Georgia Connection; selecting the Self
Service Option of the TeamWorks Menu; selecting the Payroll and Compensation Option; and, lastly, selecting the Direct Deposit option.

2. Any System Office or technical college employee with an active garnishment must notify his/her Office of Human Resources or, as applicable, the technical college Business Office before making any change(s) to his/her current direct deposit agreement.

3. When an employee processes a change to his/her initial direct deposit agreement through an electronic transaction as provided in Paragraph V. D. 1., he/she should print a copy of the change (i.e. a print screen of the specific page) and provide the document to the System Office of technical college Office of Human Resources or, as applicable, the technical college Business Office for placement in his/her personnel file.

**VI. Records Retention**

A completed Direct Deposit Authorization Agreement shall be maintained in an employee’s official personnel file with all other employment-related documents.

*Revision Approved by President’s Council July 13, 2010*

Direct Deposit Authorization Form can be found at GNET under Payroll Forms at [http://gnet2.gntc.edu/](http://gnet2.gntc.edu/) along with the Direct Deposit Policy.

Liz Shields Payroll Coordinator
Floyd County Campus Business Office A137c
706-295-6950 ~ lshields@gntc.edu
OVERTIME AND COMPENSATORY TIME

The Department shall comply with the Fair Labor Standards Act. Employees who are not exempt from the provisions of the Act shall be compensated for all hours worked over 40 during any regular workweek.

Whenever possible, supervisors shall schedule work so that employees, who must work more than the normal number of hours during a particular day, will be given compensatory time during the remainder of the work week and thereby keep the total number of hours worked to 40 or less.

If it is necessary for non-exempt employees to work more than 40 hours in any workweek, they may be given compensatory time, at a rate of one and one-half hours for each overtime hour worked. The maximum number of hours of compensatory time in lieu of cash that most employees may accrue per calendar year is 240. Alternatively, such employees may be paid overtime pay at a rate of one and one-half times their regular hourly rate for all hours worked over 40 during any regular work week.

Executive, Administrative, and Professional Employees are exempt from the Act and are not entitled to overtime or compensatory time at the overtime rate. In appropriate circumstances, supervisors may provide their exempt employees with compensatory time at the regular rate when the employee has had to work an extraordinary amount of hours beyond their normal schedule.

HEALTH AND FLEXIBLE BENEFITS

STATE HEALTH BENEFIT PLAN

The State Health Benefit Plan (SHBP) provides health insurance coverage to state employees, school system employees, retirees and their dependents. The Georgia Department of Community Health's Public Employee Health Benefits Division is responsible for day-to-day operations.

www.dch.georgia.gov/shbp
Post Office Box 1990, Atlanta, Georgia 30301-1990
(404) 656-6322 • (800) 610-1863
Secure Fax: (866) 828-4796

FLEXIBLE BENEFITS PROGRAMS

GaBreeze gives employees direct, easy access to their benefits information. Ask questions, get help making decisions and enroll in or make changes to your flexible benefits.

You Can:

- Review your current Flexible Benefits coverage.
- Update your Flexible Benefits after a qualified status change.
- View your plan for details.
- Search for in-network dentists, vision care providers, and facilities near you.
- Download Flexible Benefits claim forms.
- Enroll in Flexible Benefits during annual enrollment.

Go to www.team.georgia.gov and click on Flex-GaBreeze tab or www.gabreeze.ga.gov to access GABreeze. The first time you will register as a New User. You will be prompted to set up your user profile by entering identifying information.
RETIREMENT

State employees have the option upon hire to select one or two state retirements.

You may Access retirement information by accessing the member’s guide or handbook at the following links:

Teachers Retirement System of Georgia Member’s Guide
http://www.trsga.com/publications.aspx

Employees’ Retirement System of Georgia Handbook

If you have any questions, please contact Human Resources at: 706-295-6959, 706-295-6592 or 706-764-3862.

GEORGIA DEFINED CONTRIBUTION PLAN

Georgia Defined Contribution Plan provides that temporary, seasonal and part-time employees who are not eligible for membership in the Employees’ Retirement System (or Teachers’ Retirement System) must contribute to the Georgia Defined Contribution Plan.

Eligible Department employees accrue annual, sick and personal leave as indicated in this procedure. Absences from work will be charged to accrued leave, only on days on which employees would otherwise work and receive pay. Employees are to be charged leave only for the time during which they are absent from work and are not to be required to remain away from duty as a matter of convenience for the purpose of charging leave. Leave shall not be used before it is accrued.

I. Annual Leave
A. Eligibility
1. Full-time employees, and part-time classified and unclassified employees who are scheduled to work at least twenty (20) hours per week are eligible to accrue annual leave UNLESS they are:
   - Hourly
   - Temporary, or
   - State re-employed ERS/TRS retired employees
2. Part-time employees scheduled to work fewer than twenty (20) hours per week do not accrue annual leave.

B. Accrual
Eligible employees accrue annual leave at the end of each pay period provided they are in pay status for the required amount of time. Accrued annual leave will be available for use at the beginning of the pay period after it is earned.
1. Eligible full-time employees, compensated on a semi-monthly basis shall accrue annual leave at the end of each semi-monthly pay period provided they are in pay status for at least forty (40) hours. A full-time employee compensated on a monthly basis shall accrue annual leave at the end of each monthly pay period provided the employee is in pay status for eighty (80) or more hours during the pay period. This minimum period is prorated for part-time employees by the percentage of time worked.
   Note: The percentage of time worked is determined by dividing the scheduled work hours per week by forty (40).
2. Eligible employees who are not in pay status for the minimum amount of time in a pay period do not accrue annual leave for this pay period.
3. Eligible employees accrue annual leave at the following rates, depending on length of continuous service:
   * Full-time employees:
     - 5 hours per pay period 0 - 60 months (inclusive) semi-monthly
     - 6 hours per pay period 61 - 120 months (inclusive) semi-monthly
     - 7 hours per pay period 121 months and greater semi-monthly
     - 10 hours per pay period 0 - 60 months (inclusive) monthly
     - 12 hours per pay period 61 - 120 months (inclusive) monthly
     - 14 hours per pay period 121 months and greater monthly
   Note: The “length of continuous service: begins on the first day an employee reports for work in a position entitled 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, and employees begin to accrue annual leave at the lowest semi-monthly accrual rate.

When the first day of the pay period is a regularly scheduled non-work day and an employee reports to work on the first workday of the pay period, the length of continuous service is calculated from the first day of the pay period.

- Eligible part-time employees accrue annual leave at the end of each semi-monthly pay period at the rates specified for full-time employees prorated by the percentage of time worked. (e.g., an employee in pay status for thirty (30) hours per week accrues 75% of the full-time accrual amount). Leave is carried to three (3) decimal places.
- Eligible employees begin accruing annual leave at the appropriate higher rate on the first day of the pay period after completing the required months of continuous service

C. Forfeiture of Annual Leave

Eligible employees can accumulate up to a maximum of 360 hours of annual leave. Any annual leave in excess of 360 hours is placed in a forfeited status, but may be restored in cases of illness or disability. Leave accrued beyond 360 hours is forfeited at the close of business on the last day of the month.

D. Use of Annual Leave

1. Annual leave may be used for any purpose.
2. Unless an emergency situation exists, employees must request and receive approval from their supervisors before using annual leave.
3. Employees are responsible for planning time off well in advance and notifying their supervisors as soon as possible in order to minimize the interruption to work flow while employees are away.
4. Employees are not required to give specific reasons for requesting annual leave, unless a situation such as the following applies:
   - The leave is for an unscheduled/emergency absence
   - The Department or Technical Colleges are short staffed or have a major assignment pending, or
   - The employees are under the restrictions of an Attendance Plan

   Note: Employees involved in direct classroom instructional activities should restrict annual leave request to periods when classes are not in session.

Employees may be required to use FLSA compensatory time before using annual leave.

E. Scheduling Annual Leave

1. Supervisors are responsible for scheduling annual leave. Prior to approving requests for annual leave, they must consider factors, including, but not limited to:
   - Workloads
   - Deadlines
   - Priorities
   - Office coverage
   - Leave requested by other employees
2. Supervisors should make reasonable efforts to grant employees’ annual leave requests; however, supervisors are not required to grant requested annual leave when the leave would:
   - Disrupt work schedules
   - Leave an office uncovered
   - Inconvenience the work force or public, or
   - Contribute to employees’ not meeting performance expectations
3. Emergency annual leave requests should be reviewed on a case-by-case basis. Supervisors are to determine whether the absence will be charged to annual leave or unauthorized leave without pay.

F. Terminal Leave
When employees have a break in service, all accrued and unused annual leave that has not been forfeited, up to a maximum of 360 hours, will be paid in lump sum to the employees.
1. When a separation date has been set administratively to permit employees to be paid for terminal leave, the pay status of employees will not be extended for the purpose of granting a holiday or an un-anticipated non-work day occurring after the last day in pay status.
2. When employees notify supervisors of separation, they must not be continued on the payroll in leave with pay status for the purpose of increasing the rate of leave accrual or the rate at which accrued leave would be paid.
3. Terminal leave is paid at the salary rate of the employee.
   Note: Forfeited annual leave is not considered terminal leave, and is lost when there is a break in service. (If employees return to state government, forfeited annual leave may be used for retirement credit purposes (Employee Retirement System). An “break in service” is a separation from service for a period of one or more days.
   Leaves of absence without pay and suspensions are not considered breaks in service.

II. Sick Leave
Full-time classified and unclassified employees, and part-time classified and unclassified employees who are scheduled to work at least twenty (20) hours per week are eligible to accrue sick leave UNLESS they are:
- Hourly
- Temporary, or
- State re-employed ERS/TRS retired employees
Part-time employees scheduled to work fewer than twenty (20) hours per week do not accrue sick leave.

A. Accrual
Eligible employees accrue sick leave at the end of each pay period provided they are in pay status for the required amount of time. Accrued sick leave will be available for use at the beginning of the pay period after it is earned.
1. Eligible full-time employees accrue five (5) hours of sick leave at the end of each semi-monthly pay period provided they are in pay status for at least forty (40) hours.
The accrual rate does not increase with years of service. Eligible full-time employees accrue ten (10) hours of sick leave at the end of each monthly pay period provided they are in pay status for at least eighty (80) hours. The accrual rate does not increase with years of service.

2. The rate of accrual and minimum period during which part-time employees must be in pay status in order to accrued sick leave at the end of the pay period are prorated by the percentage of time worked. Leave is carried to three (3) decimal places.

3. Eligible employees who are not in pay status for the minimum amount of time in a pay period do not accrue sick leave for that pay period.

4. Eligible employees can accumulate up to a maximum of 720 hours of sick leave. Any sick leave in excess of 720 hours is placed in a forfeited status, but may be restored in cases of illness or disability. Leave accrued beyond 720 hours is forfeited at the close of business on the last day of the month.

Note: If employees return to state government, sick leave may be used for retirement credit purposes for Employee Retirement System and Teachers Retirement System. If a TRS member returns to state government, forfeited leave may be used for TRS retirement credit purposes.
If an ERS member returns to state government, forfeited annual leave, forfeited sick, and accrued sick leave left on the books at the time previous employment terminated may be used for ERS retirement purposes.

B. Use of Sick Leave
1. Upon receiving supervisory approval, an employee may use sick leave for absences due to the following:
   - Personal illness or disability
   - Exposure to contagious disease, when attendance on duty would endanger the health of others
   - Dental or medical care, and
   - Dental or medical care, illness, accident or death in the immediate family that requires the employee’s presence
   Note: “Immediate family” includes the employee’s spouse, child, parent, brother and sister. “Immediate family” also includes any other person who resides in the employee’s house AND is recognized by law as a dependent of the employee.

2. Sick leave for medical and dental care should be limited to the time necessary for the appointment(s) and related to travel.

3. Employees who are injured/ill for at least three (3) workdays during a period of annual leave may substitute sick leave for annual leave during the period of injury/illness.
   Note: In order to substitute sick leave for annual leave, employees must submit a request to their supervisor within two (2) weeks of returning to work. A statement from their health care provider that justifies the use of sick leave must be provided.

4. Employees who are receiving short-term and long-term disability insurance benefits through the Flexible Benefits Program cannot use sick leave at the same time. (Employees may use sick leave during the qualifying period). Employees must request to use annual or personal leave or request to be placed in a leave without pay status in order to receive short-term or long-term disability insurance payments.
5. Employees may request to use FLSA compensatory time in lieu of sick leave. Employees are not, however, required to use FLSA compensatory time prior to sick leave.

6. When there is a break in service, accrued sick leave balances are lost. Forfeited leave is also lost when there is a break in service. If employees return to state government, lost sick leave balances and forfeited sick leave may be used for service credit purposes [Employee Retirement System & Teachers Retirement System].

C. Sick Leave Request

Employees are to contact their supervisor or other designated official as soon as possible when sick leave is needed.

*Note: When employees are incapacitated, supervisors may accept calls regarding the employees’ status from other individuals.*

Technical College System of Georgia Colleges may establish procedures for requesting sick leave based on the needs of the organization.

D. Evidence for Use of Sick Leave

1. Employees may be required to report each day by telephone to their supervisor or other designated official and to provide satisfactory evidence for the use of sick leave.
   - Satisfactory evidence may include a **CERTIFICATION OF SERIOUS HEALTH CONDITION** form or other medical statement with similar information, completed by the attending health care provider when the reason for leave qualifies as a serious health condition under family leave.
   - Employees cannot be required to provide evidence for use of fewer than 17 hours of sick leave in a 30 calendar day period, **unless** they have demonstrated excessive or abusive use of sick leave.

2. Excessive and/or abusive use of sick leave is considered a pattern of intermittent, short-term use of sick leave. Establishment of this pattern includes, but is not limited to:
   - Frequent use of sick leave in conjunction with holidays, scheduled off days or distribution of paychecks
   - Frequent use of sick leave when scheduled for undesirable temporary shifts or assignments, or during periods of peak workload
   - Requesting sick leave for an absence for which annual leave has previously been denied
   - Frequent occurrences of illness during the workday
   - Peculiar and increasingly improbable excuses
   - Repetitive use of fewer than 17 hours of sick leave in a 30 calendar day period
   - Prior written notification of failure to adhere to procedures for approval of leave, inappropriate attendance, or inappropriate use of leave (e.g., Attendance Plan)

3. An opinion from a health care provider of the department’s choice may be sought if questions arise regarding an attending health care provider’s statement. Approval must be received from the Department’s Director of Human Resources prior to seeking this opinion.

E. Medical Examination
Under limited circumstances and ONLY with the approval of the Department’s Director of Human Resources and the appropriate administrators (see note below), an authorized official may direct an employee to undergo a medical (physical and/or psychiatric) examination at the expense of the department. This examination may be required prior to allowing use of accrued leave, granting a leave of absence without pay (regular or contingent) or prior to allowing an employee to return from leave or be returned from a leave of absence without pay. The Agency may set a timeframe allowing the employee to complete this request.

Note: After pre-approval by the Director of Human Resources, positions within the Technical College System of Georgia Colleges that can authorize medical examinations are:
- President
- Commissioner

1. The employee is required to release the results of the medical examination to an authorized official. The results must be considered confidential and are to be shared with individuals only on a “need to know” basis.
2. Upon receipt of the results, a determination regarding requested leave, leave of absence without pay or return will be made.
3. If a determination is made not to allow an employee to return to duty, appropriate action, which includes but is not limited to, the following should be taken.
   - The employee may be allowed to use accrued leave
   - The employee may request and be granted a regular or contingent leave of absence without pay
   - The employee may be referred to a treatment program
4. If a determination is made to allow an employee to return to duty, the employee will be returned with or without reasonable accommodation.

F. Sick Leave Denial
Sick leave may be denied for reasons including, but not limited to, the following:
- Excessive or abusive use of sick leave (See EVIDENCE FOR USE OF SICK LEAVE section of this procedure)
- Failure to follow procedures for reporting the absence or requesting the use of leave; or
- Falsification of documents

Supervisors should carefully review the request prior to denying the sick leave, and should be able to support the decision to deny the request.

III. Personal Leave
A. Eligibility
Employees who have accumulated more than 120 hours of sick leave as of November 30 of any year are eligible to convert up to 24 hours of sick leave in excess of 120 hours to personal leave. This conversion must be made no later than December 31 of that year for use in the following year.

B. Conversion Process
Eligible employees must provide written notification prior to the Technical College System of Georgia deadline of their intent to convert up to 24 hours of sick leave to personal leave for the next calendar year.

*Note: Once sick leave is converted to personal leave, it cannot be changed back.*

C. **Use of Personal Leave**
1. Personal leave may be used by employees for any reason upon receiving supervisory approval of the leave request.
2. Employees may request to use FLSA compensatory time in lieu of using personal leave.
3. Personal leave is only available for use by employees during the calendar year following the conversion request. Any personal leave that is not used during that calendar year (*by December 31*) is lost.
4. When there is a break in service, personal leave is lost.

D. **Personal Leave Request**
1. Normally, employees will need to provide at least 24 hours advance notice of intent to use personal leave.
2. Employees are not required to give specific reasons for requesting personal leave, unless a situation such as the following applies:
   - The leave is for an un-scheduled/emergency absence
   - The Technical College System of Georgia Colleges organizational unit is short staffed or has a major assignment pending, or
   - The employees are under the restrictions of an Attendance Plan
     *Note: Employees involved in direct classroom instructional activities should restrict personal leave request to periods when classes are not in session.*
3. Supervisors must make every reasonable effort to grant requests to use personal leave before the December 31 deadline.

IV. **General Provisions**
A. **Limitations on use of Accrued Leave**
Employees cannot use accrued annual, sick or personal leave during periods of absence in which they are receiving state-funded wage substitutes, including but not limited to Workers’ Compensation benefits.

B. **Forfeited Leave and Leave Restoration**
Eligible employees can accumulate up to a maximum of 360 hours of annual leave. Any annual leave in excess of 360 hours is placed in a forfeited status, but may be restored in cases of illness or disability. Leave accrued beyond 360 hours is forfeited at the close of business on the last day of the month.

Eligible employees can accumulate up to a maximum of 720 hours of sick leave. Any sick leave in excess of 720 hours is placed in a forfeited status, but may be restored in cases of illness or disability. Leave accrued beyond 720 hours is forfeited at the close of business on the last day of the month.

1. Annual and/or sick leave forfeited during the current period of employment may be restored to employees as follows:
• When employees have exhausted FLSA compensatory time and all annual, sick and personal leave
• The absence from work is due to personal illness or disability of an immediate family member

2. Employees are to submit to their supervisors a request to have forfeited leave restored. A statement from the attending health care provider that supports the continuing absence from work is to be attached to the request.

3. Supervisors are to forward requests to restore forfeited leave to the appropriate administrative staff for review and approval.

4. Forfeited annual/sick leave can only be restored to cover the current absence from work due to the illness/disability of the employee or immediate family member.

C. Transfer of Leave
When employees transfer between positions entitled to earn leave without a break in service, accrued leave and forfeited leave transfer with the employees.

D. Dual Employment
Employees who are employed in two positions within state government at the same time, both of which are entitled to earn leave, accrue and use leave independently in each position. When employment ends in one of the positions, but not both, leave balances are handled as follows:

1. If the positions are in different state departments, terminal leave is paid for all accrued and unused annual leave. Any accrued sick and personal leave balances are lost.
2. If the positions are within the same state department, accrued leave balances are combined and available for use in the remaining position.

   Note: If leave balances exceed the maximum after they are combined, leave in excess of the maximum is placed in a forfeited status.

E. Creditable Service - Retirement
1. Employees who are members of the Employees’ Retirement System may receive creditable service toward retirement for forfeited annual and sick leave, sick leave balances that were previously lost due to a break in service and current accumulated and unused sick leave if these leave balances total at least 960 hours.
2. Employees who are members of the Teachers Retirement System may receive creditable service toward retirement for forfeited sick leave, sick leave balances that were previously lost due to a break in service and current accumulated and unused sick leave if the leave balance is at least 60 days. This eligibility is for employees retiring on or after July 1, 1998.

References
Rules of the State Personnel Board - Rule 18
III. U. 6. Leave

Revised: August 29, 2002
LEAVE DONATION

An eligible Department employee may request that other Department employees within the same business unit donate accrued annual, sick or personal leave for use by the recipient as sick leave. The donation of leave is voluntary. Donated leave can only be used by recipients for absences that qualify for sick leave. Donated leave cannot be requested or used by employees who are on contingent leave of absences without pay.

A. Eligible Recipient
To be eligible to solicit and receive leave donations, a Department employee must:
1. Have been continuously employed by a state agency for at least twelve (12) months in a position entitled to earn and use leave immediately preceding the request to solicit leave donations;
2. Have used all accrued and forfeited leave and all available compensatory time;
3. Have been on authorized leave without pay for eighty (80) consecutive hours prior to receiving donated leave;
4. Use the donated leave while absent ONLY for the sick leave purposes for which the donations were solicited (i.e., due to personal illness or disability of a spouse, child, parent, brother, sister or any other person who resides in the employee’s household and is recognized by law as a dependent of the employee);
5. Not have been on an attendance plan or illness for which Workers’ Compensation benefits may be received or a disability incurred while committing a felony or assault; and
6. Work in the same business unit (Technical College or Central Office) as the donor employee.
7. The Commissioner may waive any or all of these requirements.
   Note: Leave donations cannot be solicited after an employee returns to work in order to retroactively cover a period of absence. Due to the nature of intermittent leave, leave donations are also not appropriate to cover intermittent absences from work.

B. Eligible Donor
To be eligible to donate leave, a donor must:
1. Have been continuously employed for at least twelve (12) months by a state agency in a position entitled to earn and use leave;
2. Be a Department employee
3. Have a balance of at least sixty (60) hours of annual leave after donation, if donating annual leave
4. Have a balance of at least sixty (60) hours of sick leave after donation, if donating sick leave; and
5. Work in the same business unit (Technical College or Central Office) as the donor employee

C. Confidentiality
The identity of donors is confidential and will not be provided by individuals
administering the donation process to the recipient or to any other individual unless necessary to administer the donation or required by law.

D. Request
1. A Department employee may request to solicit leave donations no more than forty (40) calendar days prior to going into an authorized leave without pay status.
2. A completed Department Request to Solicit Leave Donations form must be submitted to the employee’s immediate supervisor by the employee (or the employee’s designee if the employee is unable to personally submit the request).
   a. The request must describe the reason for soliciting donated leave.
   b. A medical statement supporting the need for absence must be submitted with the request.
      
      Note: The medical information contained in the statement must be considered confidential and is to be shared with individuals only on a “need to know” basis. The statement is to be maintained in a confidential file separate from the employee’s personnel file.
3. The immediate supervisor is to forward the Department Request to Solicit Leave Donations form to the appropriate approving manager (e.g., Division/Office Director, Facility Superintendent/Administrator, Commissioner, College President) for review and approval.

E. Determination
1. Approval of a request to solicit leave donations is at the discretion of the approving Commissioner, Assistant Commissioner or President based on the provisions of this policy.
2. If the request to solicit leave donations is determined inappropriate, the employee will be notified in writing by the approving Commissioner, Assistant Commissioner or President, human resource/personnel representative or designee of the reasons for denial of the request.
3. If the request is determined appropriate, the approving authority will designate an employee who will develop a Department Solicitation For Leave Donations Notice to post and circulate.

F. Solicitation Notice
1. The Department Solicitation For Leave Donations Notice must include the following:
   a. Posting date
   b. The deadline to receiving leave donations
   c. The employee’s name and work location
   d. The reason leave donations are requested, and
   e. The office responsible for receiving leave donations
2. The employee, or the employee’s designee, must agree in writing that the solicitation notice is satisfactory prior to circulating the notice.
3. The approving manager, president, human resource/personnel representative or designee, will circulate the solicitation notice to the extent necessary in order to encourage donations for at least ten (10) work days.
Note: If employees do not receive the maximum amount of donated leave, they may request that the solicitation notice be circulated one additional time during the period of absence or within a three (3) month period, whichever is less, to encourage additional donations.

G. Making a Donation
1. Leave donations must be made in whole eight (8) hour increments. An employee may donate any amount of personal leave and any amount of annual leave, as long as a minimum balance of 60 hours remains. Up to 120 hours of sick leave can be donated by an employee in a calendar year, as long as a minimum balance of 60 hours remains.
2. 2. A donor must complete a Department Leave Donation Authorization form to:
   a. Authorize the deduction of leave from an accrued balance
   b. Identify the recipient, and
   c. Specify the type and amount of leave to be donated
3. 3. This completed form must be submitted to Personnel who maintains the leave records for the donor. Personnel will then do the following:
   a. Certify the donor’s leave balance(s)
   b. Make appropriate adjustments to the donor’s leave balance(s) on Daily Record Of Leave Used, or similar form.
   c. Provide the original of the Department Leave Donation Authorization form directly to the recipient’s human resource/personnel office, or other designated individual, by the posted deadline date. The donated leave will be added to the recipient’s sick leave balance.

   Note: The form may be faxed prior to mailing the original for information purposes.
   d. Report to the donor’s human resource/personnel office, or other designated individual, the amount of leave to be deducted from the donor’s leave balance(s) in the system.
4. The recipient’s human resource/personnel office, or other designated individual, will stamp the date and time of receipt on the Department Leave Donation Authorization form to determine the order of donations.

H. Crediting Donated Leave
1. All types of leave donations, up to a maximum of 520 hours, will be credited as sick leave to a recipient in the order received, and on an as needed basis.
   a. Multiple donations will be permitted for the same recipient; however, no recipient will be credited with more than 1,040 hours of donated leave in any consecutive two (2) calendar year period.
   b. If multiple donations are solicited for the same absence, for each solicitation, the following applies:
2. The recipient must submit a new Department Request to Solicit Leave Donations form, and
   a. A new Department Solicitation For Leave Donations Notice must be posted and circulated.
   b. The recipient will not be required to be in an additional authorized leave without pay status for a period beyond the eighty (80) hours required for the initial leave donation solicitation.
3. If multiple donations are solicited for different absences, the recipient must meet all requirements for soliciting leave donations for each solicitation, including the requirement to be on authorized leave without pay for eighty (80) consecutive hours prior to receiving donated leave.

4. Donations received after the maximum has been reached or after the posted deadline will not be accepted and will be returned to the appropriate donor(s).

5. While using donated leave, the recipient will accrue annual and sick leave if in pay status for the required number of hours in a pay period. This newly accrued leave must be used prior to continuing to use donated leave.

6. The recipient will be advised in writing by the appropriate human resource/personnel office, or other designated individual, of the amount of leave donated.

