TECHNICAL COLLEGE

TCSG

SYSTEM OF GEORGIA

State Board Policies and TCSG Procedures Manual

Updated 12.23.16

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

POLICY/Procedure MANUAL - APPROVED REVISIONS

Revision Date	OLD Policy Number	NEW Policy Number	Title of POLICY / Procedure
09/14/16	III.U.3.A.	4.2.1p.	Procedure: Working Hours, Overtime, and Compensatory Time
09/14/16	III.Q.1	4.2.2p1.	Procedure: Official Hours and Work Schedules
08/04/16	V.H.	6.5.1.	POLICY: Academic Standards, Evaluations and Appeals
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07/20/16	III.B	4.1.1p3.	Procedure: Interviewing and Selection Guidelines
07/20/16	V.B.1.	6.2.1p.	Procedure: Admissions Requirement
05/17/16	III.B.1	4.1.2p.	Procedure: Verifying Identity and Employment Eligiblity
05/17/16	III.B.2	4.6.1p.	Procedure: Medical and Physical Examination Program (MAPEP)
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05/17/16	I.B; III.A; V.A	2.1.1p.	Procedure: Statement of Equal Opportunity (non-substantive)
05/17/16	I.C.3.	2.1.8p.	Procedure: Naming of College Buildings, Grounds or Programs
05/17/16	III.J.	4.1.10p.	Procedure: Reduction in Force (non-substantive)
05/17/16	IV.M; II.A.2fv.	5.1.11p.	Procedure: Live Work Projects (non-substantive)
05/17/16	V.H.	6.5.1p.	Procedure: Academic Statndards, Evaluations and Appeals
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TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

State Board Policy & TCSG Procedure Manual
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POLICY: 1.1.

Development, Approval and Review of TCSG Policies and Procedures

Revised: November 1, 2012; March 4, 2010
Last Reviewed: November 1, 2012
Adopted: September 21, 2001

Replaces Introduction in Policy Manual "Development and Approval of Policy and Procedure" effective September 21, 2001 and "POLICY: Enactment of State Board Policies" effective March 4, 2010

POLICY:

Pursuant to applicable state law, the State Board of the Technical College System of Georgia shall establish and promulgate policies for the orderly and efficient operation of the System Office and associated technical colleges. The State Board has delegated the authority to develop accompanying procedures to the Commissioner and technical college presidents.

State Board policies will describe a course of action or a principle that guides and determines present and future decision-making; reflect the philosophy upon which the agency operates; ensure compliance with applicable federal and state laws; and support the operation and mission of the Technical College System of Georgia and its technical colleges. Policies shall be publicly displayed for comment prior to approval by the State Board.

Procedures will provide guidelines for how state policies are to be carried out and prescribe other administrative, operational, regulatory or statutory requirements for the System office and technical colleges. Procedures shall become effective only after the approval of the Commissioner of the Technical College System of Georgia.

All policies and procedures shall be reviewed annually. The re-formatting of policies or other similar non-substantive changes shall not require approval by the State Board, but shall be reported to the Governance, Compliance and Audit Committee of the State Board.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Procedure: 1.1p.

Development, Approval and Review of TCSG Policies and Procedures

Revised: September 27, 2012; January 12, 2010
Last Reviewed: September 27, 2012
Adopted: May 2007

This Procedure replaces "Development and Approval of Policy and Procedure" adopted April 23, 2001 (revised September 21, 2001) and "PROCEDURE: Enactment of State Procedures" effective May 2007 (revised January 12, 2010) in the "Introduction" to the State Board Policy Manual.

I. PURPOSE:

It is the policy of the State Board of the Technical College System of Georgia to operate under the direction of State Board Policies. The Board has delegated authority to the Commissioner of the Technical College System of Georgia and technical college presidents to develop accompanying operating procedures. These policies and procedures provide guidance to staff in their day to day activities; ensure compliance with applicable federal and state laws; and support and fulfill the operation and mission of the Technical College System of Georgia and its technical colleges.

II. RELATED AUTHORITY:

POLICY: 1.1 Development, Approval and Review of TCSG Policies and Procedures
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

III. APPLICABILITY:

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

IV. DEFINITIONS:

A. **Designated official**: the Commissioner, Deputy or Assistant Commissioner or Executive Director who is responsible for the development and review of State Board policies and procedures under his/her jurisdiction.
B. **Peer Group**: association of individuals employed in a similar discipline, position, or special interest at the System Office or technical college.
C. **State Board Policy**: A course of action or a principle that guides and determines present and future decision-making. Policy reflects the philosophy upon which the agency operates and is established by the State Board of the Technical College System of Georgia.

D. **State Procedure**: A guideline for how State Board Policies are to be carried out or a description of operational requirements for the Technical College System of Georgia and its technical colleges.
E. **Substantive changes**: modifications to policies or procedures which alter the philosophy or course of action set by the governing authority or which reflect a change in federal or statutory requirements.

General Provisions

As used in this Policy Manual, the term:

A. **"As soon as possible"** means within a reasonable time, having due regard for all the circumstances.
B. "**Assistant Commissioner"** means an Assistant Commissioner of the Technical College System of Georgia and includes his or her designee(s).
C. **"System Office"** means the System office of the Technical College System of Georgia located in Atlanta, Georgia.
D. "**Commissioner**" means the Commissioner of the Technical College System of Georgia and includes his or her designee(s).
E. "**System**" means the Technical College System of Georgia including the Technical Colleges.
F. "**System employee**" means all employees of the System whether employed at the System Office or the technical colleges.
G. "**TCSG**" means the Technical College System of Georgia including the technical colleges.
H. "**President**" means the President of a technical college and includes his or her designees.
I. "**State Board**" means the governing body of the Technical College System of Georgia.
J. "**Technical College**" means a technical college owned and operated by the System.
K. "p" in the Policy/Procedure number title denotes Procedure; "a" denotes attachment.

Construction of Policies in General

In all interpretations of policies, the reader shall look diligently for the intention of the State Board, keeping in view at all times the State Board's express intention to comply with all state and federal laws. When there is a conflict between Board policy and state or federal law, the law shall prevail.

Except as otherwise provided by time period computations specifically stated in policy or law, when a period of time measured in days, weeks, months, years, or other measurements of time is prescribed for the exercise of any privilege or the discharge of any duty, the first day shall not be counted but the last day shall be counted; and, if the last day falls on Saturday or Sunday, the party having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as provided by policy or law, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

The masculine gender includes the feminine and the neuter.

The present or past tense includes the future.

Grammatical errors shall not vitiate a policy. A transposition of words and clauses may be resorted to when a sentence or clause is without meaning as written.

Substantial compliance with any policy requirement, especially on the part of public officers and employees, shall be deemed and held sufficient, and no proceeding shall be declared void for lack of strict compliance, unless expressly so provided by law or policy.

