

<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Injury Leave with Pay		
<b>Policy Number:</b> 104.39.03	<b>Effective Date:</b> 5/31/2018	<b>Page Number:</b> 1 of 4
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration & Finance Division (Human Resources)	<b>Access Listing:</b> Level I: All Access

**I. Introduction and Summary:**

It shall be the policy of the Department of Corrections (GDC) that all full-time employees of the GDC who become physically disabled as a result of a physical injury incurred in the line of duty and caused by a willful act of violence committed by a person other than a fellow employee shall be entitled to a leave of absence for the period that the employee is physically unable to perform the duties of the employee's position, not to exceed 180 working days for any single incident. Such leave of absence shall be in lieu of sick leave and the employee shall be compensated as provided by law. In the case of special injury leave with pay, the employee shall not have an option as to compensation methods. The employee shall be required to submit satisfactory evidence of such disability to the appointing authority.

**II. Authority:**

- A. O.C.G.A. § 45-7-9;
- B. State Personnel Board Rule: 478-1-.16 Absence from Work; and
- C. GDC Standard Operating Procedures (SOP): 104.21 Americans with Disabilities Act 104.22 Workers' Compensation, and 104.61 Performance Management.

**III. Definitions:**

- A. **Full-Time Employee** - An employee who regularly works 30 hours or more each week.
- B. **Injured in the Line of Duty** - An injury which arises out of or in the course of employment. In most instances, going to or from a work location will not be considered in the line of duty.
- C. **Regular Salary** - The employee's base salary (excluding all salary supplements).

**IV. Statement of Policy and Applicable Procedures:**

- A. Benefits made available under O.C.G.A. § 45-7-9 will be secondary to any Workers' Compensation (WC) benefits which the employee is awarded. Wages paid by the Department, approximately 33-1/3% of the employees' monthly salary, will be limited to the difference between the amount of Workers' Compensation benefits, approximately 66-2/3%, and the amount of the employee's regular salary.

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- B. An employee may receive special injury leave with pay for up to 180 work days for each incident. Work days exclude weekends and holidays. An employee who remains physically disabled after 180 work-days may be eligible for regular workers' compensation benefits.
  
- C. If an employee is injured in the line of duty (as described in the policy statement of this procedure), the Department of Administrative Services (DOAS) Workers' Compensation Unit is notified by the local HR representative or immediate supervisor via the First Report of Injury (Teleclaim) by calling 1-877-656-RISK (7475). Refer to SOP 104.22, Workers Compensation for reporting procedures.
  
- D. If the DOAS Workers' Compensation Unit rules that the claim is invalid, the injured employee's work unit will be notified. If this occurs, the employee will use accrued compensatory time, deferred holiday time, sick leave, personal leave, annual leave or be placed on authorized leave without pay to cover the period of the absence.
  
- E. If the Workers' Compensation claim is validated, the Workers' Compensation/Managed Care Organization (WC/MCO) physician must provide a medical opinion regarding the employee's ability to perform his/her regular job duties. If the employee:
  - 1. Cannot perform any duty: The employee is temporarily removed from all duty assignments and placed on special injury leave with pay.
    - a. A Personnel Action Request (PAR form) must be submitted to Correctional Human Resources Management (CHRM) accompanied by the physician's statement.
      - 1) If the injury is deemed to qualify for Special Injury leave, a PAR is prepared and submitted to the CHRM Special Injury Coordinator as a file copy to be placed in absence history in PeopleSoft with the action reason code LOA/SIP. If the employee is unable to return to duty after the initial seven (7) day absence, coordination with DOAS Risk Management is required to ensure benefits are paid properly. The employee is placed on a 5/2-work schedule until he/she returns to duty. An additional PAR with the action/reason code RET/SIP must be submitted when the employee returns to duty.



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**Note: Time sheets must begin and end in accordance the current Time Labor/Absence Management System.**

- G. The procedures described under paragraph E and F must be repeated when an employee is absent again, due to re-injury or continuing medical problems related to the same incident.
  - H. Each absence and return to duty as a result of a special injury must also be reported by the local HR representative to the DOAS Workers' Compensation Unit.
  - I. Time spent during Special Injury Leave status will not be counted toward completion of a classified promotional work-test period.
  - J. Eligible employees will continue to accrue leave while in Special Injury Leave status.
  - K. Employees will not be allowed to use any accrued leave in lieu of Special Injury Leave. If leave is charged during the initial injury determination it must be restored; if the employee was placed on leave without pay the salary must be retroactively paid.
  - L. The use of Special Injury Leave will not affect or delay any salary increase, except a performance-based increase where the employee has been absent from duty more than 50% of the rating period.
  - M. The local HR representative is responsible for ensuring that the employee continues to have payroll deductions for health and flexible benefits for which the employee is reasonably due during the period of absence due to the injury. If payroll deductions cannot be made as a result of the reduced salary, the HR representative must ensure that the employee is made aware of their responsibility to pay the premiums directly.
- V. **Attachments: None.**
- VI. **Record Retention for Forms Relevant to this Policy: None.**