7. Each individual leave donation will be credited in its entirety. (See exceptions and limitations, below) Leave donated in excess of what is needed by the recipient will be returned to the donor(s); however, if a portion of a leave donation is needed, the remainder, up to forty (40) hours, will not be returned to the donor.

a. An exception occurs when a leave donation from one donor would result in over 520 hours being received. In this case, the recipient’s sick leave balance is credited up to the maximum, and the excess leave is returned to the donor.

b. Once a recipient has returned to duty, no more than forty (40) hours of previously donated leave may be retained for the recipient’s use.

I. Placement on Family Leave

1. An eligible employee who is using donated leave must be placed on available family leave, unless or until the twelve (12) work weeks of family leave has been used for the calendar year.

2. An employee may be placed on family leave without a request from the employee.

3. If an employee was receiving donated leave due to personal illness or disability, a statement from the attending health care provider releasing the employee to return to work is required.

4. The statement must show that the employee is able to return to work and perform the essential functions of the job with or without reasonable accommodation.

5. This statement must be submitted to the employee’s supervisor immediately upon return to work.

J. Prohibited Activity

1. No employee will threaten, coerce or attempt to threaten or coerce another employee for the purpose of interfering with rights involving the donation, receipt or use of leave. Such prohibited acts will include, but not be limited to, promising to confer or conferring a benefit such as an appointment, promotion or salary increase, or making a threat to engage in, or engaging in an act of retaliation against an employee.

2. Any employee who violates the Prohibited Activity Section will be subject to disciplinary action up to and including dismissal.

References

Rules of the State Personnel Board – Rule 30
Department Request to Solicit Leave Donations
Department Solicitation For Leave Donations Notice
Department Leave Donation Authorization

III. U. 6. Leave

Created: October 2, 2001; Revised: January 13, 2005
LEAVE OF ABSENCE WITHOUT PAY

Employees who are eligible for leave benefits may submit written requests for Regular or Contingent Leave of Absences Without Pay for specified periods. Leave of Absences Without Pay may be granted or denied at the discretion of authorized officials.

Leave of Absence Without Pay, if granted, should be for short periods of time, unless there are unusual circumstances that support an extended period of time. Leave of Absences Without Pay do not include brief absences charged to Short-term (Other) Leave Without Pay (30 calendar days or less). When absence from work is due to an event qualifying for leave under the Family and Medical Leave Act, employees should be placed on Family and Medical Act Leave (with or without pay) prior to placement on Regular or Contingent Leave of Absences Without Pay. If leave under the Family and Medical Act has been exhausted or is otherwise not available, employees may request Leave of Absence Without Pay.

Note: Approved Leave of Absences Without Pay do not cause a break in continuous service.

A. Regular Leave of Absence Without Pay
If a Regular Leave of Absence Without Pay is granted, the position which the employee occupied or a position of equal grade and pay is held for the employee’s return. At the expiration of the Regular Leave of Absence Without Pay, the employee will be reinstated without loss of any rights if the employee has complied with the terms and conditions outlined in the notice of approval.

B. Contingent Leave of Absence Without Pay
If a Contingent Leave of Absence Without Pay is granted, the position which the employee occupied is not held. The employee is entitled to reinstatement only if a "suitable vacancy", as defined in the notice of approval, is available at the expiration of the leave.

C. Requests
Employees are to submit written requests for Leave of Absences Without Pay through their supervisors to authorized officials. The requests must include the following information:
1. The type of Leave of Absence Without Pay (Regular or Contingent) desired
   Note: If not specified, an authorized official may designate the type of Leave of Absence Without Pay.
2. The reason for the Leave of Absence Without Pay
3. The start date
4. The return date, and
5. Any other relevant information (e.g., statement from attending health care provider)
Requests based on illness, disability or other medical condition of the employee, family member or others must include a completed Certification of Serious Health Condition for Family Leave form or similar statement from the health care provider which supports the
request for absence.

Note: Clarification may be required from the employee and/or attending health care provider prior to a determination based on the request for the Leave of Absence Without Pay.

D. Review
Requests for Leave of Absences Without Pay will be reviewed and determinations made based on the following:
1. Reasons for the Leave of Absence Without Pay
2. Amount of time requested
3. Employees' documented performance, behavior and attendance records
4. Needs of the organization, and
5. Employee's years of service

E. Medical/Psychiatric Examination
Under limited circumstances and ONLY with the approval of the Central Office's Director of Human Resources, an authorized official may direct an employee to undergo a medical and/or psychiatric examination at the expense of the department. This examination may be required prior to allowing use of accrued leave, granting a Leave of Absence Without Pay (Regular or Contingent), or prior to allowing an employee to return from leave or be reinstated from a Leave of Absence Without Pay.
1. An employee is required to release the results of the medical and/or psychiatric examination to an authorized official. The results must be considered confidential and are to be shared with individuals only on a "need to know" basis.
2. Upon receipt of the results, a determination will be made regarding the appropriate action to be taken. Appropriate action includes, but is not limited to, the following:
   a. Employee may be allowed to use accrued leave
   b. Employee may request and be granted a Regular or Contingent Leave of Absence Without Pay
   c. Employee may be referred to a treatment program, or
   d. Employee may be allowed to return to work with or without accommodation

F. Determination
Final approval of requests for Leave of Absences Without Pay is at the discretion of an authorized official.

Note: Leave of Absences Without Pay are generally approved for medical reasons which exceed the period covered by family leave and should be for short periods of time unless unique circumstances support a longer period of time. They should not be granted for reasons including, but not limited to, attending school (unless attendance is short-term AND directly benefits the department), relocation, incarceration, or acceptance of another job.
1. An authorized official is to provide written decisions to employees concerning requests for Leave of Absences Without Pay in a timely manner.
2. If a Leave of Absence Without Pay is granted, the notification is to specify the terms and conditions of the approval including what type of Leave of Absence Without Pay has
been approved (Regular or Contingent), the beginning and ending dates, and the terms for reinstatement (e.g., statement from the health care provider).

a. The written approval of a Regular Leave of Absence Without Pay must identify the location and job(s) which will be available for employees' return to work.

b. The written approval of a Contingent Leave of Absence Without Pay must include the following:
   * The organizational unit(s) within which a suitable vacancy must exist, and
   * The specific job(s) in the organizational unit which would represent a suitable vacancy.

*Note*: In order to be considered a "suitable vacancy" a position must be properly established, budgeted and have no other restrictions that must be resolved prior to filling the vacancy.

c. If an employee requests a Regular Leave of Absence Without Pay, and it is determined that it will not be approved, an authorized official must notify the employee that the request is denied. An authorized official may offer, if appropriate, the employee the opportunity to request a Contingent Leave of Absence Without Pay. An authorized official does not have the authority to place an employee on a Contingent Leave of Absence Without Pay when a specific request has not been received from the employee, except as provided in the *Note* on Page 1, Paragraph 1.1.

G. Notice of Return

Employees must notify authorized officials, verbally or in writing, of their intent to return to duty. This notification must be received prior to the expiration of the Leave of Absence Without Pay. Specific notification instructions may be included in the approval letter (e.g., notice will be required in writing, specific deadline date for receiving notice, etc.).

H. Workers' Compensation

Employees who are absent from work due to work-related injuries and/or illnesses covered under Workers' Compensation, may request to be placed on unpaid family leave, if appropriate, or leave without pay, rather than used accrued leave to cover the absence. The *Selection of Payment Option* form must be completed and submitted to the authorized official. Employees cannot receive both Workers' Compensation payments and salary due to using accrued leave for lost work time.

I. Benefits

1. While on a Leave of Absence Without Pay, employees may maintain health insurance coverage through the State Health Benefit Plan and continue their benefits through the Flexible Benefits Program.
   a. Employees should be advised of the cost for maintaining health insurance and any benefits through the Flexible Benefits Program, arrangements for making payments, and consequences for not making timely payments.
   b. The following forms must be completed and submitted to the Human Resource/Personnel Representative, as appropriate, to continue health insurance coverage:
* Request to Continue Health Benefits during Leave of Absence without Pay (Form MS66-003), and
* Disability Certification (Form MS66-005), if appropriate.

2. Employees with at least one year of participation in the Group Term Life Insurance Program under the Employees' Retirement System (ERS) may retain coverage while on Leave of Absence Without Pay. A request to continue coverage must be made in writing to ERS prior to beginning the Leave of Absence Without Pay. Coverage terminates if this written request is not filed.

   Note: Employees who accept employment outside of State Government or who are on active duty with the Armed Forces are not eligible to continue coverage.

J. Time Limitations
A continuous Leave of Absence Without Pay, which may include any combination of Regular, Contingent or Short-term (Other) Leave Without Pay, or unpaid family leave, cannot exceed 12 months.

K. Retaining Accrued Leave
Employees may request that accrued leave (all or part) be retained while on Leave of Absence Without Pay. Authorized officials should consider the reasons for the Leave of Absences Without Pay and the length of time requested before approving a request to retain accrued leave. Requests to retain accrued leave should be approved unless extenuating circumstances dictate otherwise.

L. Reinstatement
1. Prior to reinstatement of employees from Leave of Absences Without Pay due to their own illness, disability or medical condition, employees must provide a statement from the attending health care provider to the authorized official.
   a. The statement must indicate that the employee can resume the essential functions of the job, with or without reasonable accommodation.
   b. Each health care provider's statement indicating work accommodations will be reviewed on a case-by-case basis.

2. Employees may request to be reinstated prior to the expiration of approved Leave of Absence Without Pay. Authorized officials may approve requests for early reinstatement unless specific circumstances prevent approval.

3. Upon return from Leave of Absences Without Pay, employees retain previously accrued and unused leave.

4. In order for an employee to be reinstated from a Contingent Leave of Absence Without Pay, a "suitable vacancy" must be properly established, budgeted and have no other restrictions that must be resolved prior to filling the vacancy.

M. Extensions
An extension of a Leave of Absence Without Pay beyond the 12-month limitation may be granted by authorized officials if determined appropriate. If an extension is granted it will be on a Contingent Leave of Absence Without Pay basis only. Such an extension should be for a limited period of time and cannot be granted for more than 12 months.
Note: Authorized officials should only grant an extension for the employee's medical reasons and when the employee's condition and other factors indicate that the employee will be able to return to work.

1. Employees are to request extensions in writing. Only requests for a Contingent Leave of Absence Without Pay will be considered.
2. Requests for extensions must be accompanied by a statement from the attending health care provider which supports the request for the continued absence. (The Note under the Request Section may also be used for extensions)
3. Authorized officials are to either approve or deny requests in writing and must include the conditions of return.
4. If an extension is granted a statement should be included in the notice that approval of the request for extension does not extend health insurance coverage under the Flexible Benefits Program. The State Health Benefit Plan will provide information regarding continuing coverage through COBRA.
5. Employees must notify authorized officials, verbally or in writing, of their intent to return to duty. This notification must be received prior to the expiration of the Leave of Absence Without Pay or by the date specified in the approval notice.
6. At the expiration of the extension of the Contingent Leave of Absence Without Pay, employees will be reinstated without loss of any rights only if a suitable vacancy, as defined in the notice of approval, is available.
7. If reinstated, prior to returning to work, employees must submit to their authorized officials a statement from the attending health care provider which releases them to resume the essential functions of their job, with or without reasonable accommodation.

N. Creditable Service Toward Retirement
Members of the Employees' Retirement System who are on Leave of Absences Without Pay due to a physical or mental illness, sickness or disorder caused by a job-related disease/accident may submit a request to purchase up to 12 months of service in a five-year period by paying employee contributions plus interest within the first six months of return to duty.

Members of the Teachers' Retirement System who are in inactive status may submit a request to purchase service if they meet appropriate eligibility. See TRS booklet "Membership Status" or www.trsga.com

References
Certification of Serious Health Condition for Family Leave
Selection of Payment Option
III. U. 6. Leave

Created: October 2, 2001
MILITARY LEAVE

Military leave is a leave of absence from work while engaged in the performance of military duty and while going to and returning from such duty. A Request for Personnel Action/Leave Request Form is to be completed in order to place an employee on military leave. The form and a copy of the orders must be included in the employee's official personnel file.

A. Eligible Employees
All employees (except those employed on a temporary basis) who are or become members of the organized militia (e.g., National Guard, etc.) or any reserve force or component of the U.S. Armed Forces are eligible for a military leave of absence.

B. Notification
Supervisors must be notified of all military duty.
1. Employees are required to provide advance written or verbal notice along with a copy of the orders to their supervisors for all military duty. (Orders are issued for all military duty with or without the employee's consent)
2. In the event of an emergency that prevents advance notice, supervisors are to receive notification of ordered military duty as soon as possible.

Note: The following paragraphs describe when an employee is or is not paid for military leave.

C. Ordered Duty Without Consent
1. Eligible employees ordered to military duty without personal consent will be paid for up to 18 work days in a federal fiscal year (October 1 through September 30), not to exceed eighteen (18) workdays in one continuous period of such absence. Employees will not be required to use accrued leave during this period.
2. For any absence beyond eighteen (18) workdays, employees may request to use accrued annual and/or personal leave or be placed on leave without pay.

Note: If the Governor declares an emergency and orders employees to state active duty as members of the National Guard, the employees, while performing such duty, will be paid for up to thirty (30) workdays in a federal fiscal year, not to exceed thirty (30) workdays in one continuous period.

D. Ordered Duty With Consent
1. Eligible employees ordered to military duty with personal consent will be paid for up to eighteen (18) workdays in a federal fiscal year, not to exceed eighteen (18) workdays in one continuous period of such absence, if the period of ordered military duty does not exceed thirty (30) calendar days.
2. Eligible employees ordered to military duty with personal consent for a period exceeding thirty (30) calendar days are to be granted a leave of absence without pay for the entire period of absence. Employees may, however, request to use accrued annual and/or personal leave to cover the absence from work.
E. Attending Service Schools
1. Employees who are or become eligible for military leave may receive orders for attending service school(s) with or without personal consent.
2. Employees attending any service school(s) will be paid in accordance with this policy.

F. Enlistments or Inductions
1. Eligible employees who enlist or are inducted into the organized militia or any reserve force or component of the U.S. Armed Forces, and are ordered to active duty, active duty for training or inactive duty training are entitled to leave of absences from work as provided by law. Such leave of absences are without pay; however, employees may request to use accrued annual and/or personal leave to cover the absences from work.
2. Employees who receive orders to report for any pre-induction or other examination to determine physical or other fitness for service are entitled to leave of absences from work as provided by law. Such leave of absences are without pay, however, employees may request to use accrued annual and/or personal leave to cover the absences from work.

   Note: Time spent on military leave is not a break in continuous employment. An employee on military leave is eligible for rights and benefits provided by Federal and State laws, and other benefits provided by the Department.

G. Return to Work
1. Employees whose cumulative absences from work while on military leave have not exceeded five (5) years are entitled to return to work upon completing military duty as required by law.

   Note: Certain types of service do not count toward the five-year limitation. The Office of Legal Services and/or Human Resources should be contacted when employees have accumulated absences from work for military leave that exceeds five (5) years.
2. The Department is not required to re-employ individuals who were employed with Technical Colleges on a temporary basis (e.g., a brief, non-recurrent period).
3. In order to be eligible for re-employment, employees are to do the following:
   a. If the period of military duty was 30 calendar days or less or military leave of any length was for examination purposes to determine fitness to perform service, employees must report to work the first scheduled work day after an eight-hour period following the completion of military duty and returning home.
   b. If the military duty was for more than 30 calendar days, but did not exceed 180 calendar days, employees must submit a written notice for re-employment to their supervisors, or other designated officials, within 14 calendar days of completing military duty.
   c. If the military duty was for more than 180 calendar days, employees must submit a written notice for re-employment to their supervisors, or other designated officials, within 90 calendar days of completing military duty.
4. Employees who are hospitalized or are recovering from an illness or injury as a result of the military duty are to report for duty or apply for re-employment as described above.
upon recovering from the illness or injury. The period of recovery may not exceed two (2) years.

5. Upon timely notice following the satisfactory completion of military duty, employees will be returned to work as follows:
   a. If the military leave was for 90 calendar days or less, an employee must be re-employed in a position in the same job category the employee would have held if military duty had not occurred, if qualified to perform the duties of the job category or able to become qualified with reasonable efforts by the Department. The employee's work status remains the same.
   b. If the military leave was for more than 90 calendar days, an employee must be re-employed in a position in the job category the employee would have held if military duty had not occurred, or another job category of like seniority, status and pay, if the employee is qualified to perform the duties of the job category or able to become qualified with reasonable efforts by the Department. The employee's work status remains the same.
   c. If an employee is not able to perform the duties of the job category with reasonable accommodation due to disability sustained or aggravated during the military service, the employee will be employed in another job category in the Department for which the employee is qualified and is able to perform the essential functions, with or without reasonable accommodation.

   Note: The Department is not required to return an employee from military leave if circumstances have drastically changed making it impossible or unreasonable to do so. (e.g., closing of a facility, reduction in force that would have included the employee, etc.)

References
U.S.C. Title 38, Chapter 43, Uniformed Services Employment and Re-employment Rights Act
O.C.G.A. §38-2-279
Rules of the State Personnel Board - Rule 18
Personnel Action Request
Personnel Leave Request Form
III. U. 6. Leave

Created: October 1, 2001
MISCELLANEOUS LEAVE

This procedure addresses leave with pay available to eligible employees for specific reasons. Eligible employees who are absent from work in accordance with the provisions in this procedure are not charged accrued leave or compensatory time for absences.

A. Court Leave
Court leave is available to eligible employees on all days that employees are summoned for jury duty, subpoenaed or otherwise ordered to attend a judicial proceeding by any Federal, State or Local Court. Court leave may also be used for out-of-state judicial proceedings.

1. Eligible Employees: Classified and unclassified employees who are scheduled to work on a day they are ordered to attend a judicial proceeding are eligible for court leave, unless they are litigants, defendants or other principal parties or have any other personal or familial interest in the proceedings.
   a. Employees not eligible for court leave, due to being litigants, defendants or other principal parties or for having other personal or familial interest in the proceedings, may request to use annual leave, personal leave, compensatory time or leave without pay in order to attend judicial proceedings.
   b. Employees who are required to appear in court on behalf of the department are in work status and are not to be placed on court leave.

Note: Questions regarding the granting of court leave in unique situations should be reviewed on a case by case basis with the Human Resource Manager and/or Vice President of Administration.

2. Notification: As soon as employees become aware of the need for court leave, they must provide documentation (e.g., a copy of the summons, subpoena or other judicial order) to their supervisor as a prerequisite for approval of court leave.

3. Time Allowed: Court leave includes the time that an employee's presence is actually required by the judicial proceeding and any reasonable time needed to prepare for and recuperate from the ordered duty. Employees are expected to report for work whenever the judicial proceeding schedule permits.

4. Penalties Prohibited: Employees will not be discharged, disciplined or otherwise penalized because of absences from work 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 attendance at judicial proceedings. In addition, court leave is to have no effect on performance evaluations.

B. Disaster Volunteer Leave
Qualified employees may be eligible for disaster volunteer leave with pay for up to 15 workdays in a 12-month period to participate in specialized disaster relief.

In order to qualify for disaster volunteer leave:
1. Employees must be certified disaster service volunteers of the American Red Cross.
2. There must be a disaster declared by the U.S. President or a State Governor of either
Georgia or a neighboring state with a reciprocal agreement, and
3. The American Red Cross must request the employee's services. Qualified employees are to submit requests for disaster volunteer leave to their supervisor. Requests will be reviewed and either approved or denied on a case-by-case basis as determined by the Commissioner, President, or his or her designee.

C. Grievance Preparation Time
Classified and unclassified employees eligible to file a grievance may be granted up to four (4) hours of work time, as approved by the supervisor, to file or process a grievance. A maximum of twelve (12) hours per calendar year may be approved as grievance preparation time.

D. Leave for Blood Donation
Employees may be granted leave with pay when donating blood and when donating blood platelets (the part of the blood that helps clotting) or granulocytes (white blood cells) through the phoresis process.

Note: Phoresis is a procedure in which blood is drawn from a donor and separated into its components, some of which are retained. The remainder is returned by transfusion to the donor.

1. Notification: Employees must request and receive prior approval from their supervisor to be away from the work area for blood donation.
2. Time Allowed: Time off for blood donation includes the time required to donate the blood, platelets or granulocytes and to recover from the donation.
   a. Up to two (2) hours per donation may be granted when employees donate blood.
   b. Up to four (4) hours per donation may be granted when the employees donate blood platelets or granulocytes through the phoresis process.
   c. Leave may be granted up to four (4) times per calendar year for each of the above types of blood donation.

E. Leave of Absence for Kidney Donation
A leave of absence with pay for thirty (30) calendar days will be granted to employees who donate a kidney for transplantation. This leave of absence will be included as service in computing any retirement or pension benefits.

1. Notification: Employees requesting a leave of absence to donate a kidney must provide to their supervisor or other designated official a statement from the medical practitioner performing the transplant or from the hospital administrator. This statement must certify that the employee is donating a kidney for transplantation. If the kidney donation does not take place, any absence will be charged to accrued leave or leave without pay.

F. Voting Time
Employees are to be permitted to take necessary time off for voting purposes. If the polls are not open either two (2) hours before or two (2) hours after employees' scheduled work hours, the difference in time may be granted as leave with pay for voting purposes.
Example: An employee's work hours are from 8:30 a.m. to 5:30 p.m. Since this schedule would not allow two (2) hours either before or after work for voting, this employee may be granted 30 minutes of time with pay for voting purposes, if needed.

If necessary, employees who are not eligible for this voting time with pay may request to use accrued annual or personal leave, compensatory time or leave without pay for voting purposes.

G. Administrative Leave
The Commissioner, an Assistant Commissioner or Technical College President may place any employee on administrative leave with pay when such action it is in the best interest of the Department.

H. Personal Leave
Employees who have accumulated more than 120 hours (15 days) of sick leave as of November 30 of any year may convert up to 24 hours (3 days) of the accumulation in excess of 120 hours (15 days) to personal leave. Written notification of such conversion shall be provided to the appropriate personnel office no later than December 31 of each year.

Personal leave shall be available for use by an employee during the calendar year following the year of conversion.

Subject to the approval of the Technical College President or Assistant Commissioner, personal leave may be used by the employee for personal reasons. The Technical College President or Assistant Commissioner shall make every reasonable effort to accommodate requests to utilize personal leave.

The use of personal leave shall be approved in the same manner as annual leave.

1. Limitations: Once an employee's election to convert sick leave to personal leave has been verified by the Personnel Director or Vice President of Administration, such election shall be irrevocable.

2. Personal leave shall be forfeited and not restored to the employee if not used by December 31 of the year in which such leave was available to the employee or upon termination of the employee during such year.

References
O.C.G.A. § 34-1-3
O.C.G.A. § 38-2-90 et. seq.
Rules of the State Personnel Board - Rule 18
III. U. 6. Leave

Created: October 2, 2001
FAMILY AND MEDICAL LEAVE

I. Policy
The Family and Medical Leave Act (FMLA) provides eligible employees the opportunity
to take job-protected leave for certain specified reasons. The maximum amount of leave
an employee may use is either 12 or 26 weeks within a twelve 12-month period
depending on the reasons for the leave.

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

III. Related Authority
29 C.F.R. Parts 825, Family and Medical Leave Act of 1993, Final Rule Published
November 17, 2008

IV. Definitions
Child (son or daughter): A biological, adopted, or foster child, a stepchild, a legal ward,
or a child of a person standing in loco parentis, who is either under age 18, or age 18 or
older and incapable of self-care because of a mental or physical disability at the time that
FMLA leave is to commence.
Child (son or daughter) of a Covered Servicemember: A biological, adopted, or foster
child, a stepchild, a legal ward, or a child of for whom the covered servicemember stood
in loco parentis, regardless of age.
Covered Servicemember: Is a member of the Armed Forces, including a member of the
National Guard or Reserves, who is undergoing medical treatment, recuperation, or
therapy, is otherwise in outpatient status, or is otherwise on the temporary disability
retired list for a serious injury or illness that may render him/her medically unfit to
perform the duties of the member’s office, grade, rank, or rating.
Covered Military Member: The employee’s spouse, son, daughter, or parent who is on
active duty or call to active duty status.
Health Care Provider: A doctor of medicine or osteopathy who is authorized to practice
medicine or surgery (as appropriate) by the State in which the doctor practices or any
other person determined by the Secretary of Labor to be capable of providing health care
services.
Others capable of providing health care services include only:
- Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors
  authorized to practice in the State and who are performing within the scope of their
  practice as defined in State law
- Nurse practitioners, nurse-midwives, clinical social workers, and physicians
  assistants who are authorized to practice under State law and who are performing
  within the scope of their practice as defined under State Law
- Christian Science Practitioners listed with the First Church of Christ, Scientist in
  Boston, Massachusetts. In these instances, the System Office or technical college
  may require a second and/or third opinion by a non-Christian Scientist practitioner
• Any health care provider from whom the State of Georgia Health Benefit Plan will accept certification for the existence of a serious health condition to substantiate a claim for benefits; and
• A health care provider as defined above who practices in a country other than the United States and who is licensed to practice in accordance with the laws and regulations of that country.

HIPAA: Health Insurance Portability and Accountability Act.

Immediate Supervisor: An individual charged with developing performance plans and managing and assessing the performance of employee(s) in those work unit(s) under his/her span of control.

Intermittent Leave: Leave taken in separate periods of time due to a single illness or injury.

Need to Care For: The physical and/or psychological care of a family member or covered servicemember in the following situations:
• The family member or covered servicemember is unable to care for his/her basic medical, hygienic or nutritional needs, safety, or is unable to travel to the doctor, etc.
• The family member or covered servicemember is receiving inpatient or home care and the employee is needed to provide beneficial psychological comfort and reassurance
• An employee is needed to substitute for others who are caring for the family member, or to make arrangements for changes in care such as transfer to a nursing home
• The family member’s or covered servicemember’s need for care is intermittent; or
• An employee is needed only intermittently (e.g., other care is normally available, or care responsibilities are shared with another caregiver, etc.)

Next of Kin: Is the nearest blood relative of a covered servicemember, other than the individual’s spouse, parent, son, or daughter in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and, first cousins, unless the servicemember has specifically designated, in writing, another blood relative as his or her nearest blood relative for purpose of Military Caregiver Leave.

Parent: A biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter (as defined in the term “Child”). This term does not include parents “in law”.

Parent of a Covered Servicemember: A biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember.

Qualifying Exigencies: Include activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements, etc., related to deployment, rest and recuperation, counseling, and post-deployment debriefings.

Reduced Schedule Leave: A leave schedule that reduces the number of hours in an employee’s established work week or a normal work day.