V. ATTACHMENTS:

Attachment: 1.1p.a1. State Board Policy Format
Attachment: 1.1p.a2. TCSG Procedure Format

VI. PROCEDURE:

A. Each section of the State Policy Manual shall be administratively assigned to the Commissioner, Deputy or Assistant Commissioner or Executive Director, hereinafter referred to as “designated official”.
B. It is the responsibility of the designated official to ensure that policies and procedures under his or her area of assignment are reviewed annually and maintained in a manner that is clear, concise, current, and consistent with federal and state laws. Designated Officials shall ensure that System Office and technical college staff and peer groups are aware of current policies and procedures within their areas of assignment.
C. The designated official shall be responsible for proposing new policies and procedures whenever the need arises. Said proposals shall be submitted in the formats prescribed in Attachment 1 or 2.
D. The Commissioner is authorized to approve policy changes in any chapter that involve typographic errors or minor changes without substantive effect. The Commissioner will notify the State Board upon request of these changes.
E. The Commissioner may approve changes to TCSG Procedures that involve typographic errors, minor changes, or substantive changes which are necessary due to time requirements imposed by statute or other regulatory requirements. Technical college presidents will be notified of these changes immediately.
F. Technical college presidents shall adopt Board policies and TCSG procedures in their college policy manuals, or develop local policies and procedures that are consistent.
G. The responsibility for state policies and procedures are assigned as follows:
    1. The Commissioner is responsible for policies and procedures associated with Section 2, Mission and System of Governance.
    2. The Assistant Commissioner of Administrative Services is responsible for policies and procedures associated with Sections 3 and 4, Administration and Human Resources.
    3. The Assistant Commissioner of Technical Education is responsible for policies and procedures associated with Sections 5 and 6, Academic Administration and Student Affairs, except as set forth below:

4. Policies concerning Non-credit Instruction and Quick Start are assigned to the Assistant Commissioner of Economic Development.
5. Policies concerning Programs for Adult Literacy, and General Education Development (GED) Testing and Diplomas are assigned to the Assistant Commissioner of Adult Literacy.

H. State Board Policy Development, Revision and Approval:
1. New policies and revisions to existing policies may originate by a request from the State Board, a designated official or staff member, or a technical college president.
2. State Board Policies will generally be drafted by the designated official or a staff member in the division to which the policy applies with assistance and/or input from peer groups and other divisions as needed.
3. The policy must first be reviewed by the TCSG Executive Committee and approved by the applicable designated official and the Executive Director of Legal Services. Whenever appropriate or practical, new or proposed policy revisions shall first be presented to the technical college presidents for review and approval.
4. After the policy is reviewed and approved as provided for in this section, the policy shall be forwarded to the Assistant Commissioner of Administrative Services for presentation to the Governance, Compliance and Audit Committee of the State Board. The Committee will submit the policy to the State Board for consideration.
5. The State Board will publicly display the policy for one month prior to voting.
6. Policies are effective upon approval by the State Board, unless otherwise noted.
7. Board approved policies will be submitted to the Executive Director of Legal Services by the Assistant Commissioner of Administrative Services for inclusion in the State Board Policy Manual.
8. The Executive Director of Legal Services shall maintain a history of previous versions of each State Board policy and subsequent revisions.

I. TCSG Procedure Development, Revision, and Approval
1. New procedures and revisions to current procedures may originate by a request from the State Board, designated official or staff member or technical college president.
2. TCSG procedures will generally be drafted by the designated official or a staff member in the work unit to which the procedure applies with assistance and/or input from other divisions or peer groups as needed.
3. The procedure should first be reviewed by the TCSG Executive Committee and approved by the applicable designated official and the Executive Director of Legal Services.
4. The procedure should then be presented to the technical college presidents for review and approval. There is no requirement that a procedure be publicly displayed prior to approval by presidents. The procedure may be approved in person, telephonically or electronically.
5. Upon approval by the presidents, the procedure will be forwarded by the designated official to the Commissioner for his approval.
6. Procedures are effective upon approval by the Commissioner, unless otherwise noted.
7. Approved procedures will be submitted to the Executive Director of Legal Services by the applicable designated official for publication.

J. Annual Review

1. The designated official must ensure that all State Board Policies and TCSG Procedures within his/her area of assignment are reviewed annually and revised as appropriate.
2. The designated official may utilize Peer Groups to review, develop, or revise policies and procedures. Peer Groups are expected to maintain awareness of policies and procedures impacting their assigned areas.
3. On or before November 1st of each year, the designated official will provide the Office of Legal Services with a list of policies and procedures that have been reviewed and the date they were reviewed.
4. The Office of Legal Services will maintain in the State Board Policy Manual the last date the policy or procedure was reviewed.

VII. RECORD RETENTION:

The Executive Director of Legal Services or designee shall maintain previous versions of each policy and procedure and subsequent revisions.

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Attachment : 1.1p.a1. – Format for State Board POLICY

TO BE USED WHEN SUBMITTING A NEW OR REVISED PROCEDURE, EXISTING PROCEDURES NOT IN THIS FORMAT SHOULD BE CONVERTED DURING THE ANNUAL REVIEW PROCESS

Procedure: [1.1p.a2.] [use Arial- 20 pt. font] [Title of the Procedure]

[use table matrix as below:]

Revised:	(add the date the Board approved this version of the policy or later date; maintain dates of previous revisions/approvals in this field)
Last Reviewed:	(Policy is required to be reviewed annually; designated officials will send the last date the policy was reviewed to Legal Services each year)
Adopted:	(Date the policy was first adopted by the Board) Note: this date should never change

[use graphics below to separate title from of procedure]

POLICY: [use Arial -11 pt. font]

[Type in Policy Statement]

Note: *the policy statement should be broad, but brief. It should clearly state the Board's intent, describe a course of action or a principle that guides and determines present and future decision-making. Policy should reflect the philosophy upon which the Agency operates. The Policy statement is also intended to provide broad guidance to staff in their day to day activities; ensure compliance with applicable federal and state laws; and support and fulfill the operation and mission of the Technical College System of Georgia and its technical colleges. If more detailed guidelines are necessary in order to implement the policy, the statement should contain the following: The Commissioner is directed to develop procedures necessary to implement the provisions of this policy.]*

State Board Policy should be applicable to both the System Office and all technical colleges. If a policy is intended to only apply to certain work units, it will be necessary to define the scope of coverage within the policy statement.

RELATED AUTHORITY:

[Type in state of federal statute, rule, or regulation supporting the policy; other TCSG policies or procedures related to this particular policy; or OPB/State of Georgia Policies, etc.]

External Hyperlinks are not encouraged. If you wish to have a hyperlink to the related authorities, you must provide and maintain the correct links and note *[insert hyperlink].*

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Attachment 1.1p.a2. – Format for TCSG Procedure

All Procedures are identified by the use of the letter "p" in the numeric title.

All Attachments are identified by the use of the letter "a" in the numeric title.

TO BE USED WHEN SUBMITTING A NEW OR REVISED PROCEDURE, EXISTING PROCEDURES NOT IN THIS FORMAT SHOULD BE CONVERTED DURING THE ANNUAL REVIEW PROCESS

Procedure: [1.1p] [use Arial- 20 pt. font] [Title of the Procedure]

Revised: Last	(Add the date the Board approved this version of the policy or later date; maintain dates of previous revisions/approvals in this field)
Reviewed:	(Policy is required to be reviewed annually; designated officials will send the last date the policy was reviewed to Legal Services each year)
Adopted:	(Date the policy was first adopted by the Board) Note: this date should never change

[use graphics below to separate title from of procedure]

I. PURPOSE: [use Arial -11 pt. font]

If the procedure is related to a State Board Policy, you may use the policy statement here, or summarize it. If the procedure is a “stand alone”, type in a brief statement of intent or summary of operational/regulatory requirements for the Technical College System of Georgia and its technical colleges.

II. RELATED AUTHORITY:

List any State Policy/Procedure which is directly related to this procedure. You should list any state or federal statutes or regulations which relate to the procedure.

External Hyperlinks are not encouraged. If you wish to have a hyperlink to the related authorities, you must provide and maintain the correct links and note *[insert hyperlink].*

III. APPLICABILITY:

If a State Procedure is applicable to all entities within the System use the phrase: *All work units and technical colleges associated with the Technical College System of Georgia.* If a State Procedure does not apply to all work units and/or technical colleges, define the procedure’s scope of coverage.

IV. DEFINITIONS:

Include any general statements and specific explanations for words or initials that clarify the content of the State Procedure that could be interpreted in more than one way.

V. ATTACHMENTS:

All attachments are identifiable by the use of the letter "a" in the numeric title. List titles for all enclosures that are included as part of the procedure. All forms included as an attachment shall include a stated retention schedule on the form. If you wish to have a hyperlink to the form, you must provide the correct link and note [*insert hyperlink*].

VI. PROCEDURE:

The method to be used, by whom, when, where and how to be placed in operation. Statements are instructions of the sequence of events necessary for implementation. This will likely be the lengthiest portion of the procedure.

VII. RECORD RETENTION:

If forms are included as an attachment to a procedure this section will be utilized to outline the retention schedule and disposition of the forms. For any records that will be created as part of the implementation of the procedure, cite the portion of the Secretary of State's or TCSG Records Retention Policy that is applicable to that particular record. (e.g. if the procedure will require the creation of employment records, there are specific retention schedules that pertain to each type of employment record.)

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Statute O.C.G.A. § 20-4-11 Powers of Board

§ 20-4-11. Powers of board

The State Board of the Technical College System of Georgia shall be empowered to:

(1) Provide for a comprehensive program of literacy, career, occupational, and technical education for adults and out-of-school youths. Such program shall promote the economic well-being of Georgia citizens by providing high quality postsecondary technical and adult literacy education programs, services, and activities which are easily accessible by all segments of the adult population who need and can benefit from training, retraining, or upgrade training for employment and which is highly responsive to individuals needing to achieve basic, general, and specialized literacy. Such program shall also provide a system of schools which is a full partner in the economic development and expansion of the state's economic base and represents a significant asset in the attraction of new business and industry to the state and the expansion of existing business and industry in the state;

(2) Establish and promulgate standards, rules, regulations, and policies for the orderly and efficient operation of the Technical College System of Georgia and of postsecondary technical schools, programs, and institutions, including those which it operates and those operated by local and area boards of education, and for the orderly and efficient provision of adult literacy education programs:

(A) Such standards, rules, regulations, and policies may include but not be limited to developing criteria for the recruitment, employment and retention of faculty and staff; recruitment of students and student admissions; program approval, salaries and salary supplements, tuition, and fees; eligibility of public and private providers of adult literacy education programs for state and federal funds, levels of funding for such providers and associated levels of required provider matching funds; long and short-term planning to include facilities, program standards, and outcome competencies; establishing provisions for appropriate recognition of program achievement below the baccalaureate level; soliciting resources from the private sector; industry and education partnerships; research and data collection; representing postsecondary technical and adult literacy education in all forums; and such other functions necessary to assure an effective and efficient state-wide system of postsecondary technical schools and adult literacy education with leadership at the state level; and

(B) For adult literacy programs, the state board shall establish:

(i) One set of standards for public adult literacy providers and another set of standards for private adult literacy providers. The public standards shall be more comprehensive and detailed than the private standards; and

(ii) Standards and requirements for the attainment of a high school equivalency certificate which shall be comparable to the high school graduation requirements set by the State Board of Education for public school programs and which shall also be at least equal to the requirements established for a general educational development (GED) diploma. The State Board of the Technical College System of Georgia shall also adopt and administer an instrument to measure the level of achievement required to obtain a high school equivalency certificate;

(3) Select and employ a commissioner of the Technical College System of Georgia and fix his compensation, duties, and responsibilities consistent with the provisions of this article. The commissioner shall:

(A) Exercise the overall supervision and direction of the Technical College System of Georgia and shall serve at the pleasure of the State Board of the Technical College System of Georgia. The State Board of the Technical College System of Georgia may assign and delegate to the commissioner such responsibilities, powers, and duties as the State Board of the Technical College System of Georgia may deem proper and appropriate, including the authority to execute on behalf of the State Board of the Technical College System of Georgia legal documents and other filings; and

(B) Be responsible for implementing the policies of the State Board of the Technical College System of Georgia and for the day-to-day operations of the Technical College System of Georgia. The commissioner shall develop job descriptions for the necessary administrative, programmatic, liaison, and clerical personnel and shall, at his discretion, hire staff necessary for the operation of the Technical College System of Georgia;

(4) Establish an Adult Literacy Advisory Committee to advise and assist the state board in developing goals, objectives, policies, methods, and standards for the delivery of adult literacy programs. This committee will further assist the state board by communicating and facilitating the adoption of such goals, objectives, policies, methods, and standards by the organizations and groups which its members represent. Each member of this committee shall be reimbursed for actual expenses incurred in performing his or her duties as provided in Code Section 20-4-12 for state board members;

(5) Establish local boards of directors for postsecondary technical schools which the state board operates to assist the state board in carrying out its mission. The purpose of such boards shall be to facilitate the delivery of programs, services, and activities as directed by the state board. The state board shall establish the number of members of each local board and the terms of office thereof, provided that all members of any board shall represent the geographic area which the institution serves as defined by the state board; provided, further, that all members shall represent business, industry, or economic development. The state board shall be empowered to establish and approve all bylaws and actions of all local boards of directors. Each local board of directors shall meet at least eight times per year. Each member of such local boards of directors shall be reimbursed for expenses incurred in performing his or her duties as provided in Code Section 20-4-12 for state board members;