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.
**Serious Health Condition:** Is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility (i.e., inpatient care), or continuing treatment by a health care provider for a condition that prevents an employee from performing the functions of his/her job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, continuing treatment includes an incapacity of more than 3 consecutive, full calendar days and 2 visits to a health care provider within 30 days of the first day of incapacity or 1 visit to a health care provider and a continuing regiment of care; an incapacity caused by pregnancy or prenatal visits, a chronic condition, or permanent or long-term conditions; or, absences due to multiple treatments.

**Spouse:** A husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.

V. Attachments

- Attachment A Leave Request Form
- Attachment B Child’s Birth, Adoption, or Foster Care Form
- Attachment C Certification of Health Care Provider Form for Family Member’s Serious Health Condition
- Attachment D Certification of Health Care Provider Form for Employee’s Serious Health Condition
- Attachment E Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave
- Attachment F Certification of Qualifying Exigency for Military Family Leave
- Attachment G Notice of Eligibility and Rights and Responsibilities Form
- Attachment H FMLA Designation Notice
- Attachment I DOL Notice to Employees of Rights and Responsibilities under the FMLA

VI. Procedures

A. Employee Eligibility

To be eligible for FLMA leave, an employee must

1. Have worked at least 12 months for any State of Georgia agency, department, board, bureau, etc., in the preceding seven (7) years with the exception of any break-in-service occasioned by the fulfillment of an employee’s National Guard or Reserve military service obligation.

   *Note: The time served performing the military service must be counted in determining whether the employee has been employed for at least 12 months by the employer, but this provision does not provide any greater entitlement to the employee than would be available under the Uniformed Services Employment and Reemployment Rights Act (USERRA); and,*

2. Have worked at least 1,250 hours for any State of Georgia agency, department, board, bureau, etc., during the 12-month period immediately preceding the date FMLA leave is to begin except that an employee returning from fulfilling his/her National Guard or Reserve military obligation shall be credited with the hours-of-service that could have been performed but for the period of military service in determining whether the
employee worked the 1,250 hours of service. Additionally, an individual re-employed following military service has the hours that would have been worked for the employer added to any hours actually worked during the previous 12-month period to meet the 1,250 requirement.

*Note: To determine the hours that would have been during the period military service, the employee’s pre-service work schedule can generally be used for such calculations.*

**B. Qualifying Conditions**

1. FMLA leave may be taken for the following reasons
2. Birth of a child or to care for a newly-born child (up to 12 weeks)
3. Placement of a child with the employee for adoption or foster care (up to 12 weeks)
4. To care for an immediate family member (employee’s spouse, child, or parent) with a serious health condition (up to 12 weeks)
5. Because of an employee’s serious health condition that makes him/her unable to perform his/her job (up to 12 weeks);
6. To care for a covered servicemember with a serious injury or illness related to certain types of military service (up to 26 weeks). Refer to Paragraph VI. H. for additional information; or
7. To manage certain qualifying exigencies arising because the employee’s spouse, son, daughter, or parent is on duty under a call or order to active duty in the Armed Forces (e.g., National Guard or Reserves) in support of a contingency operation (up to 12 months). Refer to Paragraph VI. I for additional information.

The maximum amount of leave that may be taken in a 12-month period for all reasons is 12 weeks with the exception of leave to care for a covered servicemember which carries a maximum combined leave entitlement of 26 weeks. In these instances, leaves for all other reasons cannot constitute more than 12 of these 26 weeks.

**C. Identifying the 12-Month Period**

The TCSG and its associated technical colleges measure the 12-month period in which leave is taken by the “rolling” 12-month method, measured backward from the date of any FMLA leave with one exception. For leave to care for a covered servicemember, the TCSG and its technical colleges calculates the 12-month period beginning on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

**D. Using FMLA Leave**

Eligible employees may take FMLA leave in a single block of time, intermittently (in separate blocks of time), or by reducing their normal work schedule when medically necessary for the serious health condition of the employee or immediate family member, or for the injury or illness of a covered servicemember. Eligible employees may also take intermittent or reduced-scheduled leave for military qualifying exigencies. Unless approved by the Commissioner, Deputy Commissioner, applicable Assistant
Commissioner, or technical college President (or their designee), intermittent leave is not permitted for birth of a child, to care for a newly-born child or for placement of a child for adoption or foster care. Employees who require intermittent or reduced-schedule leave must attempt to schedule their leave so that it will not unduly disrupt system office or technical college operations.

E. Birth of a Child, Adoption or Foster Care
1. Family leave for a child’s birth, adoption or foster care will
   - Begin on the date the child is born unless the mother is previously incapacitated
   - In cases of adoption or foster care, begin on the date the employee’s presence is needed for the placement process to begin (e.g., consultation with attorneys or doctors, appearance in court, counseling sessions, etc.), or the date the employee takes actual custody of the child
   - Be completed within 12 months of the date of birth or placement
   - Total 12 weeks during any 12-month period when both parents are eligible TCSG employees.
   Note: Both parents are entitled to 12 weeks of family leave to care for a newborn, adopted, or foster child with a serious health condition.
2. Requesting family leave for a child’s birth, adoption or foster care
   - Submit a completed Request for Family Leave Form (Attachment A) as soon as the leave date (or approximate leave date) is known; and,
   - Submit a Documentation of a Child’s Birth, Adoption, or Foster Care Form (Attachment B). The Form must be filled out completely and signed by the treating health care provider/adoption attorney/child placement agency head.
3. Leave designation
   - For prenatal care, pregnancy, or a birth-related incapacity, an employee may request to use sick leave, annual leave, personal leave, or family leave without pay;
   - For an adopted or foster care child, an employee may request to use annual leave, personal leave, or request family leave without pay to make arrangements for the adoption or placement. Sick leave may be requested if such use for this purpose is consistent with the provisions of established State Board policy and applicable State Personnel Board Rules; and,
   - Unless a serious health condition is present or other event which supports the use of sick leave (pursuant to established State Board policy and applicable State Personnel Board Rules), only annual leave, personal leave, or family leave without pay may be used by an employee to care for his/her biological, adopted, or foster child during the first year after the child’s birth or placement
4. Intermittent or reduced schedule leave
   - Intermittent or reduced schedule leave will be permitted for an employee’s own incapacity related to pregnancy or prenatal care;
   - An employee may take intermittent or reduced schedule family leave to care for his/her new biological, adopted, or foster child when medically necessary as determined by a health care provider for a child’s serious health condition;
   - Decisions as to appropriate intermittent or a reduced schedule leave will be governed by a health care provider’s determination as to medical necessity; and,
A reviewing manager may require an employee to temporarily transfer to an available alternative position (with equivalent pay and benefits) that better accommodates recurring periods of absence.

F. Serious Health Condition of a Qualifying Family Member
1. Family leave for a qualifying family member’s serious health condition will begin on the date the employee’s presence is necessary to provide physical and/or psychological care for the family member. The employee’s family member must be incapacitated with a serious health condition.
2. An employee requesting family leave for the serious health condition of a family member must:
   - Make a reasonable effort, subject to the approval of a health care provider, to schedule the treatment or supervision of the family member so as not to unduly disrupt system office or technical college operations;
   - Submit a completed Request for Family Leave Form (Attachment A). If family leave is foreseeable, the Form should be submitted as soon as the projected date of leave is known; and,
   - Submit a completed Certification of Health Care Provider Form for Family Member’s Serious Health Condition (Attachment C). The Form must be filled out completely and signed by the health care provider.
3. In these instances, an employee may use sick leave (pursuant to established State Board policy and applicable State Personnel Board Rules), annual leave, personal leave, or family leave without pay.
4. Family leave for the serious health condition of a family member may not be taken on an intermittent basis or on a reduced leave schedule unless medically necessary as certified by a health care provider. The employee and his/her immediate supervisor and/or reviewing manager should attempt to develop a schedule that meets the needs of all parties without unduly disrupting system office or technical college operations. The reviewing manager may require the employee to transfer temporarily to an available alternative position (with equivalent pay and benefits) that better accommodates recurring period(s) of absence. Decisions as to appropriate intermittent or a reduced schedule will be governed by the health care provider’s determination of medical necessity.

G. Serious Health Condition of an Employee
1. Family leave for an employee’s serious health condition begins on the date the employee is unable to perform the essential functions of his/her position. To qualify for family leave, an employee must be incapacitated with a serious health condition.
2. An employee requesting family leave for his/her serious health condition must:
   - Make a reasonable effort, subject to the approval of a health care provider, to schedule his/her treatment so as not to unduly disrupt system office or technical college operations;
   - Submit a completed Request for Family Leave Form (Attachment A). If family leave is foreseeable, the Form should be submitted as soon as the projected date of leave is known; and,
- Submit a completed Certification of Health Care Provider Form for Employee’s Serious Health Condition (Attachment D). The Form must be filled out completely and signed by the health care provider.

3. An employee may use sick leave (pursuant to established State Board policy and applicable State Personnel Board Rules), annual leave, personal leave, or family leave without pay.

4. Family leave for an employee’s serious health condition may be taken on an intermittent or a reduced schedule basis if medically necessary as certified by a health care provider. The employee and his/her immediate supervisor and/or reviewing manager should attempt to develop a schedule that meets the needs of all parties without unduly disrupting system office or technical college operations. The reviewing manager may require the employee to transfer temporarily to an available alternative position (with equivalent pay and benefits) that better accommodates recurring period(s) of absence.

H. Military Caregiver Leave
1. Permits eligible employees to care for certain family members who have sustained serious injuries or illnesses in the line of duty while on active duty. The family member must be a “covered service member”.

2. Is not available to care for former members of the Armed Forces or the National Guard or Reserves, or for service members on the permanently disability retired list.

3. To be eligible for Military Caregiver Leave, an employee must be a spouse, son, daughter, parent, or next of kin of the covered service member and meet all other eligibility requirements.

4. An eligible employee may take up to 26 workweeks of Military Caregiver Leave to care for a covered servicemember in a single 12-month period. This period begins on the first day leave is taken to care for a covered servicemember and ends 12 months thereafter, regardless of the method used to determine leave availability for other FMLA-qualifying reasons. If an employee does not exhaust his/her 26 workweeks of leave during a “single 12-month period”, the remainder is forfeited.

5. Military Caregiver Leave applies on a per-injury basis for each servicemember. Therefore, an eligible employee may take separate periods of leave for each covered servicemember, and/or for each serious injury or illness of the same covered servicemember. No more than 26 workweeks of leave may be taken in any single 12-month period.

6. Within the single 12-month period, an eligible employee may take a combined total of 26 weeks of FMLA leave including up to 12 weeks of leave for any other FMLA-qualifying reason (e.g., birth of a child, the serious illness of a family member, a qualifying exigency, etc.). For example, during the “single 12-month period”, an eligible employee may take up to 16 weeks of FMLA leave to care for a covered service member when combined with up to 10 weeks of FMLA leave to care for a newborn child.

7. An employee requesting Military Caregiver Leave must:
   - Submit a Request for Family Leave Form (Attachment A). If the need for leave is foreseeable, the Form should be submitted as soon as the projected date of leave is known; and,
Submit a completed Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave (Attachment E). The Form must be filled out completely and signed by the health care provider within 15 days.

8. An employee may use sick leave (pursuant to established State Board policy and applicable State Personnel Board Rules), annual leave, personal leave, or family leave without pay in these instances.

9. Family leave for this purpose may be taken on an intermittent or a reduced schedule basis if medically necessary as certified by a health care provider. The employee and his/her immediate supervisor and/or reviewing manager should attempt to develop a schedule that meets the needs of all parties without unduly disrupting system office or technical college operations. The reviewing manager may require the employee to transfer temporarily to an available alternative position (with equivalent pay and benefits) that better accommodates recurring period(s) of absence.

I. Qualifying Exigency Leave

1. Eligible employees may take Qualifying Exigency Leave to manage certain “exigencies” arising out of a “covered military member’s” (i.e., the employee’s spouse, son, daughter, or parent) call or order to active duty.

2. Up to 12 weeks of Qualifying Exigency Leave is available in any 12-month period.

3. Although Qualifying Exigency Leave may be combined with leave for other FMLA qualifying reasons, the total of such leave cannot exceed 12 weeks in any 12-month period with the exception of military caregiver leave referenced in Paragraph VI. H.

4. Individuals who can be ordered to active duty include retired members of the Regular Armed Forces, certain members of the retired Reserve, and various other Reserve members, including the Ready Reserve, the Selected Reserve, the Individual Ready Reserve, the National Guard, State military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve.

5. Although Qualifying Exigency Leave is available to an eligible employee whose close family member is called up from status as a retired member of the Regular Armed Forces, it is not available for a close family member on active duty or on call to active duty as a member of the Regular Armed Forces.

6. A call to active duty refers to a federal call to active duty. A state call to active duty is not covered unless under order of the President of United States pursuant to applicable laws.

7. Qualifying Exigency Leave is available under the following circumstances:

- **Short-notice deployment:** to address any issue that arises out of short notice (within seven days or less) of an impending call or order to active duty

- **Military events and related activities:** to attend any official military ceremony, program, or event related to active duty or a call to active duty status or to attend certain family support or assistance programs and information briefings

- **Childcare and school activities:** to arrange for alternative childcare; to provide childcare on an urgent, immediate need basis; to enroll a child in or transfer a child to a new school or daycare facility; or, to attend meetings with staff at a school or daycare facility
• **Financial and legal arrangements**: to make or update various financial or legal arrangements; or, to act as the covered military member’s representative before a federal, state, or local agency in connection with service benefits

• **Counseling**: to attend counseling (by someone other than a health care provider) for the employee, the covered military member, or for a child or dependent when necessary as a result of duty under a call or order to active duty

• **Temporary rest and recuperation**: to spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to five (5) days of leave for each instance of rest and recuperation

• **Post-deployment activities**: to attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to 90 days following termination of the covered military member’s active duty status. This also encompasses leave to address issues that arise from the death of a covered military member while on active duty status

• **Mutually agreed leave**: other events that arise from the close family member’s duty under a call or order to active duty, provided that the system office or technical college and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave

8. An employee requesting Qualifying Exigency Leave must:
   - Submit a Request for Family Leave Form (Attachment A). If the need for leave is foreseeable, the Form should be submitted as soon as the projected date for leave is known; and,
   - Submit a completed Certification of Qualifying Exigency for Military Family Leave Form (Attachment F). The Form must be completed within 15 days and include appropriate supporting documentation (e.g., a copy of the covered military member’s active duty orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed, the employee’s relationship to the military member, etc.).

9. An employee may use annual leave, personal leave, or family leave without pay in these instances.

**J. Notice and Medical Certification (Employee or Close Family Member)**

1. When seeking FMLA leave, an employee must provide:
   - Sufficient information for the system office or technical college to determine if the requested leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; a family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or other circumstances supporting the need for military family leave. An employee must also inform the system office or technical college if the requested leave is for a reason for which FMLA leave was previously taken or certified
   - If the need for leave is foreseeable, this information must be provided 30 days in advance of the anticipated beginning date of the leave. If the need for leave is not foreseeable, this information must be provided as soon as is practicable and in
compliance with the system office or technical college’s normal call-in procedures, absent unusual circumstances

- Medical certification supporting the need for leave due to a serious health condition affecting an employee or his/her immediate family member within 15 calendar days of the system office or technical college request to provide the certification (additional time may be permitted in some circumstances). If an employee fails to provide such certification, the system office or technical college may delay the commencement of leave, withdraw any designation of FMLA leave, or deny the leave and place the employee in a leave without pay status consistent with applicable State Board policy and State Personnel Board Rules. In these instances, the employee may also be subject to disciplinary action as provided in applicable State Board Policy or other action permitted by State Board or technical college procedures. Second or third medical opinions and periodic re-certifications may also be required.

- Periodic reports as deemed appropriate during the leave regarding an employee’s status and intent to return to work

- Medical certification of an employee’s fitness for duty before returning to work, if the leave was due to a serious health condition. The system office or technical college will require this certification to address whether an employee returning from a period of leave under these provisions can perform the essential functions of his/her position; and,

- In situations where justifiable and verifiable circumstances prevent an employee from providing supporting and/or required documentation within the times frames referenced in this Procedure, the employee may request an extension through System Office or technical college Human Resources Director/Coordinator. If approved, paid leave (if requested and available) may be substituted for any unpaid leave initially designated for the absence.

2. If the certification is incomplete or insufficient, the system office or technical college must notify the employee in writing regarding what information is necessary to make the certification complete and sufficient, and provide the employee 7 calendar days to cure any deficiencies (unless this time period is not practicable despite the employee’s diligent, good-faith efforts).

3. If the deficiencies are not resolved, the system office or technical college may contact the employee’s health care provider directly for verification and clarification, as opposed to obtaining additional information beyond that required by the certification form. Contact may be made by the system office or technical college Human Resources Director/Coordinator or other Human Resources representative. The employee’s immediate supervisor is not permitted to engage in these discussions.

4. While an employee’s permission is not needed to contact the healthcare provider purely for verification purposes, the system office or technical college must obtain the employee’s authorization for clarification of “individually-identifiable” health information, consistent with HIPAA.

5. Should an employee refuse to cure noted deficiencies or grant the system office or technical college permission to contact the health care provider, the provisions of Paragraph J.1. c. apply.
K. Recertification of Medical Conditions
1. The reviewing manager or system office or technical college Human Resources Director/Coordinator may require a recertification (from the employee’s health care provider) regarding the medical condition(s) that initially supported an employee’s request for family leave for his/her own use.
2. A recertification may be requested at reasonable intervals, but not more often than every 30 days, unless: the employee requests an extension of leave; circumstances described by the previous certification have significantly changed (e.g., the duration of the illness, the nature of the illness, complications, etc.); or, the system office or technical college receives information that places doubt upon the continuing validity of the initial/most recent certification.
3. As with the initial certification, an employee has 15 calendar days to provide a requested certification. All requirements and consequences outlined in this Procedure will apply to requests for a recertification. The employee will be responsible for all costs associated with the recertification and no second or third opinions may be requested.
4. In instances in which the duration of an employee’s condition is “lifetime” or “unknown”, the system office or technical college, may request a recertification every 6 months in conjunction with the employee’s absence.

L. Second or Third Medical Opinions
1. If the system office or technical college has reason to doubt the validity of a submitted medical certification, the employee may be required to obtain a second opinion at the expense of the system office or technical college. Pending receipt of the medical opinion, the employee is provisionally entitled to the benefits of the Act.
2. The system office or technical college may designate the health care provider to furnish the second opinion, provided the selected health care provider is not employed on a regular basis at the system office or technical college.
3. If the opinions of the employee’s and the system office or technical college’s designated health care providers differ, the system office or technical college may require the employee to obtain certification from a third health care provider, at the expense of the system office or technical college. The third opinion is binding.
4. The third health care provider must be designated or approved jointly by the system office or technical college and the employee. Both parties must act in good faith in reaching this determination. If the system office or technical college does not attempt, in good faith, to reach an agreement, the system office or technical college will be bound by the first certification. If the employee does not attempt act in good faith to reach agreement, the employee will be bound by the second certification.
5. The system office or technical college must provide the employee with a copy of the second and third medical opinions upon request. Requested copies must be provided within 5 business days unless extenuating circumstances prevent such action.
6. The system office or technical college must reimburse the employee for all reasonable expenses associated with obtaining the second and third medical opinion.
7. Unlike other forms of medical certification, the system office or technical college may not require a second or third opinion or recertification of military caregiver-leave medical certifications.
M. Notice of Eligibility and Rights and Responsibilities
1. When an employee’s request for family leave, or when the system office or technical college acquires knowledge that an employee’s leave may be for an FLMA-qualifying reason, the system office or technical college must notify the employee, in writing, of the employee’s eligibility to take family leave within 5 business days, absent extenuating circumstances.
2. All FMLA absences for the same qualifying reason are considered a single leave and employee eligibility (as to the reason for leave) does not change during the applicable 12-month period.
3. The eligibility notice (Attachment G) must be completed by the system office or technical college in its entirety and state whether the employee is eligible for family leave. If the employee is not eligible, all reasons why must be noted.

N. Designation Notice
1. If the system office or technical college has sufficient information to determine whether a leave is FMLA qualifying, the employee must be notified in writing of this decision within 5 business days using Attachment H.
2. The completed notice must include information regarding whether paid leave will be used during the period of absence and accompanying fitness-for-duty certification requirement. Pursuant to the provisions of Paragraph J. 1. e., an employee must provide a fitness-for-duty certificate from his/her health care provider before returning to work. Therefore, to properly address an employee’s ability to perform the essential functions of his/her job upon return from FLMA leave, the system office or technical college must include a list of those functions or attach a job description to the designation notice.
3. The designation notice need only be provided once for each qualifying reason during the applicable 12-month period.
4. The amount of leave (such as the number of hours, days, or weeks) to be counted against the FMLA entitlement must be specified if known at the time the system office or technical college designates the leave as FLMA qualifying. If this is not possible at the time the designation is made (e.g., the leave is unforeseeable), the system office or technical college must provide this information upon request by the employee, but no more often than once in a 30-day period and only if leave was taken during that period. The amount of leave notice must be made in writing no later than the following payday.
5. If both military caregiver and the serious health condition of a family member leave apply, the system office or technical college must designate the leave as military caregiver leave to permit up to 26 weeks of leave.
6. Failure to provide required notice may constitute interference with, restraint of, or denial of the exercise of an employee’s FMLA rights and subject the TCSG and its technical colleges to potential liability for compensation and benefits lost by reason of the violation.
7. The system office or technical college may retroactively designate leave, provided that the system office or technical college’s failure to designate such leave in a timely manner has not caused harm or injury to the employee. In all instances in which leave qualifies for FMLA protection, the system office or technical college and the employee may mutually agree to the retroactive designation.
O. General Provisions
1. The DOL Notice to Employees of Rights Under the FMLA (Attachment I) must be posted prominently so that it can be readily seen by applicants and employees. A copy of the notice should be provided to all newly hired employees.
2. To the extent required by law, the system office and its associated technical colleges will inform an employee whether he/she is eligible for leave under the FMLA. If otherwise eligible, the system office or technical college will provide an employee with a notice that specifies any additional information required as well as his/her rights and responsibilities. If an employee is not eligible, the system office or technical college will provide a reason for the ineligibility. The system office or technical college will also inform an employee if leave will be designated as FMLA-protected and, to the extent possible, note the amount of leave counted against his/her leave entitlement. If the system office or technical college determines that the leave is not FMLA-protected, the employee will be notified.
3. Upon returning from FMLA leave, an employee will typically be restored to his/her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.
4. The FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under the FMLA, or discharge or discriminate against any person for opposing any practice made unlawful by the FMLA, or for involvement in any proceeding under or relating to the FMLA. While the TCSG and its technical colleges encourage its employees to bring any concerns or complaints about compliance with the FMLA to the attention of the system office or technical college Office of Human Resources, applicable FMLA regulations require all covered employers to advise employees that they may file a complaint with the U.S. Department of Labor or bring a private lawsuit against the TCSG. Additionally, the FMLA does not impact any Federal or State law pertaining to discrimination, or supersedes any State or local law which provides greater family or medical leave rights.
5. Medical information obtained as a result of an employee’s serious health condition, as well as all medical information gathered during an employee’s employment with the system office or technical college, is considered confidential. Access to this information, which is housed separately from work-related documents collected during the scope of an individual’s employment and retained in an employee’s personnel file, is restricted to system office/technical college representatives having a legitimate business reason to view the materials.
6. An employee’s failure to return to work as scheduled after FMLA leave or who (without authorization) exceeds the 12-week entitlement or the 26-week entitlement in the case of military caregiver leave, will be subject to disciplinary action consistent with applicable State Board policy.
7. An employee providing false or misleading information or intentionally omitting material information in connection with an FMLA leave will be subject to disciplinary action consistent with applicable State Board policy.

VII. Record Retention
Medically-related documents associated with a short- or long-term leave/leave of absence (with or without pay) taken pursuant to the FMLA must be maintained in an employee’s
medical file for a period of 7 years after he/she departs from state employment. Other
time and leave documents/records not kept in an employee’s personnel file should be
retained for a period of 3 years after he/she departs from state employment.

Adopted: April 2, 1987
Revised: September 11, 1990; October 3, 2001; May 21, 2009
Code: 03-04-08
Approved
STAFF DEVELOPMENT

The Department encourages employees to develop and improve their skills and knowledge. A variety of resources for training and educational opportunities are available to employees who need additional training to improve operations, efficiency, effectiveness, and to expand and enrich the scope of programs for which the employees are responsible.

All employees, upon obtaining the appropriate approval, are eligible to participate in staff development activities. The policy shall be administered in accordance with the Department's Statement of Equal Opportunity.

Adopted: July 1, 1986
Revised: September 28, 2001
Code: 03-05-04
Approved

STAFF DEVELOPMENT PROCEDURES

I. Policy
It is the policy of the Technical College System of Georgia to provide staff development opportunities to its employees.

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

III. Related Authority
V.K. Student Tuition and Fees

IV. Definitions
Georgia Leadership Institute Programs: Are training courses offered by the Carl Vinson Institute of Government in conjunction with the State Personnel Administration.
In-Service Training Programs: Are those programs, workshops, and conferences, etc., which are deemed beneficial for the System Office, a Technical College, or an employee.
Specialized Study: Is the enrollment of an employee in a technical college credit course at a TCSG institution for the purpose of improving knowledge, skills, or abilities in a specific functional area/discipline that is directly related to the position an employee has been selected to assume (e.g., through a promotion, reassignment, etc.).
Technical Study: Is the enrollment of an employee in a technical program at a TCSG institution for the purpose of improving knowledge, skills, or abilities in a specific functional area that is directly related to the position which the employee currently holds, or a functional area/discipline in which there are promotional opportunities with the
System Office or Technical College.

**V. Procedure**
The Director of Human Resources shall direct the coordination of all staff development activities for employees at the System Office.

Technical College Presidents shall direct the coordination of all staff development activities for employees at his/her Technical College.

Approval of the Commissioner shall be required for any exceptions to this procedure which involve the expenditure of State funds or any request to permit an employee to participate in a specialized or technical course of study during established work hours.

Participation in staff development requires prior approval of the employee's immediate supervisor and the appropriate Technical College Vice President or, as applicable, System Office Assistant Commissioner or Deputy Commissioner.

Employee eligibility for participation in individual training and development programs will be determined based on the following criteria:

**Specialized Study**
1. An employee must have at least one (1) year of continuous employment with the TCSG, must have completed orientation and familiarization for the position currently held and be employed in a full-time salaried position.
2. Participation in this program must be after working hours or when an employee is on an approved leave of absence without pay or when using annual leave, personal leave, or, as applicable, Fair Labor Standards Act (FLSA) Compensatory Time.
3. Tuition, matriculation, or enrollment fees may be waived for an employee approved for a course or courses under this Technical Study program.