(6) Establish service delivery areas as required to carry out the state board's mission in delivering, supervising, funding, administering, coordinating, and monitoring adult literacy education;

(7) Establish a local adult literacy advisory committee for each service delivery area which it establishes. The purpose of each such committee shall be to identify and recommend goals, objectives, target groups, programs, curricula, and delivery methods for adult literacy programs; to develop and recommend associated short and long-range plans; to recommend a fiscal agent; and to perform other activities as may be directed by the state board to provide for the most effective and efficient delivery of adult literacy programs in the local committee's service delivery area. The state board shall establish the number of members of each local committee and the terms of office thereof, provided that all members of any local committee shall represent

the area defined by the state board to be the adult literacy service delivery area; provided, further, that the membership of each local committee shall include local civic leaders and representatives of adult literacy providers, business, and industry. The state board shall be empowered to establish and approve all bylaws and actions of all local committees. Each local committee shall meet at least four times per year. Each member of such local committee shall be reimbursed for expenses incurred in performing his or her duties as provided in Code Section 20-4-12 for state board members;

(8) Establish a plan whereby employees of the Technical College System of Georgia may, through payroll deductions, make voluntary contributions to the Georgia Fund for Technical and Adult Education, Inc., provided that such plan shall:

(A) Be consistent with the requirements of subsection (b) of Code Section 45-20-53, Code Section 45-20-54, Code Section 45-20-55, and Code Section 45-20-56; and

(B) Not interfere with the right of employees of the Technical College System of Georgia to make voluntary contributions to other charitable organizations pursuant to the provisions of Article 3 of Chapter 20 of Title 45;

(9) Prescribe criteria, policies, and standards deemed necessary for the effective implementation of a program financed wholly or partially from appropriations from the Lottery for Education Account and established for the purpose of providing teachers the necessary training in the use and application of computers and advanced electronic instructional technology to implement interactive learning environments in the classroom and to access the state-wide distance learning network. Such program shall include the expenditure of funds appropriated for such purpose to defray the costs associated with repairing and maintaining advanced electronic instructional technology;

(10) Approve a request by a postsecondary technical school or institution governed under this chapter to be named a technical college upon the approval and granting of occupational degree-granting status by the State Board of the Technical College System of Georgia and upon receiving accreditation by the Commission on Colleges of the Southern Association of Schools, the Council on Occupational Education, or any other appropriate accrediting agency approved by the United States Secretary of Education. The use of the name technical college shall not alter the governance of the technical school or institution as established under this chapter nor shall it abridge the authority of the Board of Regents of the University System of Georgia under the Constitution of this state; and

(11) Submit an annual request for funding to the Office of Planning and Budget as prescribed in Code Sections 45-12-78 and 45-12-79. Such submission shall reflect a request for funds pursuant to an enrollment driven formula that reflects funds for direct instructional costs to include salaries and instructional supplies and equipment, funds for indirect support, maintenance and operation, staff and professional development, and media services. Such funding shall be subject to appropriation by the General Assembly.

HISTORY: Code 1981, § 20-4-11, enacted by Ga. L. 1988, p. 1252, § 2; Ga. L. 1991, p. 1800, § 1; Ga. L. 1996, p. 1603, § 8; Ga. L. 2000, p. 618, § 83; Ga. L. 2001, p. 4, § 20; Ga. L. 2008, p. 335, § 2/SB 435; Ga. L. 2011, p. 632, § 3/HB 49; Ga. L. 2012, p. 775, § 20/HB 942.

Back

Statute O.C.G.A. § 20-4-14 TCSG Powers and Duties

O.C.G.A. § 20-4-14 (2015)

§ 20-4-14. Technical College System of Georgia established; powers and duties

(a) There is established the Technical College System of Georgia, formerly known as the Department of Technical and Adult Education.

(b) The system shall exercise state level leadership, management, and operational control over schools, programs, and services authorized in this article and Article 3 of this chapter.

(c) The Technical College System of Georgia shall be empowered to:

(1) Approve occupational programs below the baccalaureate level; provided, however, any courses to be transferable to units of the University System of Georgia shall be approved by the Board of Regents of the University System of Georgia;

(2) Receive and hold title to property, equipment, money, and materials;

(3) Operate instructional services projects, also known as student live work projects, in those occupational areas which require specific skills or competency mastery that can best be obtained or demonstrated in a laboratory environment with clients, real items, or projects, including, but not limited to, carpentry, child care, aviation, welding, and automotive repair, and, in connection with such projects:

(A) Receive, retain, and utilize donations, fees, and moneys generated as a result of the sale of such services or projects;

(B) Retain any unexpended student live work funds from year to year;

(C) Expend retained student live work funds for any student live work project or for the benefit of instructional programs at the technical institute; and

(D) Acquire, improve, and sell real or personal property in connection with student live work projects, provided that all acquisitions and sales of real property in connection with student live work projects shall be approved by the state board;

(4) Solicit and receive funds from the general public, corporate underwriters, and foundations;

(5) Contract with other state, federal, or local public or private schools and other entities, individuals, or other legal entities for the provision of programmatic or administrative services or activities the system deems necessary; and

(6) Administer and supervise programs in accordance with standards, rules, regulations, and policies of the State Board of the Technical College System of Georgia.

HISTORY: Code 1981, § 20-4-14, enacted by Ga. L. 1988, p. 1252, § 2; Ga. L. 1996, p. 784, § 1; Ga. L. 2008, p. 335, § 1/SB 435; Ga. L. 2011, p. 632, § 3/HB 49; Ga. L. 2012, p. 775, § 20/HB 942.

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 2
Mission & System Governance

2.1 ..... State Board Governance
2.2 ..... Office of the Commissioner
2.3 ..... Technical Colleges
2.4 ..... Local Board of Directors

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 2.1
State Board Governance

2.1.1 ..... POLICY - Statement of Equal Opportunity
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2.1.8 ..... POLICY - Building Naming
2.1.8p ..... Procedure - Building Naming

POLICY: 2.1.1. (I.B; III.A; V.A)
Statement of Equal Opportunity

Revised:	May 5, 2016; September 6, 2012, February 1, 2007, June 1, 2006, January 17, 2001, February 3, 1994
Last Reviewed:	May 5, 2016
Adopted:	July 7, 1988

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.

All work and campus environments shall be free from unlawful forms of discrimination, harassment and retaliation as outlined under Title IX of the Educational Amendments of 1972, Title VI and Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, as amended, Executive Order 11246, as amended, the Vietnam Era Veteran's Readjustment Act of 1974, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, the Americans With Disabilities Act of 1990, as amended, the Equal Pay Act, Lilly Ledbetter Fair Pay Act of 2009, the Georgia Fair Employment Act of 1978, as amended, the Immigration Reform and Control Act of 1986, the Genetic Information Nondiscrimination Act of 2008, the Workforce Investment Act of 1998 and other related mandates under TCSG Policy, federal or state statutes.

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.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Procedure: 2.1.1p (I. B; III.A; V.A.) Statement of Equal Opportunity

Revised: May 17, 2016; September 6, 2012; February 1, 2007; June 1, 2006; January 17, 2001; February 3, 1994
Last Reviewed: May 17, 2016
Approved: July 7, 1988

I. PURPOSE:

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.

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II. APPLICABILITY:

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

III. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board Policy 2.1.1. Statement of Equal Opportunities

IV. DEFINITIONS: n/a

V. ATTACHMENTS: n/a

VI. 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, age 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

VII. RECORD RETENTION: None

POLICY: 2.1.2 (I.A)
Mission Statement

Revised: April 12, 2011
Last Reviewed: February 15, 2016
Adopted: April 12, 2011

POLICY:

The Technical College System of Georgia provides technical, academic and adult education and training focused on building a well-educated, globally competitive workforce for Georgia.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 2.1.3. (I.C.1)
State Board Responsibilities and Authority

Revised: September 3, 2015; November 3, 2011
Last Reviewed: September 3, 2015
Adopted: March 1, 2007

POLICY:

The Board shall provide overall policies for the management of public postsecondary technical and adult education to ensure that the needs of the citizenry, business, and industry are met to the highest possible degree and in the most cost-effective and efficient manner.

The Board shall establish its guiding policies, subject to change from time to time, but all of which shall be in accordance with the established objectives and the trusteeship to the public.

The policies of the Board may be amended and/or adopted by the Board acting collectively at any meeting of the Board subject to the Board's bylaws.

Responsibility

The Board shall:

1) Provide overall policy guidance to the Commissioner, who is responsible for day-to-day operations on behalf of the Board.

2) Approve overall goals and objectives for public postsecondary technical and adult education.

3) Approve annual and long-range plans for public postsecondary technical and adult education.

4) Approve changes in organizational structure or functional assignments for the Commissioner and organizational level reporting immediately to the Commissioner.

5) Employ, dismiss, and establish the salary of the Commissioner.

6) Delegate to the Commissioner the authority to hire and fire Department employees and to establish salaries in conformance with State laws and regulations.

7) Approve all new technical education programs for public postsecondary technical education and the deletion or modification of existing programs.

8) Review recommendations for annual and supplemental budget requests for all public postsecondary technical and adult education and make recommendations to the Governor and the General Assembly.

a) Approve the preliminary operating budget for each Technical College annually.

9) Establish policies and review and approve those proposed and established by the Commissioner so that the Department's operations shall meet the Board's goals and objectives.

10) Consider and act upon the following:

a) All legislation proposed by the System.

b) All actions required by law to be taken by the Board.

c) Proposals for state-level advisory committees and the committees' membership. Members serve at the pleasure of the State Board and may be removed by the Board at any time based upon the Commissioner's recommendation.

d) All proposals for membership on local boards of directors of state technical institutes and colleges. Members serve at the pleasure of the State Board and may be removed by the Board at any time based upon the Commissioner's recommendation.

e) All contracts for construction, leases, equipment and furniture which exceed $125,000 in total annual cost. The Board shall also act upon all change orders or amendments to construction contracts that exceed twenty percent of the original contract cost. “Construction contracts” include contracts for repair or renovation.

f) All non-personnel contracts, including amendments, change orders and renewals thereto, which exceed $125,000 in total annual cost. The Board shall also act upon all change orders or amendments to existing non-personnel contracts that exceed twenty percent of the original contract cost.

g) All plans to promote the Board's activities and solicit funds.

11) Represent the State with other postsecondary technical and adult education agencies in Georgia, in other states, and at the national level.

12) Make recommendations for improving public postsecondary technical and adult education.

13) Approve mission statements of technical colleges.

RELATED AUTHORITY
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 2.1.4. (I.C.1.a)
State Board Bylaws

Revised: June 6, 2013; September 1, 2011; October 1, 2009; May 2, 2002; October 3, 2001; July 23, 2001; October 1, 1992
Last Reviewed: June 6, 2013
Adopted: June 2, 1988

POLICY:

ARTICLE I. NAME AND MEMBERSHIP

Section 1. Name. The name of this organization shall be the State Board of the Technical College System of Georgia

Section 2. Membership. Board membership and terms of appointment shall be as follows:

The Board shall consist of not less than one member from each congressional district and nine at-large members who shall be appointed by the Governor and confirmed by the Senate for five-year terms. Members shall represent business, industry, or economic development. The Board shall elect from its members a chairperson, vice chairperson, and such other officers as are considered necessary, each to serve for two-year terms.

Members shall serve until their successors are appointed; however, in the event of a vacancy on the Board because of death, resignation, or removal for any reason other than expiration of a member's term, the Governor shall fill such vacancy in the same manner as the original appointment and the person so appointed shall serve for the unexpired term of office. (O.C.G.A. § 20-4-10 of the Official Code of Georgia Annotated)

Section 3. Removal of Board Members Should formal charges be filed against a Board member concerning violation of code of Ethics as outlined in Policy, the Governor or his designated agent will conduct a hearing relative to the merits of such charges. The member so charged shall be given at least 30 days' notice prior to such hearing. If such charges are found to be true, the Governor shall remove the member from the Board and the vacancy shall be filled as provided by law. Such hearing shall be held in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," and judicial review of any such decision shall be in accordance with such chapter.
O.C.G.A. § 45-10-4

ARTICLE II. OFFICERS AND THEIR DUTIES.

Section 1. Officers. The officers of the Board of the Technical College System of Georgia shall be the Chairperson, and the Vice Chairperson; , the Board may create other offices as deemed necessary to fulfill its mission.

Section 2. Election and Terms of Office.

1. **Chairperson and Vice Chairperson:** The Chairperson and Vice Chairperson shall be elected by the Board from its membership at its regularly monthly meeting in November of each odd numbered year. The Term of office of the Chairperson and Vice Chairperson shall be for two years or until a successor is elected and installed. The Chairperson and Vice Chairperson shall assume their respective positions on January 1st following election and to end on December 31st of the odd numbered year; no person shall hold more than one of these offices concurrently. Officers may be elected to succeed themselves.

2. **Commissioner:** The Commissioner, who shall be appointed by and serve at the pleasure of the Board, and who shall not be a member of the Board.

3. **Executive Secretary:** The Executive Secretary shall be elected appointed by the Board upon the recommendation of the Commissioner to serve at the pleasure of the Board, and shall not be a member thereof.

Section 3. Removal of Officers. Officers may be removed at any time by majority vote of the members present at a regular or special meeting, providing a quorum is present.

Section 4. Vacancies. Vacancies in the offices shall be filled by the Board as soon as practicable.