**Technical Study**
1. An employee must have at least one (1) year of continuous employment with TCSG, must have completed orientation and familiarization for the position currently held and be employed in a full-time salaried position.
2. Participation may be for one course or for a program leading to a certificate or diploma. Participation in this program must be after working hours or when an employee is on an approved leave of absence without pay or when using annual leave, personal leave or, as applicable, Fair Labor Standards Act (FLSA) Compensatory Time.
3. The number of participants in a functional area/discipline in which there are promotional opportunities may be limited by TCSG’s needs.
4. Tuition, matriculation, or enrollment fees may be waived for an employee approved for a program of technical study under this program.
5. To the extent this procedure is inconsistent with the policy and procedures governing Tuition Remission and Reimbursement, the latter shall control.

**In-Service Programs**
1. An employee must have completed orientation and familiarization for the position currently held and may be employed in either a full or part-time position with the System Office or a Technical College.
2. Participation in individual programs shall be in accordance with eligibility criteria established for the program and shall be considered an official part of the employee's job and, therefore, “hours worked”.
3. Payment or reimbursement of fees or other expenses shall be consistent with those provided for participation in specialized study programs.
4. A participating employee may be reimbursed for routine workshop or conferences fees consistent with established Statewide Travel Regulations.

**Georgia Leadership Institute Training Programs**
1. An employee must have completed orientation and familiarization for the position currently held and must be employed in a full-time salaried position.
2. Programs in which an employee may participate must be job-related and employee must obtain written approval from their immediate supervisor and the appropriate Technical College Vice President or, as applicable, System Office Assistant Commissioner or Deputy Commissioner.
3. Registration for these courses shall be completed consistent with the guidelines established by the Georgia Leadership Institute.
4. Participation in Georgia Leadership Institute training courses shall be considered an official part of the employee's job and, therefore, “hours worked”.
5. Training Calendars shall be provided to managers and employees to view and plan for their employees' staff development needs.
6. An employee approved for participation in training courses offered by the Georgia Leadership Institute shall have all registration fees paid by the respective Technical College or System Office. The Assistant Commissioner, Deputy Commissioner or Technical College Vice President should initiate the "Request for Payment" with the written approval attached and submit the total packet to their respective accounting office for payment.
7. Reimbursement for travel to and from the training site location shall be delivered consistent with established Statewide Travel Regulations.

**Special Training Requirements**
1. Participation in required training for the operation of equipment or for performance of specific functions that are a principal part of the employee's assigned duties is considered an official part of the employee's job and, therefore, “hours worked”.
2. Purchase of training for this purpose must be in accordance with established procedures. Payments for an employee to obtain college credit for such training or for purchase of equipment or textbooks, which become the personal property of the employee, are not authorized.
3. An employee in a time-limited project may, under the above criteria, be considered for participation in staff development programs provided such participation is authorized and funded as a part of the project.
4. An employee in a temporary or part-time status shall not generally be eligible for participation in staff development programs other than for orientation or familiarization for the position in which employed or, as applicable, in-service training programs.

5. An employee receiving financial assistance from another public sector employer for participation in a staff development program shall not be eligible to receive financial assistance under this program.

6. Participation in all staff development programs shall be equitably scheduled among employees desiring to participate with consideration given to the following:
   a. Availability of funds
   b. Availability of training
   c. Length of absence from work and workload requirements within the employee’s work unit
   d. Relationship of the training to the employee's position or to a position to which the employee has been scheduled to assume
   e. The needs and best interest of TCSG and/or Technical College
   f. Potential for the employee’s continued employment

7. Absences for participation in staff development programs and for other educational purposes are as follows:
   a. Annual leave may be used for educational purposes on the same basis as for other personal absences. Supervisors must assure that reoccurring absences for educational purposes do not impose a hardship on the Technical College/ System Office or other employees.
   b. An employee absent because of participation in staff development or other educational programs other than when such participation is defined as an official part of the employee's job must be charged leave for the total absence. As an alternative to the use of paid leave in these circumstances, a work schedule adjustment may be authorized provided the employee works or remains in pay status for the required forty (40) hours per work week/established work period.
   c. Leave without pay will not normally be authorized for participation in staff development or personal educational programs.

Created: September 28, 2001, Revised July 10, 2009
HOLIDAYS

I. Policy:
Georgia law provides for the recognition and observance of twelve (12) holidays each calendar year. Through individual proclamations, the Governor specifies the day state offices and facilities shall be closed for each observance. Holidays will normally be observed on the date designated by the Governor; however, in a technical college setting, the observation of one or more holidays may be moved later in the calendar year consistent with a college’s approved academic calendar.

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

III. Related Authority:
O.C.G.A. § 1-4-1
O.C.G.A. § 20-4-33

Office of Planning and Budget Policy Governing Working Hours, Payment of Overtime, and the Granting of Compensatory Time

IV. Definitions:
Eligible Employee: An employee serving in a full- or part-time salaried position whose appointment was made consistent with the provisions of the Categories of Employment Procedure.

Equivalent Time Off: Pursuant to the provisions of the Office of Planning and Budget Policy governing Working Hours, Payment of Overtime, and the Granting of Compensatory Time, equivalent time off is time off with pay and shall not exceed the number of hours worked on the day a holiday is observed or eight (8) hours, whichever is less.

V. Attachments:
N/A

VI. Procedures:
A. State Holidays:

1. The State of Georgia currently recognizes and observes the following public and legal holidays:

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Date/Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year’s Day</td>
<td>January 1</td>
</tr>
<tr>
<td>Martin Luther King Jr.’s Birthday</td>
<td>3rd Monday in January</td>
</tr>
<tr>
<td>Robert E. Lee’s Birthday</td>
<td>January 19 (Observed in November)</td>
</tr>
<tr>
<td>Washington’s Birthday</td>
<td>February 15 (Observed in December)</td>
</tr>
<tr>
<td>Confederate Memorial Day</td>
<td>April 26</td>
</tr>
<tr>
<td>National Memorial Day</td>
<td>Last Monday in May</td>
</tr>
<tr>
<td>Independence Day</td>
<td>July 4</td>
</tr>
<tr>
<td>Labor Day</td>
<td>1st Monday in September</td>
</tr>
<tr>
<td>Columbus Day</td>
<td>2nd Monday in October</td>
</tr>
<tr>
<td>Veteran’s Day</td>
<td>November 11</td>
</tr>
<tr>
<td>Thanksgiving Day</td>
<td>4th Thursday in November</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>December 25</td>
</tr>
</tbody>
</table>

2. A schedule reflecting the actual date each holiday is to be observed in a given calendar year will be published annually by the Office of the Governor.

B. Observance of Holidays:

1. The Governor shall close all state offices and facilities for twelve (12) days each calendar year in observance of public and legal holidays as provided by state law.

2. In the System Office, holidays will be observed on the date designated in the Governor’s proclamation.

3. In a technical college, one or more holiday(s) referenced in Paragraph VI.A.1. may be observed later in the calendar year consistent with a college’s approved academic calendar. A schedule reflecting the actual date each holiday is to be observed in a given calendar year will be published annually by each college.

4. All eligible System Office or technical college employees who worked on the day a state holiday is observed shall be provided with equivalent time off.

5. All eligible System Office and, as applicable, technical college employees working an alternative week-day off or compressed work schedule and whose normal/regularly scheduled day off occurs on the date a state holiday is observed shall be provided with equivalent time off.

6. An employee shall not be granted time off for a holiday in advance of the date it is scheduled to be observed.
7. Subject to the provisions of Paragraph VI.D., an employee may request time off from work to observe one or more religious holy days not otherwise provided among the public and legal holidays identified in Paragraph VI.A.1.

8. Pursuant to the Office of Planning and Budget Policy referenced in Paragraph VI.III., the value of a holiday is no more than eight (8) hours; therefore, the amount of equivalent time off delivered to an employee working on the day a holiday is observed shall reflect the actual number of hours worked up to a maximum of eight (8) hours.

C. Eligibility for Holiday Pay:

1. A full- or part-time salaried employee shall be paid for a holiday only if he/she is in pay status his/her full scheduled work day before or after the holiday, subject to the following exceptions:

   a. Such payment shall not be made if the employee is separating from state service and the date a holiday is observed occurs after the date of separation.

   b. Such payment shall not be made to an employee who is separating from state service and the holiday would be the employee’s last day of employment, unless the holiday is at the end of the employee’s normal work week or at the end of a calendar month.

   c. Such payment shall not be made to an individual initially entering or re-entering state service the scheduled workday following the date a holiday is observed.

   NOTE: The compensation of an employee who is separating from state service to receive benefits under a state retirement system shall not be reduced due to the application of these provisions.

2. An employee who is scheduled to work on the day a holiday is observed but fails to report for any portion of the scheduled work day and the absence has not been authorized, shall not be granted additional compensation or equivalent time off for the holiday.

3. An employee leaving state service or who is transferring to another state agency, state entity, or technical college and who has accumulated equivalent time off as provided in Paragraph VI.B.4. or VI.B.5., must be paid for all such hours or provided equivalent time off by the System Office or his/her employing technical college prior to his/her departure.

4. Hourly-paid employees and adjunct faculty are not eligible for paid holidays.

5. A part-time salaried employee shall be compensated for a holiday based on the number of scheduled work hours on the day a holiday is observed, not to exceed eight (8) hours.
6. Other than as provided in Paragraph VI.C.1., a part-time salaried employee shall not receive additional compensation or time off for a holiday which is observed on his/her regularly scheduled day off.

7. By proclamation of the Governor, the observance of two (2) State holidays which occur during the General Assembly Session (i.e., Robert E. Lee’s Birthday and Washington’s Birthday) are delayed until later in the calendar year. An employee who leaves state service after the actual date of either holiday but before the holiday is observed, is not eligible to be paid for or receive equivalent time off for one or both of these holidays.

D. Request to Observe Other Religious Holy Days

1. An employee may request time off from work to observe one or more religious holy days not otherwise provided among the public and legal holidays identified in Paragraph VI.A.1. Any such request must be submitted in writing to his/her immediate supervisor at least seven (7) calendar days in advance of the requested day(s) off.

2. Pursuant to the provisions of O.C.G.A.§ 1-4-1, employees are eligible for priority consideration for up to three (3) workdays (off) each calendar year for this purpose.

3. Any request submitted consistent with the provisions of Paragraph VI.D.1. and VI.D.2., may not be denied unless:

   a. The employee has inadequate accrued annual leave, personal leave, or accumulated compensatory time to cover the period of absence; or,

   b. The duties performed by the employee are urgently required and the employee, in the judgment of the immediate supervisor, reviewing manager, or other designated System Office or, as applicable, technical college official, is the only person who can perform these duties.

4. Any paid time off from work for the observance of a religious holy day shall be deducted from an employee’s annual leave, personal leave, or compensatory time balance.

5. Any request by an employee for time off to observe one or more religious holy days outside the scope of these provisions may be approved as any other request for leave at the discretion of the immediate supervisor, reviewing manager, or other designated System Office or, as applicable, technical college official. Included are requests for time off without pay and requests which exceed the three (3) day workday priority consideration limitations addressed in Paragraph VI.D.2.
E. Accumulated Equivalent Time Off/Holiday Time

1. Employees may be required to use accumulated equivalent time off/holiday time prior to using annual leave or available compensatory time.

2. An immediate supervisor, reviewing manager, or other designated System Office or, as applicable, technical college official has the discretion of scheduling non-work day(s) for an employee with accumulated equivalent time off/holiday time. In such instances sufficient staffing must be maintained to ensure the adequate delivery of services in the affected work unit.

F. Records Retention

All leave records generated in the application of Paragraph VI.D. shall be maintained for a period of three (3) years as provided by applicable provisions of the State of Georgia Records Retention Schedule.

Last Reviewed: March 20, 2013
Adopted: October 1, 2001
WORKERS' COMPENSATION

The overall health and safety of employees is of paramount importance to the Technical College System of Georgia. To this end, TCSG will focus efforts on workplace safety and injury prevention, the timely and effective care of employees after they are injured, and the return of employees to duty following a job related injury.

TCSG will participate in the Workers Compensation and Return to Work Programs administered through the Georgia Department of Administrative Services’ (DOAS) Risk Management Division. The Commissioner will establish procedures in compliance with these programs that will be applicable to the System Office and all technical colleges.

RELATED AUTHORITY:
Americans With Disabilities Act (ADA) of 1990

Americans With Disabilities Amendments Act (ADAAA) of 2008

29 C.F.R., Part 825, Family and Medical Leave Act, as amended

O.C.G.A.§ 34-9-1 et.seq. – Workers Compensation

Rehabilitation Act of 1973, as amended

Procedure III.U.10.a Workers Compensation and Return-to-Work

Revised: September 7, 2001; December 5, 2013
Last Reviewed: December 5, 2013
Adopted: April 2, 1987
I. Policy:

The Technical College System of Georgia (TCSG) recognizes that efforts to return an employee to work following a work-related injury or illness benefits both the employee and the System Office or employing technical college. For this reason, the TCSG will work with employees within documented medical restrictions developed by their health care provider to facilitate a safe and timely return to the work force. The return could initially be in the form of a temporary, transitional duty assignment (i.e., modified duties) within established medical restrictions with the goal of a return to full, unrestricted duty.

The objectives of the return-to-work process include: permitting employees to resume productive employment as soon as possible following a job-related injury or illness; enabling the employee to gradually overcome any identified medical restrictions through a transitional period of modified duty; and, compliance with applicable provisions of the Americans With Disabilities Act (ADA), as amended, the Family and Medical Leave Act (FMLA), as amended and, applicable State Board policies and procedures.

The return-to-work process outlined in this procedure is not to be considered a recognition that an employee who is absent from work as a result of an on-the-job injury or illness is considered to be a qualified individual with a disability as defined by applicable provisions of the ADA, as amended. Any employee who believes that an illness or injury is of a permanent, progressive or chronic nature and/or impacts his/her ability to perform the essential functions of his/her job/position, should consult with staff in his/her office of human resources to determine the applicability of the ADA to his/her situation. Similarly, questions as to whether an absence is considered qualifying under the provisions of the FMLA should also be directed to the System Office or technical college office of human resources.

Further, the overall health and safety of all employees is of paramount importance to the TCSG. To this end, supervisors and managers should always be alert to any situation which could result in potential injury or illness to employees, students, contractors, and visitors to TCSG work sites and technical colleges. Employees are encouraged to bring any potentially unsafe or unhealthy working condition to the attention of their supervisor or reviewing manager for resolution.

All full- and part-time TCSG employees are eligible for Workers’ Compensation benefits administered through the Georgia Department of Administrative Services’ (DOAS) Risk Management Division, whether salaried, paid an hourly rate, or paid via “lump sum” (i.e., certain adjunct faculty members). NOTE: Workers’ Compensation coverage begins on an individual’s first day of employment.
The formal return-to-work processes outlined in Paragraph VI.B., are generally designed for full- and part-time employees of salaried positions, i.e., those whose appointment has been designated as Regular or Regular, Part-time under applicable provisions of the Categories of Employment Procedure (III.D.).

II. **Applicability:**
All work units and technical colleges associated with the Technical College System of Georgia

III. **Related Authority:**
Americans With Disabilities Act (ADA) of 1990
Americans With Disabilities Amendments Act (ADAAA) of 2008
29 C.F.R., Part 825, Family and Medical Leave Act, as amended
O.C.G.A.§ 34-9-1 et.seq. – Workers Compensation
Rehabilitation Act of 1973, as amended
TCSG Procedure III.D. (Categories of Employment)
TCSG Procedure III.U.7. (Family and Medical Leave Act)
TCSG Procedure III.U.13. (Reasonable Accommodations in Employment)

IV. **Definitions:**

**Maximum Medical Improvement (MMI):** a medical term indicating when a patient has attained a “recovery plateau” and no further progress is anticipated beyond the date indicated.

**Modified/Restricted Duties:** work assignments that are within identified medical restrictions prior to a MMI designation.

**Restrictions:** medical limitations prescribed by a physician or other health care provider that limits physical activities and daily life functions.

**Return-to-Work Coordinator:** the System Office or technical college human resources representative responsible for overseeing return-to-work activities for job-related and non-job-related injuries and illnesses. The coordinator also serves as the primary point of contact with the DOAS Risk Management Division for workers’ compensation matters.

**Transitional Duty:** a temporary situation when an employee returns to work from a personal or occupational injury or illness to medically restricted or modified duties for a specified period of time as determined through a transitional employment plan.

**Transitional Employment Plan:** documentation of the duties and responsibilities an employee will perform during the established transitional period.

**Serious Health Condition:** an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility (i.e., inpatient care), or continuing treatment by a health care provider for a condition that prevents an
employee from performing the functions of his/her job or prevents a qualified family member from participating in school or other daily activities. Subject to certain conditions, the term continuing treatment includes an incapacity of more than three (3) consecutive, full calendar days and two (2) visits to a health care provider within thirty (30) days of the first day or incapacity or one (1) visit to a health care provider and a continuing regimen of care; an incapacity caused by pregnancy or prenatal visits; a chronic condition or permanent or long-term conditions; or, absences due to multiple treatments.

**Work-Related Injury or Illness:** any injury or illness arising out of and in the course of employment is a compensable work-related claim. If an employee is injured while performing assigned duties and responsibilities during assigned work hours, he/she is covered under the Workers’ Compensation program. NOTE: injuries sustained while an employee engages in unassigned duties or during personal activities, breaks, or lunch periods may not covered. Additionally, injuries that occur during an employee’s normal commute to and from work, as well as those resulting from an employee’s willful misconduct are not covered.

**Workers’ Compensation Program:** pursuant to applicable statutes, the medical, rehabilitation and income benefits program administered by the Georgia Department of Administrative Services’ Risk Management Division for state employees.

V. **Attachments:**

A. [DOAS Employee’s Report of Injury Form](#)
B. [DOAS Supervisor’s Accident Investigation Form](#)
C. [DOAS Telephonic Reporting Instructions](#)
D. [DOAS Georgia Activity Analysis Form](#)
E. [TCSG Incident Report](#)
F. [Transitional Employment Plan](#)
G. [Essential and Marginal Job Function Analysis Worksheet](#)
H. [Transitional Employment Tracking Form](#)
I. [DOAS Leave Election Form](#)

VI. **Procedures:**

A. **Occupational Injury or Illness:**

1. When a work-related illness or injury occurs, all medical care/treatment must be delivered by a health care provider or urgent/primary care medical clinic associated with First Health Network administered by AmeriSys, (a Georgia Department of Administrative Services’ certified Workers’ Compensation/Managed Care Organization). The only exception to this provision is for a medical emergency referenced in Paragraph VI.A.3. With respect to a medical emergency, all follow up medical care/treatment must be coordinated through AmeriSys as
provided in Paragraph VI.A.3. NOTE: An employee’s failure to comply with this requirement may result in the non-payment of the cost of his/her care/treatment by the Georgia Department of Administrative Services’ (DOAS) Risk Management Division.

2. An employee injured on the job or who suffers a work-related illness should notify his/her supervisor of the injury/illness. In the absence of his/her supervisor, the employee should provide notice of the injury/illness to the System Office or technical college human resources representative responsible for managing workers’ compensation matters or other available human resources staff member. The employee should also provide the System Office or technical college office of human resources with a completed Employee’s Report of Injury Form (Attachment A). Unless dictated by the employee’s medical condition, both formal notice and the completed form should be provided no later than twenty-four (24) hours following the injury or illness. Additionally, the employee’s supervisor should gather the facts surrounding the injury or illness and complete a Supervisor’s Accident Investigation Form (Attachment B) as soon as possible after the accident/incident.

3. In the event of a medical emergency, 911 should be called or the employee should be immediately transported to the nearest emergency medical care facility/hospital. Following emergency treatment, a human resources representative or other designated System Office or technical college official should contact the DOAS call center at 1-877-656-7475 to report the injury. The information referenced in Attachment B (Telephonic Reporting Instructions) should be gathered and provided to the DOAS call center representative. If the employee needs further care/treatment, he/she should contact AmeriSys at 678-781-2848 or 1-800-900-1582 and a nurse case manager will assist the employee with locating a physician or an affiliated First Health Network managed care facility such as an urgent care/primary care medical clinic/center to provide these services.

4. In a non-emergency situation, the employee’s immediate supervisor, a human resources representative or other designated System Office or technical college official should first contact the DOAS call center to report the injury/illness as outlined in Paragraph VI.A.3. Also as referenced in Paragraph VI.A.3., the employee should call AmeriSys and a nurse case manager will assist the employee with finding a health care provider or an affiliated managed care facility to provide needed medical services/treatment. If appropriate given the nature of the injury/illness, the employee may transport himself/herself (for treatment) or may elect to contact a friend or relative for transportation.
5. If a non-emergency injury or illness requires medical attention and transportation is not available or the employee is unable to transport himself/herself, the employee should be transported by a System Office or technical college representative to the health care provider or urgent care/primary care medical clinic/center authorized by AmeriSys. NOTE: The driver must possess a valid driver’s license.

6. As provided in Paragraph VI.A.4. and, as applicable Paragraph VI.A.3., transportation should be provided using a State vehicle, if available. If a State vehicle is not available, the System Office or technical college staff member may use his/her personal vehicle to transport the employee. In these circumstances, the staff member may be reimbursed for mileage, parking fees and, as applicable, other related, reimbursable expenses.

7. Any personal vehicle used for the purpose of transporting an employee for medical treatment as provided in Paragraph VI.A.5 must be insured for loss as the State of Georgia does not insure private vehicles, even when (the vehicle) is used in the performance of State business.

8. If the employee is not released to immediately return to work, he/she will not be charged leave for the day of the injury/illness.

9. As applicable, the employee’s immediate supervisor and/or the designated human resources representative should contact the employee the next business day to check on his/her progress and well-being.

10. If an injured employee is not released to return work after the initial appointment, but requires one or more follow-up appointments, the treating health care provider should be provided a copy of the completed Georgia Activity Analysis Form (Attachment D) prior to or at the time of the next scheduled appointment. The Georgia Activity Form is brief description of the functions and physical, cognitive and environmental demands of the employee’s position and is derived from a completed Essential and Marginal Job Function Analysis Worksheet (Attachment G). The Georgia Activity Form is designed for use by the treating health care provider in determining whether the employee may return to full, unrestricted duty or, instead, can (at some point during the period of absence) return with modified/restricted duties based on his/her medical condition.

11. If an employee is dissatisfied with the health care provider or managed care facility initially selected, he/she may make a second selection from the list of available AmeriSys providers without permission. Any further change of providers first requires permission from the AmeriSys nurse case manager and DOAS.

12. If an injury or illness does not require medical treatment and does not result in an absence from work, the employee’s supervisor, or a
human resources representative or other designated official should complete Attachment D (TCSG Incident Report). The form should be maintained in the System Office/technical college Workers’ Compensation file in a locked compartment and should be managed in a confidential manner with limited access. Should the employee later require medical care/treatment and/or is later absent from work as a result of the injury or illness, a Worker’s Compensation report should be initiated as provided in Paragraph VI.A.4.

13. A full- or part-time salaried employee who is absent from work for more than seven (7) scheduled work days after sustaining a work-related injury or illness may elect to receive worker’s compensation income benefits (beginning on the eighth day of the absence) or, instead, use his/her accrued sick or annual leave, personal leave or, as applicable, Fair Labor Standards Act (FLSA) Compensatory Time to remain in full pay status in lieu of receiving workers’ compensation income benefits. The employee’s decision should be made using a Leave Election Form (Attachment I) which will, in turn, be submitted to the DOAS Risk Management Division. NOTE: An employee electing to receive workers’ compensation income benefits will be paid for the first seven (7) days of the absence only if he/she is unable to work for more than twenty-one (21) consecutive days.

14. A full- or part-time salaried employee who is absent from work for less than seven (7) scheduled work days after sustaining a work-related injury or illness must use his/her accrued sick or annual leave, personal leave or, as applicable, FLSA Compensatory Time or forfeited leave to remain in pay status for the duration of the absence.

15. In instances in which an absence for a work-related injury or illness is determined to be a serious health condition as defined by applicable provisions of the Family and Medical Leave Act (FMLA), the period of absence will be designated as family leave and will be credited against the employee’s twelve (12) week family leave entitlement as provided in State Board Policy III.U.7. and the parameters outlined in Paragraph VI.B.3. of this procedure. NOTE: this designation is permissible whether the employee elects to receive workers’ compensation income benefits, utilizes available leave (to include FLSA Compensatory Time) to remain in pay status or, elects or subsequently transitions to a family leave without pay status when all available paid leave is exhausted.

16. In instances in which an employee remains unable to return-to-work after all his/her family leave entitlement has been exhausted and the employee has elected not to use the paid leave options referenced in Paragraph VI.A.14 or all categories of paid leave were used but have been exhausted, he/she must make a written
request for a leave of absence without pay to continue his/her employment with the System Office or employing technical college. The Commissioner, technical college president, or his/her designee may, in turn, authorize placement on a short-term leave of absence without pay (where appropriate) or, for a longer projected period of absence, a contingent leave of absence without pay.

B. Return-to-Work Following an Occupational Injury or Illness:

1. If the treating health care provider determines that an employee can immediately return to work following a job-related injury or illness without restrictions, the employee should first provide the physician’s written release to his/her supervisor. In turn, the supervisor will coordinate the employee’s return-to-work date with the System Office or technical college Return-to-Work Coordinator. The Return-to-Work Coordinator will communicate this information to Risk Management Division of DOAS.

2. Alternatively if, at some point during an employee’s absence, he/she is released to return-to-work with restrictions, the employees’ supervisor and the Return-to-Work Coordinator will review the restrictions outlined by the treating health care provider and make a determination as to whether the System Office or technical college can provide transitional (i.e., modified) duties or other associated position modifications (e.g., a reduced work schedule) for the employee for the referenced time period. The identified transitional duties and/or other position modifications must meet the operational and staffing needs of the System Office or technical college and fully accommodate the identified medical restrictions. NOTE: as applicable, the provisions of the Reasonable Accommodations in Employment Procedure (III.U.13.) regarding qualified individuals with a disability should be considered when making these determinations.

3. As referenced in Paragraph VI.A.15., when a work-related injury or illness is also determined to be a serious health condition as defined in the FMLA and the employee meets established FMLA eligibility requirements, all or a portion of the projected period of absence will be designated as family leave as determined by the amount of family leave that the employee has available within his/her twelve (12) week entitlement. In these instances, the employee must be provided proper notice and timely written notification of this decision as stipulated in the TCSG Family Leave Procedure (III.U.7.).