Section 5. Duties of Chairperson. The Chairperson shall be a member of the Board, shall preside at the meetings of the Board with the authority to vote, and shall appoint the members of any and all such committees as necessary for the Board to perform its assigned duties. He or she shall be an ex-officio member of all committees with the authority to vote. The Chairperson of the Board, upon a vote of the Board authorizing same and in its name, may execute all notes, bonds, deeds, contracts, and other documents.

Section 6. Duties of Vice Chairperson. The Vice Chairperson shall be a member of the Board and shall perform the duties and have the powers of the Chairperson during the absence or disability of the Chairperson.

Section 7. Duties of the Commissioner. The Commissioner is the Chief Executive Officer of the Technical College System of Georgia shall exercise overall supervision and direction of the System. He or she shall be responsible for the day-to-day operations of the System and for implementing policies of the Board. The Board may assign and delegate to the Commissioner such other responsibilities, powers, and duties as it may deem proper and appropriate.

Section 8. Duties of the Executive Secretary. The Executive Secretary, shall schedule and arrange for meetings of the Board and furnish meeting notices and materials, as needed, to members in advance of such meetings. He or she shall provide that an accurate record be kept of the proceedings of the meetings of the Board.

ARTICLE III. MEETINGS OF THE BOARD.

Section 1. Place of Meetings. Meetings shall be held at such places as determined by the Board.

Section 2. Personal Attendance at all Meetings. Board members shall personally attend all meetings unless prevented from doing so by disability or other causes beyond their control. Members who are unable to attend at least 75% of the regularly scheduled meetings during a fiscal year should consider resignation from the Board. No person, except a duly authorized deputy, may

attend any meeting of the Board as a substitute for any Board member; and no person except a regular member of the Board, shall be entitled to vote in determining the action of the Board at any time.

Section 3. Regular Meetings. The Board shall meet monthly, and it shall schedule one or more future meetings at such time and place as appropriate. The Board may suspend up to two such meetings per year depending upon the press of business.

Section 4. Special Meetings. Special meetings of the Board may be called by the Chairperson or at the request of three or more of the members. A notice of the special meeting must be made available to the public in accordance with Open and Public Meetings Law, O.C.G.A. § 50-14-1. Business transacted at a special meeting shall be confined to the purposes stated in the call for the meeting and shall in all other ways be conducted in conformance with the law. When deemed necessary by the Chairperson, members may participate via telecommunications conference provided that the public has access to the said telephonic meeting.

Section 5. Committee Meetings. Committees shall meet at the direction of the Chairperson of the Board or on call of the committee chairperson

Section 6. Quorum. At all meetings of the Board, a majority of the members appointed shall constitute a quorum for the transaction of business. The action of a majority of the members of the Board present at any meeting shall be the action of the Board, except as may be otherwise provided by these bylaws.

Section 7. Public Meetings and Executive Session. All meetings of the Board shall be open to the public, provided, however, upon direction of the Chairperson of the Board or of a majority of the members of the Board present at any meeting, the Board may hold executive sessions at any time. The Board may go into executive session as provided by O.C.G.A. § 50-14-4.

ARTICLE IV. OPERATION OF THE BOARD.

Section 1. Rules. The rules contained in Roberts' Rules of Order (Revised) shall govern in all cases to which they are applicable and in which they are not inconsistent with the bylaws of the Board.

Section 2. Agenda. The prepared agenda with appropriate information shall be sent by the Executive Secretary to each member of the Board at least five days in advance of any regular meeting of the Board. This agenda, as approved or amended at each meeting, shall govern the order of business for the meeting. Additions, deletions, or reordering of agenda items shall be by majority vote.

Section 3. Minutes. The Executive Secretary shall have prepared minutes of the proceedings of the Board meetings. A copy of the minutes of each meeting of the Board shall be transmitted to each Board member for review prior to approval at the succeeding meeting. The minutes shall not be considered official unless and until approved by the Board.

Section 4. Board Policies. The Board shall have a Policy Manual which shall contain all policies adopted by the Board.

Section 5. Board Action. The business of the Board is generally conducted through referral to standing or ad hoc committees. Staff analyses or other assistance to board committees is provided

by staff of the Technical College System of Georgia. Generally, the Board considers agenda items and other recommendations as submitted by Board committees. The Board, from time to time, may authorize the Executive Committee to act on its behalf.

Section 6. Changes in Board Policy. To allow time for study by the members of the Board, drafts of proposed new policies or changes in Board policy shall be distributed to each member of the Board at the regular meeting immediately preceding the regular meeting at which action is to be taken. Before formal action can be taken on such material, it must have lain on the table for one month or since the preceding regular meeting. The purpose for accepting a policy to lie on the table is to allow time for Board study and any public response to a draft policy. The draft policy, with any amendments, shall be considered for adoption at the next regularly scheduled meeting of the Board. The decision as to whether to place such material on the table shall be determined by majority vote. Copies of drafts of proposed new policies or changes in Board policy shall be transmitted to those members not in attendance.

Section 7. Waivers of Board Policy. The Board may waive a policy by majority vote if the proposed waiver has lain on the table as described in Article IV, Section 6, or by a vote of two-thirds of the members at any meeting.

ARTICLE V. DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS

In accordance with O.C.G.A. § 45-9-1, members of the Board are entitled to defense and indemnification for acts committed within the scope of their duties as outlined in the Board's policy on Defense and Indemnification.

ARTICLE VI APPEARANCE BEFORE THE BOARD.

Individuals or groups who wish to appear before the Board shall make their request in writing to the Chairperson at least ten days in advance of the next regular meeting and include a summary of the matter to be addressed. If the matter is applicable for consideration, the Chairperson, at his or her discretion, may approve the request and allot a reasonable time for presentation. At any meeting, the Chairperson, without opposition, or the Board, by majority vote, may recognize unscheduled appearances before the Board by individuals or groups. The Chairperson shall limit presentations as necessary to maintain the timely conduct of business by the Board.

ARTICLE VI. METHOD OF AMENDING THE BYLAWS.

Section 1. Method. These bylaws may be amended at any regular meeting of the Board by a two-thirds vote of the members present, a quorum being present, provided the amendment was submitted in writing at the previous regular meeting of the Board.

Section 2. Effective Date. Amendments shall go into effect immediately upon their adoption, unless the motion to adopt specifies a time for the amendment to go into effect, or unless the Board has previously adopted a motion to that effect.

RELATED AUTHORITY
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 2.1.5. (I.C.1.b)
Compensation and Expenses

Revised: May 14, 2001, August 3, 1995
Last Reviewed: June 23, 2005
Adopted: December 3, 1987

POLICY:

Members of the State Board serve without pay. Members are obliged to attend Board meetings and perform various functions as members of Board committees.

Members of the State Board may elect to receive a per diem plus transportation costs or actual travel expenses as provided in the Statewide Travel Regulations while acting in their official capacities subject to the following conditions.