4. If, during the absence period, the treating health care provider certifies that the employee on family leave is able to return to work with restrictions, the System Office or employing technical college may initiate the return-to-work process. While on authorized family leave, an employee is permitted to voluntarily accept a
transitional duty assignment but may not be required to do so. Instead, the employee may elect to remain on family leave through the period authorized by his/her treating health care provider or until his/her twelve (12) week family leave entitlement is exhausted, whichever occurs first. NOTE: if an employee receiving workers’ compensation income benefits is offered but does not accept an available transitional duty assignment authorized by his treating health care provider, the Risk Management Division of DOAS will be notified. As a result, the employee’s income benefits may be impacted as stipulated in O.C.G.A.§ 34-9-240 and applicable regulations of the Risk Management Division of DOAS.

5. Given the considerations outlined in Paragraph VI.C.4., the Return-to-Work Coordinator will schedule an initial meeting with the employee and his/her supervisor to discuss the identified medical restrictions in conjunction with the ability of the System Office or technical college to develop a temporary transitional employment plan to facilitate the employee’s return-to-work. If a return to a transitional duty assignment in the employee’s pre-injury position or another position in his/her assigned work unit is not possible, the Return-to-Work Coordinator will review other potential temporary assignments within the System Office or technical college. The Coordinator should use the information reflected in Attachment G (Essential and Marginal Job Function Analysis Worksheet) in his/her analysis.

6. If a return to work in a transitional duty assignment cannot be authorized, the Return-to-Work Coordinator will communicate this decision to the employee in writing and subsequently notify the Risk Management Division of DOAS.

7. If a transitional duty assignment can be authorized and after consultation with the employee’s supervisor, the Return-to-Work Coordinator should complete Attachment F (Transitional Employment Plan) which includes: the basis for the plan; the start and end dates of transitional duties; the specific duties to be performed; the next review date; and, signatures from both the employee and his/her supervisor. The plan should then be forwarded to the treating health care provider for approval before implementation.

8. During the transitional period, the Return-to-Work Coordinator will meet regularly with the employee to evaluate his/her progress and discuss any concerns the employee may have. The Transitional Employment Tracking Form (Attachment H) should be used to document the employee’s progress while performing the transitional duties. These duties may be modified should the employee demonstrate improvement in his/her physical capabilities or, alternatively, regression. Any modifications to the plan must be reviewed and approved by the treating health care provider.
9. Transitional duty assignments for work-related injuries or illnesses are generally designed to encompass a period not to exceed forty-five (45) calendar days. At the conclusion of this time period, the employee will be expected return to his/her pre-injury position and perform all assigned duties and responsibilities provided written authorization is received from his/her treating health care provider.

10. If the treating health care provider determines that the employee is unable to assume regular duties and perform the essential functions of his/her pre-injury position after the forty-five (45) day period referenced in Paragraph VI.C.9. or there are documented, long-term medical restrictions present (e.g., an MMI designation - Maximum Medical Improvement), applicable provisions of the Americans With Disabilities Act, as amended and State Board policies and TCSG procedures (e.g., FMLA, Reasonable Accommodations in Employment, etc.) will be utilized to determine available options (for the employee) to include his/her suitability for continued employment.

VII. Records Retention:

A. All documents associated with a Workers’ Compensation claim should be maintained in a separate Workers’ Compensation file in a locked compartment. The materials should be managed in a confidential manner with limited access and retained for a period of five (5) years or until settlement of any associated claim(s).

B. All medically-related documents associated with an employee’s personal injury or illness should be maintained in an employee’s medical file.

Revised: September 7, 2001; September 12, 2013
Last Reviewed: September 12, 2013
Adopted: April 2, 1987
TUITION REMISSION AND REIMBURSEMENT FOR APPROVED STAFF DEVELOPMENT

Credit Classes

The Department and its Technical Colleges encourage faculty, staff, and administrators to participate in staff development activities and study by remitting tuition and fees for those Technical College educational activities that have been authorized by the employee's President or Assistant Commissioner and are clearly related to the employee's job or career in the organization. Tuition and fees will be remitted to the extent an employee is not eligible for financial aid.

Upon completion of the course, the employee must present a transcript to his or her supervisor indicating that the course was "successfully completed." A course is "successfully completed" when the criteria set by the supervisor has been achieved or when a grade of C or better is earned depending on course requirements to receive credit. A course must be successfully completed in order for the tuition to be paid by the employer and for the course to count as a staff development activity. If a course is not successfully completed, then the employee shall reimburse his or her employer for all costs paid by the employer.

1) Employees (who meet the applicable admission standards and have received appropriate prior authorization from the President of the institution) may register without tuition or fees on a space available basis at his or her Technical College for approved staff development.

2) Employees (who meet applicable admission standards and have received appropriate prior authorization from their President or Assistant Commissioner) may register for courses at a Technical College where he or she is not employed for approved staff development. Unless the sending employer has made other arrangements, the sending employer will reimburse the receiving institution for tuition and fees.

3) Employees of a Technical College may attend credit classes offered by their college as part of their staff development plan without registering as "auditors” and without credit being offered for such attendance. Employees should obtain permission from their immediate supervisor to attend such classes. Supervisors should establish the necessary criteria to demonstrate successful completion.

Non-credit Courses

At the discretion of the President, employees may attend non-credit courses on a space-available basis at the Technical College where they are employed at a reduced rate or without payment of a fee.
Created: August 6, 2001
Revised April 1, 2004 (added “and fees”), September 9, 2004 (removed “fulltime”)

Approved
I. **Policy:**

The Technical College System of Georgia (TCSG) is committed to equal opportunity in all aspects of employment for qualified individuals with a disability. Pursuant to the provisions of applicable state and federal law, it is the policy of the TCSG to provide for the reasonable accommodation in employment for qualified individuals with a disability unless the accommodation would pose an undue hardship on the operations of the System Office or employing technical college to include, but not limited to, a substantial modification to the fundamental nature of the job/position, any change to or elimination of essential job functions or, which is unduly costly or burdensome. Retaliation against an individual with a disability for utilizing the provisions of this procedure is expressly prohibited.

II. **Applicability:**

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

III. **Related Authority:**

- Americans with Disabilities Act (ADA) of 1990
- Americans with Disabilities Amendments Act (ADAAA) of 2008
- Genetic Information Nondiscrimination Act (GINA) of 2008
- Rehabilitation Act of 1973, as amended

IV. **Definitions:**

- **Accommodation:** any modification in the work environment or in the way work is accomplished or customarily done to enable an individual with a disability to enjoy equal employment opportunities.

- **Current Use of Illegal Drugs:** use that has occurred recently enough to indicate that the individual is actively engaged in such conduct. Current users of illegal drugs are not protected by the provisions of the ADAAA and are subject to disciplinary action pursuant to the policies and procedures of the State Board. NOTE: individuals who have overcome drug addiction to include those who are in rehabilitation or who have completed rehabilitation and who are not currently drug users are protected by the ADAAA. This applies only to those with a serious enough problem to rise to the level of an addiction. An individual who had a history of mere casual drug use would not be protected.

- **Direct Threat:** a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a “direct threat” shall be based on an individualized assessment of the individual’s present ability to safely perform the
essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. The four (4) factors that must be considered in this narrow exception would be as follows: the duration of the risk; the nature and severity of the potential harm; the likelihood that the potential harm will occur; and, the imminence of the potential harm.

**Disability:** an individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or, is regarded as having such impairment. NOTE: an impairment that is episodic or in remission if it would substantially limit a major life activity when active would be considered a disability; however, the term “disability” does not include temporary, non-chronic conditions with little or no residual effect; certain sexual disorders such as pedophilia or voyeurism; compulsive gamblers, kleptomaniacs and pyromaniacs; homosexuality or bisexuality; or, an individual’s current illegal use of drugs.

**Essential Functions:** the fundamental job duties of the position an individual with a disability holds or desires to hold. The term does not include marginal or secondary functions (e.g., tasks, duties, responsibilities) associated with the position. Removing an essential function fundamentally alters the position in question. NOTE: a job function may be considered essential for any of several reasons to include, but not limited to the following: the function may be essential because the reason the position exists is to perform that particular function; the function may be essential because of the limited number of available employees among whom the performance of that function can be distributed; and/or, the function may be so highly specialized that the incumbent in the position has been hired in large part based on his/her expertise or ability to perform that particular function. Evidence of whether a particular function is essential includes, but is not limited to: the employer’s judgment as to which functions are essential; written job descriptions and, as applicable, accompanying performance plans; the amount of time spent on the job performing the function; the consequences of not requiring the incumbent to perform the function; work experience of past incumbents; and/or, the current work experience of incumbents in similar positions/jobs.

**Impairment:** a disability within the context of this procedure if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, an individual from performing a major life activity in order to be considered substantially limiting; however, not every impairment constitutes a disability as the term is defined.

**Interactive Process:** an informal, confidential dialogue between an applicant or employee and a human resources representative or other management official of the System Office or technical college with respect to a request for a reasonable accommodation to: enable the individual to perform the essential functions of the position held or desired; as applicable, modification(s) to the job application process; or, as applicable, accommodation(s) to permit an individual with a disability to enjoy equal
opportunity benefits and privileges of employment. NOTE: the interactive process involves a multi-step approach to include: 1. an analysis of the position/job to determine its purposes and essential and marginal job functions; 2. consultation with the individual requesting the accommodation to determine his/her job-related limitation(s) and how these limitation(s) could be overcome with a reasonable accommodation; 3. the identification of potential accommodation(s) and an assessment as to whether the accommodation(s) would enable the individual to perform the essential functions of the job/position; and, 4. consideration of the individual’s preference (if any) and selection and implementation of the most appropriate accommodation provided that the accommodation would not result in an undue hardship for the System Office or technical college.

**Major Life Activity:** activities which include caring for one’s self, performing manual tasks, walking, sitting, standing, lifting, reaching, seeing, hearing, speaking, breathing, learning, and working; mental and emotional processes such as thinking, concentrating, and interacting with others; and, the operation of major bodily functions to include the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive systems.

**Major Life Activity of Working:** “substantially limited” in working includes individuals with difficulty performing a class or a broad range of jobs in various classes of work. The class can be determined by reference to the nature of the work or by referenced to job requirements an individual may be limited in performing (e.g., standing for long periods of time). NOTE: employees are not substantially limited in working simply because an impairment limits their ability to perform only some aspect of their job.

**Marginal Job Function:** a job function that would be considered a secondary or non-critical job task or activity. Although important and necessary to the position, a marginal job function could be reassigned to others and/or performed a lesser percentage of time.

**Physical or Mental Impairment:** virtually any physical, mental, or psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body’s systems if the disorder or condition affects a major life activity. NOTE: the term does not include physical characteristics that are within “normal” range and are not the result of a physiological disorder (e.g., height, weight, eye color); personality traits such as poor judgment or a quick temper that are not the symptoms of a mental disorder; the predisposition to disease or illness; environmental cultural, or economic disadvantages such as poverty or lack of education; or, minor, temporary conditions such as simple infections, bruises or sprains. Additionally, pregnancy, alone, is not an impairment.

**Qualified Individual:** with respect to an individual with a disability, an individual (applicant or employee) who meets the established minimum qualifications and, if applicable, other job-related requirements for the job/position he/she holds or desires to
hold and who can, with or without reasonable accommodation, perform the essential functions of the job/position.

**Reasonable Accommodation:** a modification or adjustment to a position in the way work is customarily done; to an employment practice; or, to the work environment itself if the modification or adjustment makes it possible for a qualified individual with a disability to perform the essential functions of the position. The purpose of the accommodation is to enable applicants/employees to be tested and/or apply for positions without unfair disadvantage and for employees to perform the essential functions of the position while enjoying the same benefits and privileges of employment as other employees without disabilities.

**Record of Impairment:** an individual has a record of impairment (i.e., a disability) if he/she has a history of, or has been misclassified as having, a mental or physical disorder that substantially limits one or more major life activities.

**Regarded as Having an Impairment:** individuals who are “regarded as having such an impairment” are those who are subjected to an employment action based on: a physical or mental impairment that is not transitory (i.e., lasting less than six [6] months) and minor; or, do not have a physical or mental impairment but are treated (perceived) as though they have one that is not transitory and minor.

**Substantially Limits:** individuals are considered as disabled when they have an impairment that substantially limits their ability to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, an individual from performing a major life activity to be considered substantially limiting. The impairment, however, must be more than temporary and non-chronic with little or no residual effect. Further, ADA and ADAAA regulations indicate that the term “substantially limits” should be construed broadly in favor of expansive coverage; thus, the term is not meant to be a demanding standard, but instead, a common sense standard. NOTE: an impairment that is episodic or in remission can be a disability if it is substantially limiting when it occurs. Additionally, an impairment (i.e., disability) does not have to last at least six (6) months to be considered “substantially limiting”. An impairment lasting just a short time may be a disability if it is sufficiently severe.

**Undue Hardship:** any accommodation (or action) that would be unduly costly, extensive, substantial, or disruptive or, that would fundamentally alter the nature and structure of the operation of an employer. For purposes of the Technical College System of Georgia, its work units and technical colleges, an undue hardship would encompass any action that would be unduly burdensome, or that would fundamentally alter the nature, composition, structure, and functions of the work unit where the applicant would or an employee is working to include the impact of the accommodation on the ability of other employees to perform their duties and responsibilities.
V. Attachments:

A. Reasonable Accommodation Request Form
B. Medical Information Request Letter
C. Medical Information Request Form
D. Authorization for Release of Information Form
E. Interactive Disability Accommodation Document
F. Essential and Marginal Job Function Analysis Worksheet
G. Frequently Asked Questions – Applicants and Employees
H. Frequently Asked Questions – Managers, Supervisors and Human Resources Representatives
I. Reasonable Accommodation Review Form

VI. Procedures:

A. Initiating the Reasonable Accommodation Process:

1. The process begins when an applicant or employee makes a verbal or written request for a reasonable accommodation to a System Office or technical college representative (e.g., a manager or supervisor, office of human resources staff member, etc.) It is permissible for a family member, friend, or other representative to initiate a reasonable accommodation request on behalf of an applicant or an employee with a disability. Any such request need only indicate that the individual requires assistance in the application process or a work-related change or adjustment at his/her work site due to a physical or mental impairment.

2. Upon receipt of this information, the applicant/employee will be asked to complete a Reasonable Accommodation Request Form if he/she has not already done so unless such completion is impractical due to his/her disability.

3. As applicable, the completed form should be forwarded by the applicant, employee, or other individual acting on the applicant/employee’s behalf to the System Office’s or technical college office of human resources.

B. System Office/Technical College Responsibilities:

1. Upon receipt of the completed Reasonable Accommodation Request Form (or in response to a written or verbal request) in the System Office or technical college office of human resources, staff should first determine if an Essential and Marginal Job Function Analysis Worksheet (Attachment F) has been completed for the specific position in question (i.e. the position held or sought). If a Worksheet has yet to be completed, staff should work in conjunction with position’s immediate supervisor, reviewing manager, or other designated official with knowledge of the
position’s duties and responsibilities, to complete the Worksheet. This document must be finalized prior to the System Office or technical college requesting additional medical information from individual’s health care provider/professional.

2. When an individual’s health limitation(s)/disability and/or need for an accommodation are not visible, obvious, or otherwise known, and a determination as to whether the applicant or employee has a disability/impairment as defined by the ADA cannot be made without additional information, a human resources representative responsible for overseeing the interactive (reasonable accommodation) process may request that the applicant/employee obtain medical documentation from his/her treating health care provider/professional.

3. The scope of requested medical documentation is limited to information which establishes whether the individual has a disability and whether the disability necessitates a reasonable accommodation [e.g., information which indicates both the individual’s functional capabilities as well as any work-related restrictions based on his/her medical condition(s)/impairment(s)]. Further, the request for medical documentation should be limited to a provider’s assessment of the job-related functions for which an accommodated has been requested. NOTE: for these reasons, Attachment D (Authorization for Release of Information Form) provides that the applicant/employee shall determine the scope of information to be released in response to a request referenced in Paragraph VI.B.2. Further, the applicant/employee may refuse to provide authorization (for the release of information) or may revoke his/her authorization at any time.

4. A request for medically-related documentation cannot be initiated when both the disability and the need for reasonable accommodation are obvious or when the individual has already provided the System Office or technical college with sufficient information to substantiate that he/she has a disability and needs the accommodation requested.

5. In those circumstances in which additional medical documentation is needed, the applicant/employee will be provided with a Medical Information Request Letter (Attachment B) which outlines the rationale for the System Office or technical college’s request for the additional information.

6. In conjunction with the Medical Information Request letter, the applicant/employee should also be provided with a Medical Information Request Form (Attachment C), an Authorization for Release of Information Form (Attachment D), a copy of the Essential and Marginal Job Function Analysis Worksheet (Attachment F), and a copy of his/her Reasonable Accommodation Request Form (Attachment A) with instructions regarding
completion and submission of these documents to his/her treating health care provider/professional.

C. Applicant/Employee Responsibilities:

1. As referenced in Paragraph VI.B.2, an applicant/employee may be requested to obtain medical documentation from his/her health care provider/professional in conjunction with a request for reasonable accommodation.

2. In these circumstances, the applicant/employee is responsible for obtaining the information within the time period referenced in the accompanying Medical Information Request Letter (Attachment B); however, as noted in Paragraph VI.B.3., the individual may refuse to provide such authorization or may revoke his/her authorization at any time.

3. If the applicant/employee refuses to provide his/her authorization for the release of information, revokes authorization before needed information is obtained or otherwise refuses to provide/obtain documentation that is essential to the process of determining whether a reasonable accommodation should be provided, he/she is not entitled to reasonable accommodation. Further, as noted in Attachment D, any such refusal may influence forthcoming employment decisions.

4. If the requested medical information is not received in a timely manner as outlined in the Medical Information Request Letter, an employee with a known condition which limits the employee’s ability to perform the essential functions of his/her job/position and/or the condition is determined to be a direct threat to the employee or others, he/she may be permitted or required to be absent from work using accrued sick or annual leave, personal leave, as applicable, FLSA Compensatory Time or, he/she may be placed on a short-term leave of absence without pay until such documentation is received. As noted in Paragraph VI.C.3, an employee’s refusal to provide such information will end the reasonable accommodation process.

D. Determination of Disability:

1. Upon receipt of the requested medical information and a review of the initial request for reasonable accommodation and other job-related information (e.g., Essential and Marginal Job Function Analysis Worksheet), the designated human resources representative in conjunction with input from the applicant/employee, the supervisor and/or manager and, as applicable, other management officials, will determine if the applicant/employee is a qualified person with a disability as defined by this procedure.
2. If additional medical or mental health information or clarification of previously submitted documentation is needed to support a request for reasonable accommodation, the Reasonable Accommodation Request Form (Attachment A) and Authorization for Release of Information Form (Attachment D) outlines the process to request the information from the named health care provider/professional.

3. If the applicant/employee’s condition is determined not to be a disability, the individual will be notified (of this determination) in writing and that his/her request for reasonable accommodation has not been approved.

E. Identification of Possible Reasonable Accommodations:

1. If the applicant/employee is considered a qualified person with a disability, the interactive process will continue. The results of conversation(s) with the applicant/employee (and others) regarding potential reasonable accommodations should be documented using Attachment E (Interactive Disability Accommodation Document).

2. A request for an accommodation initiated by an employee should focus on the nature of the disability as it relates to his/her functional limitations to better identify an effective accommodation. The employee should actively engage in these efforts to clearly outline the problems posed by the identified workplace barrier(s). Suggestions from the employee with a disability may assist the System Office or technical college in determining the type of accommodation to provide. In instances in which both the individual and the System Office or technical college are not familiar with possible accommodations, consultation may be made with public and/or private sector resources to help identify possible accommodations after the specific limitations and workplace barriers have been determined.

3. Possible accommodations for a current employee include, but are not limited to: the transfer of non-essential (i.e., marginal) job functions to another employee; ergonomic adjustments; time off for medical appointments; modification of work tools or equipment; a part-time or modified work schedule; assistive devices; and/or, a modification of existing facilities to ensure that the workplace is easily accessible and usable by individuals with disabilities.

4. Possible accommodations for an applicant include modification(s) or adjustment(s) to the job application process that better enables a qualified applicant with a disability to be considered for the position the applicant desires.

5. When more than one possible reasonable accommodation is available that effectively addresses the needs of an applicant or
employee with a disability, the System Office or technical college may select the accommodation to be offered.

6. If a request for a reasonable accommodation request is subsequently approved, the parameters of the approval shall be provided to the applicant or employee in writing by a representative of the System Office or technical college office of human resources. All such decisions should be made no later than thirty (30) calendar days after receipt of an applicant/employee’s completed request and, as applicable, receipt of all requested medical documentation from his/her health care provider/professional. The applicant/employee must be notified in writing (prior to the expiration of the thirty [30] day period) if additional time is needed to review all associated materials pertaining to the requested accommodation.

7. The System Office or technical college may not require a qualified individual with a disability to accept a reasonable accommodation; however, if an employee refuses to accept an effective accommodation which enables him/her to perform the essential job functions or to eliminate a direct threat, he/she may not be qualified to remain in the job/position.

F. Assessment of Undue Hardship:

1. The Technical College System of Georgia and its associated technical colleges are required to provide reasonable accommodation to qualified individuals with a disability who are employees or applicants for employment unless doing so would cause undue hardship. Such determinations are made on a case-by-case basis.

2. In general, an undue hardship pertains not only to financial considerations, but also to reasonable accommodations that are unduly extensive, substantial, or disruptive.

3. For purposes of responding to a request for reasonable accommodation, the System Office or technical college will consider the factors referenced in Paragraph VI.F.2., as well as whether the delivery of an accommodation would fundamentally alter the nature, composition, structure, and functions of the work unit to include the impact of the accommodation on the ability of other employees to perform their assigned duties and responsibilities.

4. If it is determined that a request for reasonable accommodation would pose an undue hardship or a “direct threat” as that term is defined, the request will be denied and the applicant/employee will be provided written notification of this decision.

G. Review Procedure:
1. An applicant/employee whose request for an accommodation has been denied may request a review of the decision through the TCSG Office of Legal Services using Attachment I (Reasonable Accommodation Review Form). Any such request for review must be initiated within ten (10) calendar days of receipt of the System Office or technical college written determination denying or modifying the requested accommodation(s).

2. The Office of Legal Services will review all associated documentation and may, if needed, meet with the applicant/employee, System Office/technical college official(s), and/or others with knowledge of the situation. A written decision should be generated by the Office of Legal Services within fifteen (15) calendar days after receipt of the review request unless additional time is needed to complete the review. In this latter circumstance, both the requesting applicant/employee and the System Office management official or technical college president shall be notified of the needed extension in writing.

3. During the review period, the System Office work unit or technical college should not implement any modifications that would negatively impact an employee and the employee may remain at work if there are duties/tasks which can be performed within the parameters of medically documented restrictions. If there are no duties/tasks which can be performed within these restrictions, the employee may elect to use: accrued sick or annual leave; personal leave; or, as applicable, FLSA Compensatory Time to remain in pay status. Absent such a decision, the employee may be placed on an authorized short-term leave of absence without pay until the review has been completed.

4. The decision by the Director, Office of Legal Services will be final and will conclude the reasonable accommodation process for any review initiated through this procedure.

H. Implementation of the Reasonable Accommodation:

1. An approved reasonable accommodation should be implemented as quickly as possible following System Office or technical college approval unless the accommodation requires a transition period to purchase, set up equipment, make arrangements, and/or provide training. In these latter circumstances, the activities should be completed in a timely manner so as not to unreasonably delay the implementation of the accommodation.

2. During the reasonable accommodation process, an employee is not to be assigned duties/tasks that exceed the restrictions documented by his/her health care provider/professional. If, while the request for accommodation is being considered and/or before an approved accommodation is implemented, an employee is unable to perform the essential functions of his/her position, he/she may be permitted

282
or required to be absent from work (using accrued sick, annual, or personal leave; as applicable, accumulated Fair Labor Standards Act Compensatory Time; or, may be placed on an authorized short-term leave of absence without pay).

I. Monitoring the Effectiveness of the Reasonable Accommodation:

1. The interactive process is an ongoing obligation of the Technical College System of Georgia. Therefore, if a given accommodation is not effective or no longer effective, the System Office or technical college must continue to engage in discussions to identify other possible alternatives or, as appropriate, additional accommodation(s).

2. Any subsequent change to an employee’s health condition or modifications impacting workplace factors may warrant a re-evaluation of the provided accommodation(s) using, where appropriate, one or more steps referenced in this Procedure.

J. Confidentiality of Reasonable Accommodation Documentation:

1. All documentation associated with a request for reasonable accommodation including, but not limited to, correspondence, completed forms, and submitted medical information, shall be maintained in a confidential manner and housed separately in a locked compartment. For employees, these materials shall be maintained in his/her medical file.

2. Access to non-medically-related information shall be limited only to those System Office or technical college employees with a “need to know”.

3. Medical documentation (e.g., information pertaining to a medical condition) obtained through the reasonable accommodation process is considered a confidential medical record. Access to such documents is restricted only to the human resources representative(s) charged with overseeing the interactive process.

4. With respect to a request for accommodation by a current employee, supervisors, managers, and other designated System Office or technical college officials may only be informed of the identified work-related restrictions documented by the health care provider/professional and the recommended accommodations, if any. First aid and safety personnel as well as the employee’s immediate supervisor may be provided additional information about the disability if there is a possibility that emergency treatment could be required.

VII. Records Retention:
1. All documentation, forms, etc. obtained during the reasonable accommodation process for current employees as well as applicants subsequently hired shall be maintained in the employee’s medical file.

2. All documentation, forms, etc. obtained during the reasonable accommodation process for an applicant for employment not subsequently employed shall be maintained confidentially in a separate locked compartment for a period of two (2) years.

Revised:
Last Reviewed:
Adopted: September 12, 2013
EMLOYEE SELF SERVICE
Instructions for the Employee Self Service

Team Georgia Connection [https://team.state.ga.us](https://team.state.ga.us) At the TeamWorks Homepage under State Employee Self Service Log In enter your Used ID # which is your GNTC payroll employee ID # and your SS# without dashes for the Password.

It will tell you that your password has expired and prompt you to enter a new password and answer three security questions. Select any of the security questions but you must pick three questions. The password should be no more than eight characters with one capitalized character, one special character ($, #, etc) and one numeric.

Submit - It will tell you that your password has been changed.

You will return to the State Employee Self Services Log In screen. Enter your GNTC payroll employee ID # and the password you just created.

You will see tabs across the top that say Team Georgia / ESS/Teamworks / Customer Service / Flex-GABreeze. Select ESS/Teamworks to view your payroll check, leave balance, personal information, etc.

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Employee Self Service

**Benefits**

Leave Balance

**Payroll and Compensation**

View Paycheck

View Paycheck in PDF

**Personal Information**

Personal Information Summary
GNTC EMPLOYEE DISCOUNTS

Team Georgia Connection https://team.state.ga.us  Select Team Georgia from the tab across the top, Team Georgia / ESS/Teamworks / Customer Service / Flex-GABreeze. Under Most Popular Topics, select Discount Program from the drop down list.