Committee chairpersons shall approve payment of per diem payments and/or travel vouchers for committee members and the board chairperson shall approve payment of per diem payments and/or travel vouchers for committee chairpersons.

Each member of the State Board electing to receive the statutorily authorized per diem (O.C.G.A. §20-4-12) for each day of actual attendance at Board meetings, and the same per diem for each day of travel within the State as a member of a committee or while acting on behalf of the Board, will also be entitled to the reimbursable costs of transportation to and from the places of meeting or places of visits or inspections as provided in the Statewide Travel Regulations.

Said sums, expenses, and costs shall be paid from funds appropriated or otherwise available to the System.

The per diem rate of reimbursement authorized by the General Assembly is $105.

RELATED AUTHORITY:

Statewide Travel Regulations
Attachment 2.1.5.a1. Selection Method for Reimbursement
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Back

Attachment: 2.1.5.a1. (1.C.1.b)
Selection of Method for Reimbursement for Board-Related Expenses

STATE BOARD
REIMBURSEMENT SELECTION FORM

Under Georgia law O.C.G.A. § 20-4-12, Board members are entitled to receive a "per diem" payment to reimburse them for the cost of meals and lodging associated with Board-related functions. However, in some instances the receipt of "per diem" payments may have unintended tax consequences and Board members are encouraged to seek tax consultation from a professional tax adviser. Accordingly, options have been developed for the reimbursement of Board Members for the costs related to Board activities. Please carefully review the options listed below and select the option that best conveys your expressed wishes.

I have carefully read my options for reimbursement and select the following option(s):

_____**Option 1**: I elect to receive a “per diem” payment. I realize this payment shall be treated as wages and subject to the withholdings required by law. I understand that if I elect to receive a “per diem” payment, I would not be able to seek reimbursement for meals and lodging, but may seek reimbursement for transportation and miscellaneous expenses.

_____**Option 2:** I elect to be reimbursed for meals, lodging and travel expenses allowed by the State of Georgia Travel Regulations for all Board activities, as authorized by State travel regulations issued by the State Auditor. I will be reimbursed for these expenses by completing a State Accounting Office (SAO) Employee Travel Expense Statement. I understand that the Internal Revenue Service considers Board members to be an employee of the Technical College System of Georgia, but I shall not receive any wages.

_____**Election of Donor Designations:**
I would like to donate funds received (via Option 1 or 2) to a specified TCSG Foundation Donor Account by Direct Deposit (Gift Commitment Form attached).

I understand I will receive documentation at the end of each calendar year for tax purposes.

Board Member Name: _____

Board Member’s Signature: _____ Date:_____

Gifts to TCSG Foundation are tax deductible to the extent allowed by law.

Return to Attention of: Resource and Development Dept.
Address: 1800 Century Place, Suite 275, Atlanta, GA 30345
Phone: (404) 324-6949

Revised: 8.3.2015

POLICY: 2.1.6. (I.C.1.c)
Ethical Responsibilities

Revised: March 6, 2014
Last Reviewed: March 6, 2014
Adopted: June 2, 2011

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, the State Board, local boards, and employees of the Technical College System of Georgia must maintain the highest level of integrity and objectivity as they perform their duties in support of these objectives.

Members of the State Board must hold themselves to the ethical standards mandated by O.C.G.A. §45-10-3. Notwithstanding any provisions of law to the contrary, each member shall:

1. Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a part to their evasion;
2. Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;
3. Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his/her governmental duties;
4. Never use any information coming to him/her confidentially in the performance of governmental duties as a means for making a private profit;
5. Expose corruption wherever discovered;
6. Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could be reasonably inferred that a major purpose of the donor is to influence the performance of the member's official duties;
7. Never accept any economic opportunity under circumstances where he/she knows or should know that there is a substantial possibility that the opportunity is being afforded his/her with intent to influence his conduct in the performance of his/her official duties;
8. Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust; and,
9. Never take official action with regard to any matter under circumstances in which he/she knows or should know that he/she has a direct or indirect monetary interest in the subject matter or in the outcome of such official action.

Further, members of the State Board 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.

A member of the State Board shall recuse himself/herself from any proceeding in which the member's impartiality may be reasonably 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.

Pursuant to the provisions of O.C.G.A. §45-10-80, State Board members shall not advocate for or cause the advancement, appointment, employment, promotion, or transfer of a member of his/her family to an office or position to become a public employee [as defined in O.C.G.A. §45-1-4(a)(3)] that pays an annual salary of $10,000.00 or more or its equivalent. As defined in O.C.G.A. §21-5-3, a "family member" shall include the board member's spouse and all dependent children.

Pursuant to the provisions of O.C.G.A. §16-10-2, a member of the State Board 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. A "thing of value" does not include: any gift with a value of less than $100.00; food or beverage consumed at a single meal or event; food, beverages, and registration at group events to which all members (e.g., employees) of the Technical College System of Georgia are invited; actual and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting which are provided to permit participation or speaking at the meeting; an award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service; a commercially reasonable loan made in the ordinary course of business; promotional items generally distributed to the general public or to public officers; a gift from a member of the public officer's immediate family; food beverage, or expenses afforded public officers, members of their immediate families, or others that are associated with normal and customary business or social functions or activities; and, legitimate salary, benefit, fees, commissions, or expenses associated with a recipient's non-public business, employment, trade, or profession.

As a "public officer" and pursuant to the provisions of O.C.G.A. §21-5-11, no State Board member shall accept a monetary fee or honorarium in excess of $100.00 for a speaking engagement, participation in a seminar, discussion panel, or other activity which directly relates to his/her official duties as a board member. Further, actual and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting which are provided to permit participation in a panel or speaking engagement at a meeting shall not (be considered) monetary fees or honoraria.

As a "public officer" for purposes of financial disclosure requirements and pursuant to the provisions of O.C.G.A. §21-5-50(a)(2), each member of the State Board shall electronically file a Public Officer Affidavit with the Georgia Government Transparency and Campaign Finance Commission by January 31 of each calendar year. Additionally, members of the State Board are also subject to the same general business transaction disclosure requirements as state employees as outlined in the provisions of O.C.G.A. §45-10-26.