The discount offers will change on a regular basis throughout the year. The savings include services and products in Georgia, as well as nationwide discounts for when you travel. Enjoy!

The list below is an example of some of the discounts available:

- Atlanta Falcons Football
- AT&T Wireless
- Dell Member Purchase Program
- Fox Theatre Atlanta
- Georgia Aquarium
- Rental Cars
- Theme Parks
- Verizon Wireless
**FACULTY SALARY INCREASES**

**Based on Advanced Degree Procedure**

Beginning July 1, 2010, the following procedure will be used by Georgia Northwestern Technical College for granting salary increase to faculty who complete advanced degrees. Salary increase will be awarded as approved but may be postponed in the years that the Technical College System of Georgia (TCSG) does not grant salary increases. These salary increases awarded would become effective when TCSG resumed the granting of salary increases.

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<thead>
<tr>
<th>Faculty</th>
<th>Bachelor Degree*</th>
<th>Master Degree**</th>
<th>Doctorate Degree</th>
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*As indicated in the chart above, an approved faculty member who has an Associate Degree and earns an approved Bachelor Degree will receive a salary increase of $1400. Bachelor Degree must be in a faculty member’s field of instruction as approved by the Vice President of Academic Affairs. Prior approval must be received in writing from the College President (complete Request for Approval form), before beginning a degree, in order to insure that employee will receive a salary increase upon completion.

**As indicated in the chart above, an approved faculty member who has a Bachelor Degree and earns an approved Master Degree will receive a salary increase of $3,000. Master Degree major must be in faculty member’s field of instruction or include 18 semester hours in field of instruction as approved by the Vice President of Academic Affairs. Prior written approval must be received from College President (complete Request for Approval [http://gnet2.gntc.edu/](http://gnet2.gntc.edu/)), before beginning a degree, in order to insure that faculty member will receive a salary increase upon completion.

Human Resources will process any approved salary adjustment based upon receipt of official transcript indicating degree conferred and appropriate signed approval.
BACKGROUND INVESTIGATIONS

I. Policy:

It is the policy of the Technical College System of Georgia (TCSG) that all reasonable measures will be taken to provide a safe and secure environment for employees, students, visitors, contractors, and other individuals working in, attending, and/or visiting any TCSG System Office work unit or technical college. Based on this objective and as provided in the parameters of this procedure, a thorough background investigation shall be conducted in conjunction with a recommended candidate’s initial employment with the TCSG System Office or any associated technical college in a full- or part-time position. The investigation shall include a post-offer criminal history records check and, as applicable, a post-offer: credit history records check; a fingerprint records check; a motor vehicle records check; and a pre-employment drug test. These activities must be successfully completed before a hiring decision is finalized.

In addition to one or more of the above referenced activities, the recommended candidate for a full-time P.O.S.T. certified law enforcement position shall also be required to successfully complete a post-offer State of Georgia mandated medical examination and psychological screening if the latter activity is included in a technical college’s written selection process for these positions.

The successful completion of a criminal history records check will also be required of any contractor/employee of a contractor who works in a full-time or regular, part-time capacity at any technical college, and whose work assignment(s) include direct contact with students and staff. Similarly, the Commissioner or technical college president may require volunteers to undergo a criminal history records check as a condition of service in this capacity. Any such determination should be based on the nature of an individual’s assignments within the System Office or technical college to include access to confidential information.

Consistent with the provisions of this procedure, an individual may be ineligible for employment if he/she possesses a documented record of criminal conviction(s); is currently on active, reporting probation or parole; or, whose criminal history reflects one or more, outstanding criminal charge(s) or one or more active arrest warrant(s).

II. Applicability:

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

III. Related Authority:
O.C.G.A. Title 16, Crimes and Offenses
O.C.G.A. § 16-11-5
O.C.G.A. Title 17, Criminal Procedures
O.C.G.A. § 17-10-6.1 (Serious Violent Felonies)
O.C.G.A. § 35-3-30 et seq.
O.C.G.A. § 42-8-60, et seq.
O.C.G.A. § 45-3-11
O.C.G.A. § 45-23-1 et seq. Drug-free Workplace Act of 1990
O.C.G.A. § 50-5-83
O.C.G.A. § 16-12-1.1
O.C.G.A. § 20-1A-30 through 20-1A-44
State Personnel Board Medical and Physical Examination Program
Rules and Regulations of the Department of Early Care and Learning

IV. Definitions:

Applicant: An individual seeking employment with any System Office work unit or technical college associated with the Technical College System of Georgia. This term also includes employees of other state agencies or any college/university affiliated with the University System of Georgia, as well as current or former employees of the Technical College System of Georgia or any technical college.

Arrest: The taking of an individual into custody by law enforcement personnel for the purpose of charging them with a crime/illegal act.

Background Investigation: may include a criminal history records (name) check, motor vehicle/driver’s history investigation, military service investigation, employment history investigation, credit history investigation, and/or the review, verification, and/or the investigation of information provided on an applicant’s resume, or employment application.

Business Day: Weekdays that administrative offices are open.

Consumer Report: any communication of information by a consumer reporting agency regarding a consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living when such information is used for employment or other purposes. When used in conjunction with a consumer report, the term “employment purposes” is defined as a report used for the purpose of evaluating a consumer for initial employment, promotion, reassignment, or retention.

Consumer Reporting Agency: The person (entity) who regularly assembles or evaluates consumer information and furnishes consumer reports to third parties for a fee or on a cooperative basis.
**Conviction:** The formal decision of a judge or jury which determines that an individual has committed the crime(s) for which he/she has been accused whether or not an appeal has been sought.

**Crime:** An act or omission which is prohibited by criminal law and punishable usually by fine or imprisonment.

**Criminal Record:** Encompasses the following information:
- Conviction of a Crime;
- Arrest, charge and sentencing for a crime where:
  1. A plea of nolo contendere was entered to a charge;
  2. First Offender Treatment without adjudication of guilt pursuant to the charge was granted;
  3. Adjudication or sentence was otherwise withheld or not entered on the charge;

  Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such a crime has expired pursuant to the provisions of O.C.G.A. Title 17, Chapter 3.

**Criminal History Records Check/Investigation:** Information accessed from a computerized database at the state or federal level (GCIC and/or NCIC) to determine whether an individual has a criminal record.

**Criminal History Record Information:** Information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, to include any disposition arising therefrom including acquittal, sentencing, correctional supervision, and release.

**Disposition:** The final outcome of a criminal charge.

**Employment History Investigation:** An oral or written verification of an individual’s previous employment as referenced on his/her resume or employment application to include reason(s) for leaving former employer(s).

**Fair Credit Reporting Act (FRCA):** Federal law regulating the collection, dissemination, and use of consumer information, including consumer credit information. Consumer reporting agencies (CRAs) must to adopt procedures that promote confidentiality, accuracy, relevancy, and proper use of consumer information. Employers (in almost all circumstances) are required to follow certain steps, including obtaining an individual’s written consent before pursuing a consumer report from a consumer reporting agency.

**Felony:** The most serious of criminal offenses which generally carries a minimum sentence/term of one (1) year or more in a correctional facility.
**Fingerprint:** For purposes of this procedure, an electronic image of a person’s fingerprint.

**Fingerprint Records Check Determination:** a satisfactory or unsatisfactory determination by the Georgia Department of Early Care and Learning based upon fingerprint-based state and national criminal history record information.

**First Offender Act (Probation of First Offenders):** As provided in O.C.G.A.§ 42-8-60, a discharge without court adjudication of guilt. Except for registration requirements under the state Sex Offender Registry and as otherwise provided in O.C.G.A.§ 42-8-63.1., upon fulfillment of the terms of probation, upon release by the court prior to the termination of the sentence (e.g., probation) or, upon release from confinement, the defendant shall be discharged without court adjudication of guilt. The discharge completely exonerates the defendant of any criminal purpose and shall not affect any of his or her civil rights or liberties. Additionally, upon discharge, the defendant shall not be considered to have a criminal conviction.

**Georgia Crime Information Center (GCIC):** A Division of the Georgia Bureau of Investigation which provides the intrastate communication of vital information relating to crimes, criminals, and criminal activity.

**Misdemeanor:** A crime, less serious than a felony, which is punishable by fine or no more than one (1) year in a correctional facility.

**Name Check:** A criminal record investigation using an individual’s name and social security number as a basis for identification.

**National Crime Information Center (NCIC):** A federal criminal history record information database maintained by the Federal Bureau of Investigation (FBI).

**Nolo Contendere:** a plea entered by a defendant (as an alternative to a pleading of guilty or not guilty) in response to being charged with a crime in which he/she neither admits to nor disputes the charge(s). A court will treat any such plea as an admission (of guilt) and proceed to find the defendant guilty as charged. A conviction arising from a nolo plea is subject to any and all penalties, fines, and forfeitures of a conviction from a guilty plea and can be considered as an aggravating factor in future criminal actions.

**Nolle-Prosequi (Nol Pros):** An entry made on the record by a prosecutor in a criminal case stating that he/she will no longer pursue the matter. An entry of nolle prosequi may be made at any time after charges are brought and before a verdict is returned or a plea entered.

**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.

**Satisfactory Determination:** a written declaration by the Georgia Department of Early Care and Learning that the individual for whom a fingerprint records check determination
was performed was found to have no criminal record or a record which would not preclude employment in a TCSG child enrichment center or group day-care home.

**Unsatisfactory Determination:** a written declaration by the Georgia Department of Early Care and Learning that the individual for whom a fingerprint records check determination was performed was found to have a criminal record which would preclude employment in a TCSG child enrichment center or a group day-care home.

V. Attachments:

A. [Driver’s History Consent Form](#)
B. [Criminal History Information Release Form (Technical College)](#)
C. [DSI/State of Georgia Background Request Form](#)
D. [Fair Credit Reporting Act Guidelines](#)
E. [Credit Information Release Form and Fair Credit Reporting Act Disclosure](#)
F. [GCIC Awareness Statement](#)
G. [Pre-Employment Questionnaire – P.O.S.T. Certified Law Enforcement Positions](#)
H. [Authorization to Release Personal Information Form](#)
I. [Medical and Physical Examination Program Acknowledgement Form](#)
J. [Cogent Systems/Georgia Applicant Processing Systems Acknowledgement Form](#)

VI. Procedures:

A. General Provisions:

1. All applicants, including employees of other state agencies and the University System of Georgia or individuals who were previously employed with the TCSG System Office or an associated technical college, are subject to a thorough background investigation as a part of the selection process to include the investigation, review, and/or verification of information provided on an employment application, as well as information pertaining to an applicant’s criminal history, employment history; education history; and, military service history. Every recommended candidate must successfully complete a post-offer criminal history records check as a condition of initial employment with the TCSG System Office or any associated technical college in any full- or part-time position. .

NOTE: Written statements made by an applicant/current employee on a System Office/technical college employment application and the State of Georgia Security Questionnaire/Loyalty Oath will be deemed to have been made under oath as provided in state law. Falsification or misrepresentation of information on these documents including, but not limited to, criminal history information,
educational achievement (e.g., degree[s] obtained), or prior work history or, on any other hiring document/form, may result in the withdrawal of an employment offer or, if already employed, dismissal. Current employees pursuing advancement opportunities or other position(s) who falsify employment related documents/forms shall be subject to disciplinary action up to and including dismissal from employment.

2. An employing System Office work unit or technical college shall provide a recommended candidate with a written, conditional offer of employment. The correspondence should communicate that the offer is contingent upon the candidate successfully completing a criminal history records check and, dependent upon the position sought: a credit history records check, a motor vehicle records check, a pre-employment drug test, a fingerprint records check; a psychological screening; and, a medical examination. NOTE: the selection process is not complete and no candidate may be formally hired and begin work until all such screening(s) have been completed and the candidate has met all established hiring standards.

3. Child Enrichment Center/Group Day-Care Home Positions:

   a. As provided in statute, all individuals recommended for employment in a full- or part-time position assigned to a licensed TCSG child enrichment center or group day-care home on or after January 1, 2014 (to include, as applicable, administrative, administrative support, instructional, custodial, and food service positions) must undergo a fingerprint records check as a condition of employment and must obtain a satisfactory determination letter from DECAL before he/she can commence employment. In addition to the employment restrictions outlined in this procedure, the criminal history of any such candidate must also not reflect a conviction or plea of nolo contendere for any offense(s) referenced in O.C.G.A.§ 20-1A-30 et.seq. NOTE: the fingerprint records check shall be in addition to the criminal history records check mandated by this procedure.

   b. All full- and part-time employees of a child enrichment center/group day-care home engaged in an application for licensure through DECAL must obtain a satisfactory fingerprint records check determination as provided by applicable DECAL Rules and Regulations and the provisions of O.C.G.A.§ 20-1A-30 et.seq.

   c. All individuals employed in a full- or part-time capacity in a TCSG child enrichment center or a group day-care home (as referenced in Paragraph VI.A.3.a.) before January 1, 2014 must also obtain a satisfactory determination letter from DECAL to continue his/her employment. To this end, all affected staff members shall undergo a fingerprint records
check as a condition of continued employment no later than May 1, 2014.

d. As provided in Paragraph VI.A.3. a through c, the selected candidate or current employee must complete a Cogent Systems/Georgia Applicant Processing Services Acknowledgement Form (Attachment J) and all other Cogent registration requirements prior to undergoing a fingerprint records check. e. All center/group day-care home employees must undergo an additional fingerprint records check five (5) years after the first fingerprint records check was performed and every five (5) years thereafter.

f. Any employee referenced in Paragraphs VI.A.3.b or c who refuses to undergo the required fingerprint records check or who possesses a criminal record that would otherwise disqualify him/her from working in a TCSG child enrichment center or group day-care home will be released from employment consistent with the provisions of the State Board Policy on Positive Discipline (III.T) and the Adverse Employment Actions Procedure (III.I).

g. The employing technical college is responsible for all costs associated with the required criminal history records checks and fingerprint records checks.

4. P.O.S.T. Certified Law Enforcement Positions:

a. Candidates for TCSG jobs with Minimum Qualifications which require certification as a peace officer through the Georgia Peace Officer Standards and Training (P.O.S.T.) Council shall complete a TCSG Pre-Employment Questionnaire (Attachment G.). The Questionnaire shall be considered a pre-offer activity and should be utilized in conjunction with the interview portion of the college’s written selection process.

b. Following the delivery of a written conditional offer of employment, the selected candidate for a full- or part-time law enforcement position must participate in/successfully complete certain post-offer screening activities which may be in addition to or which may complement a technical college’s written selection process. As referenced in Paragraph VI.A.1., the recommended candidate for a full- or part-time position must successfully complete a criminal history records check. The candidate for a full-time position must also successfully complete a pre-employment drug screening. As applicable, the candidate must also successfully complete a credit history records check, a motor vehicle records check, and a psychological screening, if the latter activity is included in a technical college’s written selection process for these positions. Similarly, the selected candidate for a part-time law
enforcement position may be required to successfully complete a pre-employment drug screening if such testing is mandated by the employing college.

c. The recommended candidate for a full-time P.O.S.T. certified law enforcement position must also successfully complete a post-offer State of Georgia mandated medical examination.

d. As provided in Paragraph VI.A.4.c., the recommended candidate must complete a Medical and Physical Examination Program Acknowledgement Form (Attachment I).

e. With respect to the medical examination and as provided in the Medical and Physical Examination Program established through the State Personnel Board, the selected candidate may, at his/her expense, utilize a licensed medical practitioner of his/her own choosing to perform the required examination.

f. A technical college president or his/her designee may contract with a licensed medical practitioner to either perform the medical examination or review the results of a medical examination performed by another licensed medical practitioner to validate that the candidate meets all established medical standards for service as a P.O.S.T. certified law enforcement officer. In either instance, cost for the examination or the review of a completed examination shall be the responsibility of the prospective employee unless the technical college agrees to assume these costs. If a college agrees to assume these costs for all prospective full-time employees in law enforcement positions, the college may stipulate that the prospective employee be examined by a designated provider.

5. All current System Office or technical college employees are subject to a criminal history records check prior to any promotion, change in employment status from part-time to full-time, movement/lateral transfer to a position deemed sensitive given the nature and scope of the individual’s newly assigned duties, or for any other legitimate business reason as determined by the Commissioner or technical college president. This provision shall be consistently applied within the System Office and each technical college.

6. A recommended candidate’s criminal history records check shall be considered valid for a period of sixty (60) calendar days from the date of the final report. If the individual is not hired within the sixty (60) calendar day period, these activities must be repeated if the individual later becomes the recommended candidate for the same or a different position.
7. A recommended candidate who has been convicted of certain criminal offense(s) shall be disqualified from employment for a period of five (5) years as provided in Paragraph VI.B.1. The five (5) year period encompasses the date of the most recent conviction, plea of nolo contendere, or release from incarceration, probation, or parole, whichever is later.

8. A formal discharge under the provisions of O.C.G.A.§ 42-8-63 (Probation of First Offenders), commonly known as the First Offender Act, is not a conviction of a crime under Georgia Law and may not generally be used to disqualify a person in any application for employment or subsequent appointment in the public or private sector. The provisions of O.C.G.A. 42-8-63.1 provide an exception to this general prohibition with respect to an offender (i.e., applicant or employee) discharged under the First Offender Act on or after July 1, 2004 and who (later) applies for employment with an entity (e.g., a technical college) that provides day care or after school care for minor children after prosecution for one of the following offense(s): child molestation; sexual battery; enticing a child for indecent purposes; sexual exploitation of a child; pimping; pandering; and/or incest.

9. Any current employee who is found to have falsified or misrepresented information on employment-related form(s) or document(s), to include past criminal conviction(s) or other background investigation standards established/administered by a public or private clinical/internship/externship site or agency (e.g., a hospital, medical center, laboratory, etc. as referenced in Paragraph VI. F.), is subject to disciplinary action up to and including dismissal from employment consistent with the provisions of the State Board of the Technical College System of Georgia Policy on Positive Discipline (III.T.) and the Adverse Actions in Employment Procedure (III.I.).

10. Contractors and/or employees of a contractor who work in a full-time or regular part-time capacity in a technical college setting and whose work assignments include direct contact with students and staff (e.g., bookstore operations, custodial operations, food service operations) must meet the same criminal history standards as an applicant or any employee subject to the provisions of this policy.

11. Contractors and/or employees of a contractor whose work assignments in a technical college setting are temporary/time-limited and/or seasonal/sporadic in nature (e.g., grounds maintenance, construction projects, maintenance, installation, repair or service-related duties/tasks, etc.) are not subject to the provisions of this policy.

12. A recommended candidate for employment possessing a criminal record reflecting one or more felony or misdemeanor conviction(s) not addressed in the Drug-free Workplace Act of 1990 or enumerated in Paragraph VI.B. is eligible for employment. The System Office or technical college human
resources director/coordinator should first complete an individualized assessment and review the matter with the Commissioner, technical college president, his/her designee or other designated management official. The assessment should focus on such factors as the specific nature and gravity of the offense(s), the time elapsed since the offense was committed and the nature of the position sought to include the position’s work location and assigned duties and responsibilities. Other considerations include information concerning the character and background of the candidate from designated references and his/her current and/or former employer(s), and an assessment as to whether the conviction(s) could potentially pose a safety risk to System Office/technical college operations, employees, students, visitors, and others in the workplace.

13. As provided in Paragraph VI.G., an individual who would otherwise be disqualified from employment on the basis of his/her criminal history may, nonetheless, be recommended for employment following completion of an individualized assessment referenced in Paragraph VI.A.12. Any such recommendation initiated by a technical college president or a System Office assistant commissioner or executive director must be made in writing to the Commissioner. No hiring decision can be finalized until the Commissioner and/or his designee has reviewed the submitted information and, if appropriate, authorized the appointment in writing.

B. Employment Restrictions:

1. There is a mandatory disqualification period from employment for a period of five (5) years from the date of the most recent conviction, plea of nolo contendere, or release from incarceration, probation, or parole, whichever is later, for any of the following crimes/categories of crimes:

Felony Conviction(s)

a. Offense(s) involving violent behavior encompassing those serious violent felonies referenced in O.C.G.A.§ 17-10-6.1, e.g., murder or felony murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, aggravated sexual battery, and other offenses including violent behavior, including arson, aggravated battery, kidnapping, reckless conduct causing bodily harm, robbery, voluntary manslaughter, involuntary manslaughter, cruelty to children in the second or third degree;

b. Other sexual offenses referenced in O.C.G.A., Title 16 including incest, sodomy, statutory rape, child molestation, enticing a child for indecent purposes, and sexual exploitation of children;
c. Criminal attempt when the crime attempted is any of the crimes referenced in the above subparagraphs.

d. Any other felony conviction directly related to the area of assignment (e.g., theft by taking, theft by deception, theft by shoplifting, theft by conversion, financial transaction fraud/forgery, deposit account fraud, identity fraud, etc.), when the position sought involves access to financial resources including, but not limited to, cash and Purchasing Cards; and,

e. Any offense committed in another jurisdiction which, if committed in Georgia, would be one of the enumerated criminal offenses referenced in these subparagraphs.

Misdemeanor Conviction(s)

a. Simple battery or simple assault when the victim is a minor, cruelty to children, criminal attempt/battery when the victim is a minor, and contributing to the delinquency, unruliness or deprivation of a minor when an applicant is pursuing a position in a technical college’s on-site child care/child enrichment center;

b. Any other misdemeanor conviction directly related to the area of assignment (e.g., theft by taking, theft by deception, theft by shoplifting, etc.), when the position sought involves access to financial resources including, but not limited to cash and Purchasing Cards;

c. Any offense committed in another jurisdiction which, if committed in Georgia, would be one of the enumerated criminal offenses referenced in these subparagraphs.

NOTE: In circumstances pertaining to a conviction for a violent felony offense that is so egregious given the nature of the crime, the period of disqualification may be extended beyond the five (5) year period referenced in Paragraph VI.B.1. Any such extension may only be considered after completion of an individualized assessment as outlined in Paragraph VI.A.12. In these instances, the assessment should consider/balance the nature of the offense in relation to the position sought – e.g., a felony sexual offense involving a minor when the position sought is located in a child enrichment center or when the position serves as an instructor with responsibility for dually enrolled high school students. Before a decision to extend the disqualification period is finalized, a technical college president or the System Office deputy commissioner or an assistant commissioner should consult with the Executive Director of the Office of Legal Services.

2. Drug-Related Conviction(s):
a. The following minimum sanctions are to be imposed on applicants who have been convicted of a criminal drug offense pursuant to the Drug-free Public Workforce Act of 1990:

i. Any person who has been convicted for the first time under the laws of Georgia, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale, or possession of a controlled substance, marijuana, or a dangerous drug is ineligible for any public employment for a period of two (2) years from the date of conviction; and,

ii. Any person who has been convicted two (2) or more times under the laws of Georgia, the United States, or any other state of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance, marijuana, or a dangerous drug is ineligible for any public employment for a period of five (5) years from the most recent date of conviction.

3. Active Probation/Parole Status, Active Arrest Warrant(s), or Pending Criminal Charge(s):

a. An applicant cannot be considered for employment if:

i. He/she is currently on active, reporting probation or parole for any felony offense referenced in Paragraph VI. B. 1. or any felony drug offense referenced in Paragraph VI. B. 2.;

ii. He/she is currently on active, reporting probation for a misdemeanor offense referenced in Paragraphs VI. B. 1. or any misdemeanor drug offense referenced in Paragraph VI. B. 2.

iii. He/she has a pending, non-adjudicated charge for any felony offense or a misdemeanor offense referenced in Paragraphs VI. B. 1. or a drug offense referenced in Paragraph VI. B. 2.; or,

iv. He/she has an active felony or misdemeanor arrest warrant;

b. No hiring recommendation can be made until the applicant has successfully cleared a pending, non-adjudicated charge referenced above or an outstanding arrest warrant by providing a copy of the disposition or documentation that the arrest warrant has been cleared.

C. Motor Vehicle Records (MVR) Checks

1. As provided in the State Board of the Technical College System of Georgia’s Driver Qualification Procedure (III. Y.), the recommended candidate for any
full- or part-time position who may be required to drive a state, rental, or personal vehicle on State of Georgia business shall, as a condition of employment, possess a valid driver’s license and have his/her driving history records reviewed to ensure consistency with established driving standards.

2. As a condition of employment, the recommended candidate must consent to a Motor Vehicle Records (MVR) Search/Check and must complete the associated Driver’s History Consent Form (Attachment A).

3. A recommended candidate for employment shall not be considered for a position meeting the above requirements if he/she possesses a suspended or revoked Driver’s License.

4. A recommended candidate for employment meeting the driving requirements referenced above and whose driving history reflects two (2) “at fault” motor vehicle accidents in the three (3) year period immediately preceding his/her application for employment; who possesses eight (8) or nine (9) violation points on his/her driving record; or, who has been convicted of Driving Under the Influence (DUI) or Driving while Intoxicated (DWI) within six (6) months of his/her application for employment may be employed provided he/she:

   a. completes a driver safety video offered by or through the Georgia Department of Administrative Services (DOAS) or a similar organization; and,

   b. successfully completes a defensive driving course offered through a Defensive Driving School certified by the Georgia Department of Driver’s Services (or comparable course in his/her state of residence) within sixty (60) days of his/her date of employment. The cost of the Defensive Driving Course will be responsibility of the applicant/employee. Any newly hired employee who fails to complete the course within the required time period shall be dismissed from employment; or,

   c. in response to a DUI or DWI conviction or plea of nolo contendere, successfully completes a DUI Alcohol or Drug Use Risk Reduction Course through a provider certified by the Georgia Department of Driver’s Services (or comparable course in his/her state of residence) within sixty (60) days of his/her date of employment unless completion of the course was previously mandated by the court of jurisdiction as a part of sentencing. The cost of the Course will be the responsibility of the applicant/employee. Any newly hired employee who fails to complete the course within the required time period shall be dismissed from employment.
5. Any recommended candidate whose driving history reflects three (3) or more “at fault” motor vehicle accidents in the three (3) year period immediately preceding his/her application for employment, or ten (10) or more current violation points may not be employed in any position for which driving on a frequent or infrequent basis is a condition of employment.

6. Any applicant who refuses to sign the Driver’s History Consent Form will not be provided further consideration for employment and any conditional offer of employment previously provided to the applicant will be withdrawn.

7. Any current employee in a position not subject to the requirements of the Driver Qualification Procedure who subsequently applies for a position covered by these procedures must have his/her driving history records reviewed if he/she is the recommended candidate for the position. Any employee who refuses to sign the accompanying Driver’s History Consent Form will not be considered further for the position and may be subject to disciplinary action.

D. Credit History Records Checks

1. Pursuant to the provisions of O.C.G.A.§ 50-5-83, the recommended candidate for a position with assigned duties and responsibilities requiring an incumbent to use a Purchasing Card (i.e., P-Card) shall be subject to a criminal history records check and a credit history records check. For purposes of this procedure, both the criminal history records check and the credit history records check are a condition of employment.

2. The credit history of a recommended candidate may also be investigated when the duties of the identified position include responsibility for handling money, managing financial transactions or related duties or, when appropriate for those positions charged with overseeing such activities. Care must be taken to ensure that these investigations and any subsequent employment-related decisions are made consistent with applicable provisions of the Fair Credit Reporting Act (FCRA), the Consumer Credit Protection Act, and the Bankruptcy Reform Act.

3. Consistent with an established technical college written selection process, the recommended candidate for a P.O.S.T. certified law enforcement position may be required to undergo a credit history records check as a condition of employment. Any such requirement shall be consistently applied to the selected candidate for each full-time and, as applicable, part-time position requiring (as a minimum qualification) peace officer certification.

4. In conjunction with the requirements of Paragraphs VI.D. 1, through 3, the recommended candidate shall complete a Credit Information Release/Fair Credit Reporting Act Disclosure Form (Attachment E). NOTE: the accompanying Fair Credit Reporting Act Guidelines are referenced in Attachment D.
E. Notification and Authorization Requirements

1. All vacancy announcements/notices shall incorporate a statement advising potential applicants of the specific background investigation requirements for the designated position to include the required criminal history records check and, as applicable, a motor vehicle records check, a credit history records check, a fingerprint records check, a pre-employment drug test, a psychological screening, and a medical examination.

2. During the selection process, each applicant interviewed for a given position, shall be verbally notified of the specific background investigation requirements for the position sought and that successful completion is a condition of employment.

3. A recommended candidate must provide written authorization to permit the System Office or the employing technical college to conduct a criminal history records check and, as applicable, a motor vehicle records check, a credit history records check, a fingerprint records check, or a medical examination using Attachments A, B, C, E, I, and/or J. Additionally, the recommended candidate for certain identified positions must also, as a condition of employment, successfully complete a psychological screening and/or a pre-employment drug test.

4. Any recommended candidate who refused to provide the required written authorization(s) as identified in Paragraph VI.E.3 or, who subsequently refuses to undergo one or more of the required supplemental screening activities referenced in Paragraph VI.E.3 will not be considered further for employment.

5. Any prospective contractor/employee of a contractor working in a full-time or regular part-time capacity in a technical college and whose work assignments include direct contact with staff and students or a System Office or technical college volunteer must meet the same criminal history standards as those established for TCSG employees.

6. Any current employee who refuses to comply with the requirements of Paragraph VI.E.3, while participating in a selection process will not be considered further for the available position and/or may be subject to disciplinary action up to and including dismissal from employment.

7. As also referenced in the provisions of Adverse Employment Actions Procedure III.I., all employees are required to report any post-employment arrest and the subsequent disposition of any pending charge (e.g., conviction, dismissal, etc.) to his/her immediate supervisor and/or reviewing manager no later than two (2) business days following the date of arrest or final disposition. Supervisors must then immediately report the employee’s arrest and/or subsequent disposition to his/her technical college president or human resources office; supervisors
assigned to the System Office must report the employee arrest and disposition to the Commissioner or TCSG Office of Human Resources. Failure to comply will be grounds for disciplinary action, up to and including, dismissal pursuant to the provisions of the above referenced procedure and the Positive Discipline Policy (III.T).

F. Background Checks Required by a Clinical/Internship/Externship Site or Agency:

1. Employees in certain positions, such as health sciences faculty, who supervise students in a clinical/internship/externship site or agency may be required (as a condition of employment) to undergo additional background screening(s) (e.g., a criminal history records check) as dictated by a public or private clinical/internship/externship site or agency (e.g., a hospital, medical center, laboratory, etc.). These may include an inquiry with the HHS Office of the Inspector General, Exclusion Program; Inquiry with the General Services Administration Excluded Parties List System (EPLS).

2. An employee who is denied entry to a clinical/internship/externship site or agency on the basis of the results of these additional screening requirement(s) and cannot perform the essential functions of his/her job, may be subject to disciplinary action up to and including dismissal as provided in the State Board Policy on Positive Discipline (III.T.) and the Adverse Employment Actions Procedure (III.I.).

G. Authorization to Employ an Applicant with a Disqualifying Criminal History

1. As referenced in Paragraphs VI.A.12 and 13, an individualized assessment will be conducted by the System Office or technical college human resources director/coordinator and, as applicable, other designated System Office or technical college official(s) on the recommended candidate for employment who would otherwise be disqualified from employment on the basis of his/her criminal history. The assessment will include an analysis of other sentencing factors such as active probation status for certain offenses, an active parole status, or an outstanding arrest warrant. The assessment, conducted in conjunction with the notification provisions outlined in Paragraph VI.H., will consider the nature and gravity of the crime(s)/offense(s) committed, the time elapsed since conviction/incarceration, and the nature/relationship of the crime(s)/offense(s) with the position sought. The analysis shall be provided to the technical college president or System Office assistant commissioner or executive director for his/her determination as to whether an exception to the hiring restrictions referenced in Paragraph VI.B. and Paragraph VI.G.1. should be considered.

2. A technical college president or System Office assistant commissioner or executive director may, consistent with the provisions of this procedure,
recommend the employment of an applicant whose criminal history would be otherwise disqualifying. Any such recommendation must be made in writing to the Commissioner. The request should include a synopsis of the applicant’s past criminal history and the accompanying rationale. No hiring decision can be finalized until the Commissioner and/or his/her designee makes a determination and, if approved, has authorized the appointment in writing.

H. Notification of Adverse Hiring Decision

1. If an applicant is eliminated from consideration for a position in whole or in part because of the results of a criminal history records check or a credit history check, he/she must be provided one or more separate written notice(s) that disclose the specific information used in making the determination as referenced in Paragraph VI.H.2. NOTE: any disciplinary action imposed on a current employee on the basis of an arrest and/or one or more subsequent conviction(s), pleas of nolo contendere(s), etc. for one or more criminal offense(s) must follow applicable provisions of the State Board of Technical College System of Georgia Policy on Positive Discipline (III.T.) and the Adverse Employment Actions Procedure (III.I.).

2. For the System Office and those technical colleges using a third party consumer reporting agency to access criminal history information, the System Office/technical college must follow all pertinent notification provisions of the Fair Credit Reporting Act [FCRA] (Attachment D).

3. Technical colleges accessing/using criminal history information generated directly from the Georgia Crime Information Center (GCIC) database must follow all pertinent procedures established pursuant to applicable GCIC Council Rules.

I. Maintenance of Criminal History Records

1. Records and documents concerning/generated/obtained in response to candidate’s or an employee’s criminal history must be maintained separately from any personnel, management, or selection file.

2. When not being reviewed, this information must be stored in a locked cabinet. Areas in which the information is processed and handled must be out of public view and restricted to authorized personnel in the performance of their official duties.

J. Access to Criminal History Information

1. Criminal history records and other related information will only be accessible to authorized System Office/technical college staff.
2. Any employee who has access to or reviews criminal history records/investigation reports generated by directly accessing the GCIC database must sign a GCIC Awareness Statement (Attachment F) which is designed to ensure confidentiality and proper handling of the information. The Rules of the GCIC Council require signed Awareness Statements to be placed in each employee’s official personnel file.

3. Criminal history records will not be released or otherwise disseminated or disclosed to unauthorized individuals or employees.

4. An employee’s unauthorized access to and/or release of an applicant’s or other staff member’s criminal history information to unauthorized individuals may subject the employee to disciplinary action up to and including dismissal from employment.

5. The Georgia Crime Information Act (O.C.G.A. 35-3-38) establishes specific criminal penalties for the unlawful access of the criminal justice system or dissemination of criminal history information.

VII. Records Retention: Criminal history records must be retained for seven (7) years.

NOTE: Pursuant to statute and the accompanying Rules and Regulations of the Georgia Department of Early Care and Learning (DECAL), documentation which reflects that a satisfactory fingerprint records check determination was received before a prospective child enrichment center/group day-care home employee begins working with children must be maintained on-site by the center/group day-care home director in an separate file. The documentation is available for inspection by a DECAL representative upon request. Similar information must be maintained on all current employees of a center/group day-care home.

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Last Reviewed: July 17, 2013
Adopted: April 3, 2008
WORKPLACE VIOLENCE

I. Policy
The Technical College System of Georgia and its associated technical colleges are committed to providing all employees, students, volunteers, visitors, vendors and contractors a safe and secure workplace and/or academic setting free of intimidating, threatening, or violent behavior. To this end, it is the policy of the System that any violent act or threatening or disruptive behavior, language, or communication in any form (including telephone, facsimile, electronic mail or written communication) shall not be tolerated.

No employee, student, volunteer, visitor, vendor or contractor shall engage in prohibited behavior or conduct against another individual in any System or technical college worksite (including a satellite campus/location) or at any sanctioned off-site function. This prohibition for employees extends to any off-duty setting when the act is directed to a work-related contact or otherwise bears a relationship to work.

An employee who believes that he/she has been subject to workplace violence should report the matter consistent with the reporting mechanisms outlined in Section V., Paragraph D. A student, volunteer, visitor, vendor or contractor who believes that he/she has been subject to workplace violence should report the matter immediately to technical college employee or, as applicable, a System Office employee or, as soon as possible after the incident, via an electronic version of the Workplace Violence Incident Reporting Form located on each technical college website or, as applicable, the System website. Workplace Violence Incident Reporting Form

Any employee who violates the provisions of this policy shall be subject to disciplinary action up to and including dismissal from employment. Any technical college student who engages in prohibited behavior shall be subject to disciplinary action up to and including expulsion consistent with the provisions/guidelines of the affected technical college’s Student Code of Conduct. 

https://tcsg.edu/tcgpolicy/docs/Student_Conduct.htm Any visitor or volunteer who engages in prohibited behavior shall be subject to exclusion from all System or technical college worksites. Any vendor or contractor who engages in prohibited behavior shall be subject to exclusion from all System or technical college worksites and the termination of his/her business relationship.

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

III. Definitions
Contractor: An independent contractor, business, or corporation which provides goods and/or services to the Technical College System of Georgia or any associated technical
college under the terms specified in a contract. For the purposes of this policy, the term also includes all employees of a business or corporation working on technical college property, System worksite, or technical college workplace including any sponsored/sanctioned event.

Emergency Operation Plan: A plan developed by each technical college to cover such safety and security-related matters as emergency evacuation procedures; health and safety issues; campus violence; and, weather-related emergencies.

Employee Assistance Program: A confidential counseling program designed to assist employees and family members who have personal problems that could reasonably interfere with their job performance and/or family life.

Intimidation: Includes, but is not limited to, stalking or engaging in actions reasonably intended to frighten, coerce, or induce distress.

Physical Attack/Physical Assault: Unwanted or hostile physical contact such as hitting, pushing, kicking, shoving, throwing of objects, or fighting.

Property Damage: Intentional damage to property owned by the System, a technical college or, an employee, student, volunteer, visitor, vendor, or contractor.

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.

Stalking: A pattern of offensive behavior involving repeated harassment or other forms of invasion of an individual’s privacy in a manner that would be expected to cause fear to the recipient.

Threat: Is an expression of intent to cause physical or mental harm/distress. Such an expression constitutes a threat without regard to whether the person communicating the threat has the ability to carry it out, and without regard to whether the threat is made on a present condition or future basis. In determining whether the conduct constitutes a threat, including whether the action was intended as a threat, the totality of the circumstance(s) will be considered.

Weapon: Any object referenced in O.C.G.A. 16-11-127.1 (or a reasonable facsimile thereof) which is used to attack or intimidate another person. A pistol, rifle, etc., need not be operable to constitute a direct threat to others.

Workplace: Any System worksite including a technical college campus, a satellite campus/location, or the site of any function sanctioned by the System or any technical college.

IV. Attachment
- Workplace Violence Incident Reporting Form
- Suspension With Pay Sample Letter

V. Procedures
General Provisions
1. All employees are expected to maintain a professional and businesslike relationship with fellow employees, students, volunteers, vendors, visitors and contractors. Students are expected to conduct themselves in a responsible manner in accordance with their college’s Student Code of Conduct. Everyone shall place safety as their highest concern and shall report all acts of violence and threats of violence. All reports of violence will be managed in a confidential manner, with accompanying information released only on a
need-to-know basis. System and technical college officials shall be sensitive and responsive to a reporting individual’s fear of reprisal/retaliation.

- The System and its associated technical colleges will not tolerate acts or threatened acts of violence in the workplace or at any event sanctioned by the System or technical college or, while an employee is off duty when the act is directed to a work-related contact or otherwise bears a relationship to work. Threats of violence will not be excused on the grounds that they were made in a “joking” fashion.
- Examples of prohibited behavior include, but are not limited to
  - Physically menacing/threatening behavior or gestures which convey a threat
  - Unlawful harassment, including ethnic, racial, or sexual epithets
  - Physical attack/assault with or without a weapon
  - Stalking
  - Direct or implied verbal threats or abusive, intimidating, or obscene language
  - Intentional damage to personal or System or technical college property
  - Intentional damage to the personal property of an employee, student, volunteer, visitor, vendor, or contractor
  - Possession of a weapon on technical college property or at any sanctioned event when such possession is contrary to the provisions of O.C.G.A. 16-11-127.1 and State Board Policy II. C. 10.
  - Fighting and/or physical altercations among employees or students is strictly prohibited. Included is any “fighting” that may be characterized as “horseplay”
  - The System and its associated technical colleges reserve the right to inspect any type of state property including, but not limited to, desks, work areas, computers, and other assigned equipment. Employees are expected to cooperate in any search and failure to cooperate will result in disciplinary action up to and including dismissal from employment.
  - All files, records, and information stored on any System or technical college computer are the property of the System/technical college and may be inspected at any time, with or without prior notice or permission. Consistent with the provisions of State Board Policy II. C. 4. System or technical college computers are provided for business purposes and should not be used for non-work related matters.
  - Employees should expect that electronic mail messages, internet usage and all information created, transmitted, downloaded, received or stored on System or technical college computers may be accessed by the System or technical college at any time without prior notice. Employees should not assume that they have an expectation of privacy or confidentiality in such messages, data, or information, whether or not such information is password protected or that deleted messages, data, information, or previous internet use have been removed from the computer’s hard drive.

Note: It is an express violation of policy for an employee to use a commercial software product to permanently erase/wipe all data (e.g., images, e-mails, documents, etc.) from a System or technical college computer’s hard drive(s), partition(s), and/or removable media, and to overwrite all deleted data to ensure that the data becomes unrecoverable.
Note: This does not pertain to System or technical college Information Technology (IT) staff performing computer repairs, maintenance, or upgrades.

- Employees should remain alert to and be familiar with their surroundings to better recognize potentially serious situations. Many acts of targeted workplace violence are preceded by direct or indirect threats; therefore, all threats must be taken seriously and should be reported as soon as possible.
- Each technical college is responsible for including the provisions of this policy in a Workplace Violence Prevention Plan to be incorporated in the college’s Emergency Operation Plan.
- All technical college employees and students are to be advised of the Emergency Operation Plan and notified of the procedures to be followed should violent incident(s) or other emergencies occur in the workplace.
- Any complaint registered against a technical college student regarding a potential violation of this policy will be investigated consistent with the provisions of the affected technical college’s Student Disciplinary Procedure.

Preventative Measures - Pre-Employment Initiatives
One of the most effective measures to reduce or prevent workplace violence is to avoid hiring individuals who are likely to be perpetrators of such violence. Effective measures include:

- Applications for employment should be carefully reviewed. An explanation of gap(s) in employment history should be requested. Clarification on any other unclear area(s) should be sought
- Dates of previous and current employment should be verified
- Reasons given for leaving previous employer(s) should be reviewed
- Personal and professional references, including the current or most recent employer, should be reviewed.
- A thorough background investigation, including a criminal history records check and, as applicable, a driver’s history records check should be conducted pursuant to State Board Policy III. W https://tcsg.edu/tcsgpolicy/docs/III_W_Background_Investigations.html
- When appropriate, a pre-employment test for the presence of illegal drugs should be conducted; and
- If the recommended candidate for employment will be driving a state vehicle or his/her personal vehicle for work-related purposes, verification of a valid driver’s license and appropriate vehicle insurance is required.

Warning Signs
Individuals may exhibit certain behaviors that may be warning signs of potential violent behavior. The presence of these behaviors, however, should not always be interpreted as a precursor of violent behavior given that others may not exhibit any unusual behavior prior to committing acts or threatened acts of violence. All employees should be aware of circumstances or behaviors, including but not limited to:

- Direct or veiled threats of harm; Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior
- Numerous conflicts with supervisors, managers, and other employees
• Bringing a weapon into the workplace contrary to established policy
• Statements indicating a fascination with weapons or with past incidents of workplace violence
• Statements showing desperation (e.g., family, financial, and other personal problems) to the point of contemplating suicide
• Substance/alcohol abuse
• Extreme changes in behavior
• Destruction of System/technical college property or the property of other employees
• Limited outside interests and socially isolated (i.e., a “loner”)
• Excessive tardiness or absences, reduced productivity, increased need for supervision; and
• Increased stress in the workplace, fear of losing his/her job, believes he/she has been treated unfairly, etc.

Reporting Acts or Threatened Acts of Workplace Violence

• In an emergency or potentially life-threatening situation, a System employee should contact his/her immediate supervisor, reviewing manager, or call 911. A technical college employee should follow the reporting procedures outlined in his/her college’s Emergency Operations Plan or, if necessary, call 911.
• In a non-emergency situation, an employee should notify his/her immediate supervisor, reviewing manager, human resources director/coordinator or, for technical college staff, other contact(s) referenced in the college’s Emergency Operations Plan.
• Any employee witnessing or receiving a report of prohibited behavior should notify his/her immediate supervisor, reviewing manager, human resources director/coordinator or, for technical college staff, other contact(s) referenced in the college’s Emergency Operations Plan.
• Any technical college employee observing another individual’s possession, display, or use of a weapon on college property or at a sanctioned event should immediately notify an appropriate contact referenced in the college’s Emergency Operations Plan.
• Any student, volunteer, visitor, vendor or contractor who believes that he/she has been subject to workplace violence should report the matter immediately to a technical college employee or, as applicable a System employee or, as soon as possible after the incident, via an electronic version of the Workplace Violence Incident Reporting Form located on each technical college website or, as applicable, the System website.
• Any employee, supervisor, or manager who fails to report behavior/actions prohibited by this policy will be subject to disciplinary action.
• Employees must notify their immediate supervisor or reviewing manager when any restraining/protective order has been initiated by or against them. This includes issues of a personal nature (e.g., domestic disputes, stalking, etc.) when the order includes any System or technical college worksite or campus location.
- The Workplace Violence Incident Reporting Form (Attachment A) must be completed by the employee, supervisor, or other authorized official as appropriate. The form must also be completed by the receiver of any anonymous report.
- Anyone who, in good faith, reports acts or threatened acts of violence is protected from retaliation. Every effort will be made to protect the safety and anonymity of an individual who brings forward concern(s) about an act or threat of violence. Any retaliatory actions should be reported as soon as possible to the System or technical college human resources director/coordinator.

### Investigating Complaints of Workplace Violence
- Any alleged act or threat of violence should be reviewed by the appropriate System or technical college officials to determine if a further investigation is warranted. Staff in the System’s Office of Legal Services or Office of Human Resources are available to assist a technical college in any review and/or investigation.
- Any subsequent investigation should begin as soon as possible after a complaint is initiated.
- Witness(es) may be interviewed in person or, if appropriate, by telephone and written statements should be obtained. Written statements should be as detailed as possible regarding exactly what transpired in the incident (e.g., “what was said”, “who hit who first”, etc.) and should be signed by each witness.
- In a non-emergency situation, the accused employee/individual should be interviewed and provided the opportunity to offer information regarding the alleged incident(s).

*Note: If the complaint involves a volunteer, visitor, vendor, or contractor, a technical college president or his/her designee may contact the System’s General Counsel or Director of Human Resources regarding available investigative options.*
- When an investigation of an alleged act or threat of workplace violence is conducted, a written report containing the findings and recommended action should be completed within fifteen (15) calendar days following the date of the reported incident(s).
- The completed investigative report will be forwarded to the Commissioner or technical college president for his/her review and necessary action.
- Only those employees with a “need-to-know” will be informed of the findings and subsequent action.
- The employee(s)/individual(s) who reported an act or threatened act of violence will be informed of the findings and subsequent action. These employee(s)/individual(s) should be advised to report any reoccurrence(s) of an act or threatened act of violence to their immediate supervisor, reviewing manager, human resources director/coordinator, or for technical college employees, other contact(s) referenced in college’s Emergency Operations Plan.

### Corrective Action
- When an employee has or may have engaged in prohibited behavior or conduct contrary to the provisions of this policy and whose action(s) have been determined to be a potential threat to the safety and well-being of others, he/she should be immediately removed from the workplace and verbally notified that he/she will be
placed on suspension with pay pending investigation for alleged misconduct. Written notification of this decision using Attachment B should follow with instructions that the employee is not to return to any System or technical college worksite or attend any sanctioned event until notified by the Commissioner or technical college president (or their designee) in writing or, when appropriate, by telephone.

- Any employee who engages in substantiated acts of physical violence in the workplace (e.g., a physical attack/assault, fighting, etc.) shall be dismissed from employment.
- Absent mitigating circumstances/evidence, any employee whose threatening behavior, actions, or language have been determined to have violated the provisions of this policy (e.g., stalking, property damage, verbal threats, abusive language, etc.) or, who has possessed a weapon on a technical college campus/worksite or sanctioned event in violation of the provisions of O.C.G.A. 16-11-127.1 and State Board Policy II. C. 10. shall be dismissed from employment.

Where there is no overt violent or seriously threatening act (i.e., no direct threat), but rather a single incident or pattern of disruptive, peculiar, or potentially alarming behavior or conduct on the part of an employee and/or if mitigating circumstances/evidence referenced in Section V. Paragraph F. 2. are present and the employee is to be retained, a mandatory referral may be made to the System’s Employee Assistance Program (EAP) as a condition of continued employment. This referral may include a fitness-for-duty examination. https://tcsg.edu/tcsgpolicy/

- Any employee who refuses to participate in a mandatory EAP referral or a fitness-for-duty examination will be subject to disciplinary action up to and including dismissal from employment.
- If a dismissal of a violent/potentially violent employee is to occur, the following actions should be taken.
  a. Have multiple staff members present when the meeting is conducted.
  b. All items and equipment belonging to the System/technical college (e.g. keys, identification badge, laptop computers, etc.) should be collected.
- The employee’s access to the System/technical college computer system should be deactivated.
- Consider having local law enforcement officers or, as applicable, campus police nearby but not as participants in the meeting with the employee.
- The employee should be escorted out of the building at the conclusion of the meeting and verbally directed to leave the System or technical college property.
- If possible, pack and send the employee’s personal items/effects to his/her home address.
- Consider having additional security personnel, local law enforcement officers or, as applicable, campus police present at the worksite for the next few days.
- Post-dismissal monitoring should occur to ensure the safety of those involved.
- If action involving a non-technical college employee (e.g., volunteer, visitor, vendor, or contractor) is necessary, a technical college president or his/her
The System or technical college shall make every reasonable effort to support and protect a victim of workplace violence (including domestic violence) through the following measures:

- Offering appropriate safety and security measures.
- When appropriate, accommodating an employee’s request for a work schedule adjustment or temporary modification to working conditions or assigned work location.
- Encouraging participation/utilization of available EAP services.
- Approving an employee’s leave requests for medical, court, and counseling/EAP services.

VI. Records Retention
Documents associated with a workplace violence investigation and any associated disciplinary action should be maintained for a period of seven (7) years after an employee’s departure from state employment.

Revised: May 9, 2008
DRIVER QUALIFICATION PROCEDURE

I. Policy
In an effort to better promote a safe work environment and potentially reduce the number of on-the-job motor vehicle accidents and traffic citations, the Technical College System of Georgia has established initial and continuing driving qualification standards for all System Office and Technical College drivers. Included is a process for managing on-the-job traffic accidents.

II. Applicability
All work units and technical colleges associated with the Technical College System of Georgia as well as all TCSG employees who drive on State of Georgia business regardless of frequency.

III. Related Authority
Background Investigations Policy
https://tcsg.edu/tcsgpolicy/docs/III_W_Background_Investigations.html

IV. Definitions
Applicant: An individual seeking employment with any work unit or technical college associated with the Technical College System of Georgia. This term also includes employees of other state agencies or any college/university affiliated with the University System of Georgia, as well as current or former employees of the Technical College System of Georgia or any technical college.

Business Day: Weekdays that administrative offices are open.

Conviction: The result of a trial/judicial proceeding in which a defendant has been found guilty of an offense, including a plea bargain/agreement and a plea of nolo contendere.

Disposition: The result of a criminal proceeding including information disclosing that an arresting agency has elected not to refer the matter to a prosecutor or that a prosecutor elected not to commence criminal proceedings and disclosing the nature of the termination in proceedings or, information disclosing the reason for such postponement.

Fault: The concept whereby a driver is guilty of error (either by committing improper actions or by omitting proper actions), when the error results in a preventable accident. Determination of “fault” is generally made in a court of law/traffic court when a driver is convicted of a traffic offense.

Felony: A crime which generally carries a minimum term/sentence of one year or more in a state or federal prison.

Immediate Supervisor: An individual charged with developing performance plans and managing and assessing the performance of employee(s) in those work unit(s) under his/her span of control.

Misdemeanor: A crime punishable by a fine and/or county jail time for up to one year.

Motor Vehicle Report: Driving history records (e.g., violations, traffic accidents, license suspension, convictions, etc.) maintained on all licensed drivers by the Georgia Department of Driver Services or comparable agency/department in another state.
Nolo Contendere: A plea entered by a defendant (as an alternative to a pleading of guilty or not guilty) in response to being charged with a crime/offense in which he/she neither admits to nor disputes the charge(s). A conviction arising from a nolo plea is subject to any and all penalties, fines, and forfeitures of a conviction from a guilty plea and can be considered as an aggravating factor in further criminal actions.

Points: A system administered by the Georgia Department of Driver Services or comparable agency/department in another state which attaches a numerical value to a conviction or plea of nolo contendere for a moving violation (e.g., speeding) or other traffic/driving-related offense (e.g., possessing an open container of an alcoholic beverage while driving).

Note: Pursuant to applicable state law, a driver’s license is suspended if records or other evidence reflects that the driver has accumulated the maximum allowable points within a given time period, including violations committed in another state. The Georgia Department of Driver Services is authorized to suspend the license of any driver who accumulates fifteen (15) points within a twenty-four (24) month period. In Georgia, points remain on an individual’s driving history records for two (2) years. Standards in other states may vary in terms of point’s accumulation relative to these actions and the period of time such points remain active.

Revocation (Mandatory): In Georgia, a driver’s license will be revoked if the driver is convicted of one of the following offenses:
1. For any third conviction of a mandatory suspendable offense within five (5) years (i.e., a habitual violator). A revocation issued for this purpose will be for five (5) years.
2. Refusal to submit to a re-examination of driving skills or knowledge of driving rules after receiving notice giving reasonable grounds for such a request.
3. If there is sufficient evidence of incompetence or unfitness to drive, due to incapabilities by reason of disease, mental or physical disability, or by alcohol or drug addiction.

Suspension (Mandatory): In Georgia, a driver’s license will be suspended for a conviction (in Georgia or any other state) of the following offenses:
1. Homicide by vehicle
2. A conviction for driving under the influence of alcohol or drugs
3. Any felony in the commission of which a motor vehicle is used
4. Using a motor vehicle in fleeing or attempting to elude a law enforcement officer
5. Fraudulent or fictitious use of, or application for a license
6. Hit and run or leaving the scene of an accident
7. Racing
8. If a driver refuses to take a chemical test of intoxication. In such instances, the license will be suspended for twelve (12) months
9. Operating a motor vehicle with a revoked, canceled, or suspended registration in violation of O.C.G.A. 40-6-15
10. Conviction for driving without insurance. In such instances, the suspension is generally sixty (60) to ninety (90) days in length
11. If convicted for driving while a license is suspended, revoked, or canceled, the license shall be further suspended for a period of six (6) months
12. If a driver fails to appear in court or respond to a citation, his/her license may be suspended
13. Conviction for the possession, distribution, manufacture, cultivation, sale or transfer of a controlled substance or marijuana

V. Attachments:
- Attachment A Driver Acknowledgement Form
- Attachment B Driver Notification Form
- Attachment C Driver Safety Tips
- Attachment D Supervisor’s Accident Follow Up-Checklist
- Attachment E Driver’s History Consent Form

VI. Procedure
A. Driver Qualifications Standards - Applicants/Candidates for Employment
1. As referenced in the State Board of Technical and Adult Education policy governing Background Investigations, the driving history records of all applicants for employment, including employees of other state agencies and the University System of Georgia, or individuals who were previously employed in any capacity with any work unit or technical college associated with the Technical College System of Georgia (TCSG), are subject to review.
2. The recommended candidate for any full- or part-time position who may be required to drive a state, rental, or personal vehicle on State of Georgia business shall, as a condition of employment, have their driving history records reviewed to ensure consistency with the driving standards referenced in this Procedure.
3. A recommended candidate meeting the driving requirements referenced in Paragraph VI. A. 2., and whose driving history reflects two (2) “at fault” motor vehicle accidents in the three (3) year period immediately preceding his/her application for employment, who possesses eight (8) or nine (9) violation points on his/her driving record, or who has been convicted of Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) within six (6) months of his/her application for employment may be employed provided he/she:
   a. Completes a driver safety video offered by the Department of Administrative Services (DOAS).
   b. Successfully completes a defensive driving course offered through a Defensive Driving School certified by the Georgia Department of Driver’s Services (or comparable course in his/her state of residence) within sixty (60) days of his/her date of employment. The cost of the Defensive Driving Course will be the responsibility of the applicant/employee. Any newly hired employee who fails to complete the course within the required time period shall be dismissed from employment; or, as applicable.
   c. Successfully completes a DUI Alcohol or Drug Use Risk Reduction Course through a provider certified by the Georgia Department of Driver Services (or comparable course in his/her state of residence) within sixty (60) days of his/her date of employment unless completion of the course was previously mandated by the court of jurisdiction as part of sentencing. The cost of the Course will be the responsibility of the applicant/employee. Any newly hired employee who fails to complete the course within the required time period shall be dismissed from employment.
4. Any recommended candidate not possessing a valid driver’s license or whose driving history reflects three (3) or more “at fault” motor vehicle accidents in the three (3) year period immediately preceding his/her application for employment, or ten (10) or more current violation points may not be employed in any position for which driving on a frequent or infrequent basis is a condition of employment.

B. Driver Qualification Standards - Current Employees
1. When the Motor Vehicle Use Procedure is formally adopted, all current TCSG employees whose job may require the operation of a vehicle on state business will, as a condition of continued employment, be required to provide written authorization (i.e., Attachment E, Driver’s History Consent Form) to permit the System Office or respective Technical College to request a Georgia Motor Vehicle Report (MVR) through the Georgia Department of Driver Services or a comparable report through the agency/department responsible for these services/activities in the employee’s state of residence. Any employee who fails to provide authorization will be subject to disciplinary action consistent with applicable State Board of Technical and Adult Education policy.
2. Any employee whose initial MVR reflects activity/content consistent with that outlined in Paragraph VI. D. (Driver Disqualification) will be subject to the same penalties/loss of driving privileges as would any individual employed after the Procedure’s effective date.
3. If an employee does not initially meet established safety standards due either to the accumulation of violation points, the number of “at fault” traffic accident(s), and/or one or more conviction(s) or pending charge(s) for referenced offense(s), the employee will not be permitted to drive on state business until he/she completes a driver safety video, successfully completes a Defensive Driving Course, or, as applicable, successfully completes a DUI Alcohol or Drug Use Risk Reduction Course. The cost of the Course will be the responsibility of the employee and must be completed within sixty (60) days after providing notification to his/her immediate supervisor or upon notification of the results of the MVR.
4. If it is determined that an employee does not currently possess a valid driver’s license, the employee will not be permitted to continue driving on state business and other appropriate action may be initiated consistent with applicable State Board of Technical and Adult Education policy.

C. General Provisions
1. To operate a state, rental, or personal vehicle on state business, an employee must possess a valid driver’s license appropriate to the type of vehicle operated.
2. A MVR will be requested on all frequent and infrequent drivers at least yearly or in response to information provided in a submitted Driver Acknowledgement Form (Attachment A) or Driver Notification Form (Attachment B). Technical College Presidents may require MVR’s to be run more frequently on college drivers.
3. An employee who operates a vehicle on state business on a weekly or more frequent basis must complete a Driver Acknowledgement Form (Attachment A) every six (6) months.
4. An employee who operates a vehicle on state business infrequently must complete a Driver Acknowledgement Form before each trip.
5. The completed Form should be returned to the employee’s immediate supervisor or other official as determined by the Commissioner, Technical College President or his/her designee. Only employees who have initialed every referenced safety standard will be permitted to drive on state business. The employee should retain a copy of the Form for his/her records.
6. A newly hired TCSG employee who has recently relocated to Georgia to accept employment in the System Office or an associated technical college may operate a vehicle on state business using a valid driver’s license from his/her former State for a period up to thirty (30) days after becoming a Georgia resident. The employee must apply for a Georgia driver’s license before the thirty (30) day period elapses and provide his/her immediate supervisor with proof of such application.
7. A TCSG employee who permanently resides in another State may operate a vehicle on state business using a valid driver’s license from his/her State of residence. This provision also pertains to the employed spouse or dependent of active duty military personnel stationed in Georgia.
8. All drivers should review Attachment C, Drivers Safety Tips, before driving on state business

D. Driver Disqualification

1. Following the adoption of this Procedure, an employee will not be permitted to operate a vehicle on state business until he/she completes a driver safety video, successfully completes a Defensive Driving course or, as applicable, a DUI Alcohol or Drug Use Risk Reduction Course through a provider certified by the Georgia Department of Driver Services (or comparable course in his/her state of residence) within sixty (60) days if one of the following events occurs:
   a. He/she has accumulated ten (10) or more violation points on his/her driving record; or
   b. He/she has been convicted of Driving Under the Influence (DUI); Driving While Intoxicated (DWI); Leaving the Scene of an Accident; or Refusal to take a Chemical Test for Intoxication within the six (6) month period immediately preceding an assignment to drive on state business.

   The cost of the Defensive Driving or DUI Alcohol or Drug Use Risk Reduction Course will be the responsibility of the employee and the Course must be completed no later than sixty (60) days after notifying his/her supervisor of the event.

   Note: If completion of a DUI Alcohol or Drug Use Risk Reduction Course was previously mandated by the court of jurisdiction as part of sentencing and the employee can show proof of completion, the requirements of Paragraph VI. D. 1 will have been satisfied.

2. An employee will not be permitted to operate a vehicle on state business until he/she has first completed a driver safety video if either of the following event(s) occur:
   a. He/she receives a citation, ticket, or warning while driving on state business; or
   b. He/she has an “at fault” motor vehicle accident within the six (6) month period immediately preceding an assignment to drive on state business
In addition, the employee may be required to successfully complete a Defensive Driving course. This determination will be made by the Commissioner or Technical College President (or their designee) in consultation with the employee’s immediate supervisor and the official responsible for System Office/Technical College Fleet/Risk management. If mandated, the cost of the Defensive Driving Course will be responsibility of the employee and must be completed within sixty (60) days.

3. An employee whose driver’s license is expired, suspended, or revoked is not permitted to operate a vehicle on state business until his/her license is reinstated. Any employee who may possibly drive on state business must disclose any license expiration, suspension, or revocation to his/her immediate supervisor no later than the business day following the formal notification of the license action by the Georgia Department of Driver Services or comparable agency/department in his/her State of residence. This information should be provided using a Driver Notification Form, Attachment B.

4. If, at any time, an employee is charged with/receives a citation for one of the following offenses, he/she will not be permitted to operate a vehicle on state business until formal disposition of the charge(s):
   a. Driving Under the Influence (DUI)
   b. Driving While Intoxicated (DWI)
   c. Leaving the scene of an accident
   d. Refusal to take a chemical test for intoxication
   e. Aggressive Driving (only if conviction would result in ten (10) or more violation points accumulated on his/her driving record); and
   f. Exceeding the Speed Limit by more than nineteen (19) mph (only if conviction would result in ten (10) or more violation points accumulated on his/her driving record)

5. An employee who operates a vehicle either frequently or infrequently on state business and is charged with an offense referenced in Paragraph VI. 4 must disclose this information to his/her immediate supervisor no later than the business day following the citation/charge using the Driver Notification Form (Attachment B).

6. An employee who meets all Driver Qualifications following disposition of the charge(s) outlined in Paragraph VI. D. 4 and other administrative requirements referenced in this Procedure, is permitted to resume driving on state business.

7. The Commissioner or Technical College President may, in addition to any of the sanctions referenced in Paragraph VI. D., propose disciplinary action consistent with applicable State Board of Technical and Adult Education policy.

E. On the Job Citations

1. An employee who receives a traffic citation, ticket, or warning for any offense while operating a vehicle on state business must notify his/her immediate supervisor no later than the next business day using the Driver Notification Form, (Attachment B).

2. In these instances, the employee will not be permitted to drive again on state business until he/she has completed a driver safety video and may, depending upon disposition, be required to successfully complete a Defensive Driving Course or a DUI Alcohol or Drug Use Risk Reduction Course. A decision to require the completion of either Course within the stipulated time period will be made consistent with the provisions of Paragraph VI. D.
3. If the citation or ticket is for a charge referenced in Paragraph VI. 4., the employee will be prohibited from driving on state business until formal disposition of the charge(s), to include other administrative requirements referenced in the Procedure.
4. Any fine associated with a citation or ticket issued while traveling on state business will be paid by the employee/driver.

F. On the Job Accidents
1. An employee involved in a motor vehicle accident while driving on state business should obtain the following information at the scene of the accident:
   a. The other driver’s name, address, and telephone number; and
   b. The name of the responding police department or law enforcement agency
2. An employee must report any accident involving bodily injury and/or property damage within twenty-four (24) hours of the occurrence either by calling 1-877-656-7475 involving a personal, rental, or a TCSG System Office or Technical College fleet vehicle.
3. An employee must notify their immediate supervisor of a motor vehicle accident that occurs while driving on state business using the Driver Notification Form, Attachment B. Notification must be made upon returning to work or the following business day, whichever is sooner.
4. Upon receipt, the immediate supervisor should discuss the accident with the affected employee and complete the Supervisor’s Accident Follow-Up Checklist Report. The completed document should be forwarded to the Chair of the System Office/Technical College Accident Review Panel within two (2) business days following the meeting.
5. An employee cited for an on-the-job accident will not be permitted to operate a vehicle on state business until he/she has viewed a driver safety video and successfully completes an approved defensive driving course, the cost of which will be the responsibility of the employee. As provided in Paragraph VI. G., the employee may be subject to other actions as recommended by the Accident Review Panel.

G. Accident Review Panel
1. The System Office and each Technical College will establish an Accident Review Panel comprised of at least three (3) members and chaired by the System Office/Technical College official responsible for Fleet/Risk Management activities. The remaining Panel members will be selected by Commissioner or Technical College President, or his/her designee.
2. The Panel will be charged with reviewing all on-the-job motor vehicle accidents, reported traffic citations, and complaints registered against a System Office or Technical College employee and making recommendation(s) to the Commissioner or Technical College President for any additional action, as appropriate, consistent with State Board of Technical and Adult Education policies and procedures.

VII. Record Retention
All documents and forms associated the Motor Vehicle Use Program will be retained throughout a driver’s employment and for an additional three years after his/her employment ends.

*September 16, 2009*
EMPLOYEE ASSISTANCE PROGRAM

I. POLICY:

The Technical College System of Georgia (TCSG) recognizes the need to assist employees with addressing concerns that can adversely impact their personal and work lives as well as interfere with their job performance or negatively affect the workplace. As a resource to covered employees, the TCSG provides a comprehensive Employee Assistance Program (EAP) through a contract provider organization. The program is both an employee benefit and a management tool designed to build and maintain a quality workforce. Participation in an EAP neither protects an employee from warranted disciplinary action nor jeopardizes an employee’s job or career advancement.

II. APPLICABILITY:

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

III. RELATED AUTHORITY:

42 C.F.R. Part 2. (2012) - Confidentiality of Alcohol and Drug Abuse Patient Records (i.e., restricts the disclosure of alcohol and drug abuse patient records)

45 C.F.R. Part 160 and Part 164 - Health Insurance Portability and Accountability Act (HIPAA)

O.C.G.A. §§ 19-7-5 (reporting of child abuse), 30-5-4 (reporting of disabled or elder abuse, neglect, or exploitation), 50-18-72 (records not subject to mandatory public disclosure)

State Board Policy on Positive Discipline (III.T.)

State Personnel Board Rule 30 – Employee Assistance Program

IV. DEFINITIONS:

**Covered Employee:** a full-time employee of the Technical College System of Georgia’s System Office, Quick Start Headquarters or a Quick Start Regional Office or, an associated technical college.

**Covered Individual:** an eligible employee’s recognized dependent(s) or other(s) living in the employee’s household.
**Employee Assistance Program ("EAP"):** a confidential assessment, counseling, intervention, and referral service provided to eligible TCSG employees as well as other covered individuals through a contract provider.

**Employee Assistance Program Provider:** a clinician associated with the TCSG’s contract EAP provider who holds licensure as a clinical social worker (LCWS), professional counselor (LPC), marriage and family therapist (LMFT) or psychologist.

**Full-time Employee:** any individual who works thirty (30) hours or more per week in a salaried position and whose appointment is for a period of nine (9) or more calendar months.

**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.

**Technical College System of Georgia ("TCSG"):** a state agency established pursuant to O.C.G.A. § 20-4-14 and authorized to exercise state level leadership, management, and operational control over colleges, programs, and services. The agency consists, in part, of the Commissioner’s Office, various statewide programmatic and support divisions in the System Office, colleges, and the Office of Economic Development/Quick Start.

V. ATTACHMENTS:

A. [Management Referral Form – Mandatory EAP Referral](#)
B. [Scope and Description of EAP Services](#)

VI. PROCEDURE:

A. **General Provisions:**
   1. All TCSG work units including the System Office, Quick Start Headquarters and Quick Start Regional Offices, and all associated technical colleges shall ensure that covered employees are aware of the TCSG-sponsored Employee Assistance Program to include relevant contact information and scope of available services. 
      NOTE: a technical college is not precluded from entering into a separate contract agreement with the same or a different EAP provider (using college funds) to offer services to the college’s workforce which may differ in scope of coverage and which may include those employees not covered by the TCSG Employee Assistance Program.
   2. The TCSG’s Employee Assistance Program (EAP) is both a self-referral and management alternative which provides confidential,
short-term assessment, counseling, intervention or, as applicable, referral services at no cost to full-time TCSG employees.

3. Covered employees/individuals in need of counseling or other services/treatment beyond the scope of the TCSG contract and/or other specialized inpatient/out-patient services will be referred to an appropriate provider or facility by the EAP provider. The covered employee/individual will bear all costs associated with the receipt of such services/treatment.

4. A management referral to or an employee’s voluntary or mandatory participation in the Employee Assistance Program is not an alternative to or a formal step of the TCSG Positive Discipline process, which is designed to address an employee’s job performance, behavior/conduct, or attendance deficiencies when such intervention is warranted.

5. Certain information, disclosures or communications may be released by the EAP provider without an employee’s written consent in the following circumstances:
   a. when the EAP provider believes the employee is a threat to himself/herself, the general public or another person;
   b. when the EAP provider determines that there is evidence of child abuse, elder abuse, or the abuse of a disabled individual;
   c. when disclosure is otherwise required by federal, state, or local law or in response to a court order;
   d. when requested by local law enforcement officials or medical personnel responding to a life-threatening or medical emergency; or,
   e. to avert a public health risk.

6. The TCSG System Office will receive aggregate utilization data from the EAP Provider organization and may be required to report this information to the Commissioner of the Department of Administrative Services. For purposes of these general utilization reports, the data does not contain any personal identifying information regarding employees or other covered individuals utilizing the EAP during the designated reporting period. NOTE: if a technical college has independently entered into a separate EAP contract utilizing the same or a different provider, the college’s utilization data must also be made available to the Commissioner of the Department of Administrative Services upon request. In this circumstance, similar information should also be provided to the System Office’s Director of the Office of Human Resources.

B. Employee Self-Referral
   1. An eligible employee who elects to use the Employee Assistance Program at his/her own initiative may contact the EAP contract provider directly. As provided in Paragraph VI.A.1., the System Office and each technical college shall ensure that all eligible
employees are aware of the program to include relevant contact information and scope of available services.

2. An EAP provider will work directly and confidentially with the covered employee to assist him/her in identifying the cause of and work to resolve the problem/difficulty. When appropriate and as referenced in Paragraph VI.A.3., the employee/individual may be referred for additional treatment or counseling.

3. Other than the narrow exceptions referenced in Paragraph VI.A.5., no information regarding an employee’s participation in the EAP will be shared with the System Office, the employing technical college, or any other individual/organization absent specific written authorization provided by an employee, including any referral for additional services/treatment.

C. Informal Supervisory Referral

1. An employee may be referred to the TCSG Employee Assistance Program by his/her immediate supervisor or reviewing manager in response to documented performance, behavior/conduct or attendance difficulties/issues only after the identified concerns are discussed with the employee by his/her supervisor or reviewing manager.

2. The immediate supervisor or reviewing manager is encouraged to consult with the System Office’s General Counsel or Director, Office of Human Resources or, as applicable, the technical college Human Resources Director/Coordinator to discuss this and other alternatives to address the identified work-related issues.

3. An informal supervisory referral may also be made when an employee brings a problem or issue that he/she believes is currently impacting his/her personal life, job performance, behavior/conduct, or attendance to the attention of his/her immediate supervisor or reviewing manager. In these circumstances, the supervisor/reviewing manager should explain how the EAP could assist the employee in addressing the self-identified concerns. The supervisor/manager should offer to assist the employee in contacting the EAP or he/she may refer the employee to System Office or technical college Office of Human Resources for such assistance.

4. An employee’s participation in the EAP following an informal referral is entirely voluntary and he/she may accept or decline the referral without consequences.

5. If an employee accepts the referral, no information pertaining to his/her participation in the EAP will be shared with the System Office or technical college absent specific written authorization unless the information is related to those narrow exceptions referenced in Paragraph VI.A.5.

D. Mandatory Referral
1. A mandatory EAP referral may be recommended by a System office or technical college supervisor/manager or other designated official pursuant to the provisions of Paragraph VI.D. Any such referral may not be initiated without the prior approval of the System Office General Counsel or Legal Services Officer.

2. A mandatory referral may be considered in response to documented concerns regarding an employee’s deteriorating job performance, behavior/conduct, or patterns of attendance deficiencies/difficulties.

3. A mandatory referral may also be considered in instances in which an employee’s immediate supervisor or reviewing manager suspects that an employee’s work-related difficulties may be reasonably linked to the use/abuse of alcohol or a controlled substance or when an employee is present at work with one of these substance(s) in his/her system (e.g., the smell of alcohol on an employee’s breath). In these instances, a recommendation must be based on observable characteristics and, as applicable, previously identified performance deficiencies. Additionally, any supervisor/manager making such a recommendation must have first received training in the methods of identifying the physical, behavioral, speech and performance indicators of probable illegal drug use and/or alcohol misuse. NOTE: a decision to initiate a reasonable suspicion drug or alcohol test is governed by the provisions of the TCSG Drug and Alcohol Testing Procedure (III.O.1.) and may be made independent from a mandatory EAP referral.

4. The use of Positive Discipline may always be considered in addition to an EAP referral for an employee with documented performance, behavior/conduct, or attendance deficiencies/difficulties. If a mandatory referral is not initially accompanied by the delivery of disciplinary action and if an employee’s job performance continues to decline or documented concerns regarding behavior/conduct or attendance are not corrected, the immediate supervisor has the full range of progressive disciplinary actions available as provided in the State Board Policy on Positive Discipline (III.T.).

5. When a mandatory referral is issued, the reason(s) for the referral should be communicated to the employee, in writing, using the Management Referral Form (Attachment A.). The Management Referral Form will also advise the employee that his/her participation is a condition of employment; therefore, any of the following may result in the delivery of disciplinary action up to and including separation from employment: a refusal to sign the form and accept the referral; a refusal to sign the provider-initiated Health Information Portability and Accountability Act (HIPAA)-compliant consent for treatment and information release form;
failure to actively participate in all provider-recommended counseling session(s); and/or, failure to fully comply with any subsequent treatment recommendation(s) made by the EAP provider.

6. Using Attachment A., information regarding the reason for the referral and appropriate background information [e.g., documentation regarding performance deficiencies, behavioral concerns, current and prior disciplinary action(s)] will be forwarded to the designated EAP provider in advance of the initial counseling session. At the initial session, the employee will be asked by the provider to sign a HIPAA-compliant form authorizing the provider to communicate certain information with the System Office or referring technical college.

7. Pursuant to HIPAA regulations and within the exceptions noted in Paragraph VI.A.5., no protected health information regarding an employee’s use of the EAP or information shared in confidence during counseling session(s) will be provided to the System Office or referring technical college without the employee’s written consent.

8. Provided written authorization is generated as outlined in Paragraph VI.D.6. and VI.D.7., and absent the presence of the exceptions referenced in Paragraph VI.A.5., information released to the System Office or referring technical college is generally limited to:
   a. an employee’s attendance at provider-recommended counseling session(s);
   b. general progress;
   c. anticipated completion date;
   d. any accompanying treatment plan recommendation(s); and,
   e. a final report from the EAP provider relative to the employee’s ability to return to work and resume his/her assigned duties and responsibilities.

9. All documents generated in conjunction with the referral and made available to the System Office or referring technical college shall be maintained confidentially in the employee’s medical file.

E. **Appointments and Work Time**

1. Other than the noted exception in VI.E.3 below, an employee may request to use accrued annual or sick leave or, as applicable, accumulated FLSA compensatory time for appointment(s) scheduled during normal work hours.

2. Supervisors should make a reasonable effort to approve any requested time off for this purpose. If a requested absence may qualify for leave under the Family and Medical Leave Act (FMLA), the supervisor should immediately consult with his/her Human Resources Director.
3. With respect to mandatory referrals, an employee’s initial evaluation appointment with an EAP provider will be considered as “hours worked” and the use of accrued leave will not be required. NOTE: FLSA considerations will govern whether any future appointment(s) will require the use of accrued leave by the employee. Before making any such determination, the immediate supervisor, reviewing manager or other System Office or technical college official should first consult with the System Office Director, Office of Human Resources.

VII. RECORD RETENTION:

Any employee-specific documents provided to the System Office or the referring technical college by an EAP provider will be maintained in the employee’s medical file and managed in a manner consistent with the State Government Records Retention Schedule

Revised: October 29, 2014
Last Reviewed: October 29, 2014
Approved: September 15, 2010
Cameron and Associates, Inc. (CAI) is an Employee Assistance Program (EAP) consulting firm who offers assistance to employees and their family members.

An Employee Assistance Program (EAP) is a confidential counseling program designed to help employees and family members who have personal problems that could interfere with their job performance and family life.

We believe our employees are our most valuable asset. We recognize that personal problems can affect job performance and that you, the employee, may be unable to resolve these problems alone.

Employees and their family members can receive confidential, professional counseling from their licensed therapists in the areas of marital troubles, adolescent, family, grief, stress, alcohol & drug abuse, emotional, financial, eating disorders, aging parents, career or any personal trouble that could interfere with your job performance.

For more information, please contact Human Resources at: 706-295-6959 or 706-764-38
EMPLOYEE HANDBOOK ACKNOWLEDGMENT FORM

I acknowledge that I have received, read, and understand the policies outlined in the Georgia Northwestern Technical College Employee Handbook. I agree to conform to the rules and regulations of Georgia Northwestern Technical College, Technical College System of Georgia, and laws of the State of Georgia. I understand that this handbook is intended as a guide to human resource policies and procedures and that it may not be inclusive of all the rules and regulations of Georgia Northwestern Technical College, Technical College System of Georgia, and laws of the State of Georgia.

I understand that the college has the right to change the handbook without notice. It is understood that future changes in policies and procedures will supersede or eliminate those found in this book, and that employees will be notified of such changes through normal communication channels.

I also understand that all employees of Georgia Northwestern Technical College are “at will” employees and therefore I agree that the information contained in these materials does not constitute an employment contract with Georgia Northwestern Technical College. I understand that no manager or representative of Georgia Northwestern Technical College, other than the President of the college, has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the fore-going.

_________________________________
Employee Signature

_________________________________
Date

_________________________________
Employee Name / Please Print

*Important Notice: Please complete this form in its entirety and forward by interoffice mail to Peggy Cordell, Director of Human Resources at the Floyd County Campus.

*The submitted signed form cannot be a copy or be submitted electronically.*