Pursuant to the provisions of O.C.G.A. §45-10-22, no State Board member, for himself or herself, or on behalf of any business or for any business in which the State Board member or member of his/her family has a substantial interest, may transact business with the Technical College System of Georgia or any associated technical college. For these purposes, the term "business" means any corporation, partnership, proprietorship, form, enterprise, franchise, association, organization, self-employment, trust, or other legal entity. The term "family" means the member's spouse and dependents. The term "substantial interest" means the direct or indirect ownership of more than 25 percent of the assets or stock of the business. The term "transact business" means to sell or lease any personal property, real property, or services on behalf of oneself or on the behalf of any third party as an agent, broker, or representative and means 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.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
Attachment 2.1.6.a1. Acknowledgment of Ethics
O.C.G.A. §16-10-2
O.C.G.A. §21-5-3
O.C.G.A. §21-5-11
O.C.G.A. §21-5-50(a)(2)
O.C.G.A. §45-1-4(a)(3)
O.C.G.A. §45-10-3
O.C.G.A. §45-10-20
O.C.G.A. §45-10-22
O.C.G.A. §45-10-26
O.C.G.A. §45-10-80

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[Attachment: 2.1.6.a1]

State Board of the Technical College System of Georgia
POLICY: 2.1.6. - Ethical Responsibilities

Acknowledgment Statement

I acknowledge that I have received a copy of the TCSG Board's policy governing ethical conduct expected of State and Local Board members. My signature below indicates an understanding of the policy provisions and my commitment that I will abide by the ethical standards as outlined in the policy.

_____ _____
Signature Date

_____ _____
Printed Name Technical College

Revised 3/2014
(former policy # I.C.1.c)

POLICY: 2.1.7. (I.C.2)
President Emeritus

Revised: June 18, 2005
Last Reviewed: November 9, 2015
Adopted: April 4, 1996

POLICY

The State Board shall honor and further recognize designated persons by conferring upon them the title President Emeritus, and by authorizing certain benefits to accompany the title.

Persons to be considered as recipients of the title President Emeritus shall retire from the position of President of a Georgia Technical College with at least five (5) years of honorable and distinguished service in the Technical College System of Georgia.

President Emeritus: Retired, with an honorary title meaning "earned through service."

Benefits: Awards received by each person designated President Emeritus, along with the title, including:

1) A State Board Resolution naming and honoring the individual as President Emeritus;

2) A lapel pin and name badge which signify the status of President Emeritus;

3) Free library services, including Internet access, on the campus of any Georgia Technical College;

4) A standing invitation to attend regular meetings and events conducted within the system of the Technical College System of Georgia, including: State Board, President's Council, and Presidents Association Meetings; GOAL and EAGLE Award Banquets; Annual Literacy and TIDA Conferences.

The Commissioner shall develop implementation procedures for the submission, review, and approval of individuals to be recognized with the title of President Emeritus.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Procedure: 2.1.7p. (I.C.2)
President Emeritus Designation

Revised: June 18, 2005
Last Reviewed: November 9, 2015
Approved: April 4, 1996

I. PURPOSE:

To recognize retired technical college presidents who have provided distinguished service to their technical college, community, and the State System of Technical Colleges.

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

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

IV. DEFINITIONS: N/A

V. ATTACHMENTS: N/A

VI. PROCEDURE:

The Commissioner shall appoint a President Emeritus Committee of the Presidents' Council to receive nominations for the title of President Emeritus.

The President Emeritus Committee of the Presidents' Council shall review and recommend each individual under consideration for the designation of President Emeritus to the Commissioner of Technical College System of Georgia.

The Commissioner shall recommend such individuals to the State Board of the Technical College System of Georgia for their approval.

The State Board upon approval shall present a resolution naming and honoring the individual as President Emeritus.

A lapel pin and name badge which signify the status of President Emeritus shall be presented to the individual.

VII. RECORD RETENTION: N/A

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POLICY: 2.1.8. (I.C.3.)
Naming of College Buildings, Grounds or Programs

Revised: May 5, 2016; April 2, 2009
Last Reviewed: May 5, 2016
Adopted: May 3, 2007

POLICY:

Specific college buildings, interior spaces, grounds, or programs may be named for living or deceased individuals, businesses, or organizations that have had a significant positive impact on the college over an extended period of time; have demonstrated outstanding and distinguished service to society, the community or the college; and/or have engaged in philanthropic giving directly benefiting the college.

Namings of new or existing buildings require approval by the State Board of the Technical College System of Georgia [TCSG]. Buildings, interior spaces or programs named for their general purpose or functions are not subject to this procedure. All namings will be consistent with the best interest of the college and with the TCSG and will maximize fundraising potential of the colleges. Naming requests shall be submitted to the Board in accordance with the procedures and guidelines established by the TCSG Commissioner.

The names of technical colleges will typically reflect the name of a political subdivision, a region, or a geographical feature of Georgia. As honored tradition of higher education, specific college buildings, facilities, grounds, and organizational units of technical colleges may be named for living or deceased individuals, businesses, or organizations that have made significant contributions to society or engaged in philanthropic giving to benefit colleges. All such namings require approval by the TCSG State Board.

Requests for the naming of colleges, buildings, facilities, grounds and organizational units shall be submitted to the Board in accordance with the procedures and guidelines established by the Commissioner. College presidents are expected to maximize the fundraising potential in association with naming requests submitted to the Board.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Procedure: 2.1.8p (I.C.3.)
Naming of College Buildings, Grounds or Programs

Revised: May 17, 2016; April 2, 2009
Last Reviewed: May 17, 2016
Adopted: May 3, 2007

I. PURPOSE:

Specific college buildings, interior spaces, grounds, or programs may be named for living or deceased individuals, businesses, or organizations that have had a significant positive impact on the college over an extended period of time; have demonstrated outstanding and distinguished service to society, the community or the college; and/or have engaged in philanthropic giving directly benefiting the college. Namings of new or existing buildings require approval by the State Board of the Technical College System of Georgia [TCSG]. Buildings, interior spaces or programs named for their general purpose or functions are not subject to this procedure. All namings will be consistent with the best interest of the college and with the Technical College System of Georgia and will maximize fundraising potential of the colleges.

II. RELATED AUTHORITY:

State Board Policy 2.1.8
O.C.G.A. § 20-4-11
O.C.G.A. § 20-4-14

III. APPLICABILITY:

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

IV. DEFINITIONS:

A. **Cooperative Non-profit Organization**: a corporation established under the laws of the state of Georgia and Section 501(c)(3) of the Internal Revenue Code for the purpose of stimulating voluntary private support from individuals, corporations, foundations, and others for the benefit of the College in carrying out its programs and activities. May also be referred to as a "Foundation."
B. **Grounds**: outdoor areas of the college campus including pavers, benches, planters, fountains, gardens, statues or other outdoor artwork.
C. **Building**: all real estate, structures and facilities on or off a college campus under the custody or control of colleges, including facilities leased from or by affiliated organizations of the college.
D. **Program**: an academic unit of the college.
E. **Space of significant value**: an auditorium, conference center, a major conference room, a specially equipped classroom or laboratory.
F. **Interior space**: rooms, hallways, floors, and features, as well as other enclosed or conditioned space(s) within buildings.
G. **Local Board of Directors**: a group of individuals representing business, industry or economic development in a college service area that are appointed by the State Board of the Technical College System of Georgia to assist the State Board in carrying out its mission.

V. ATTACHMENTS:

Sample Pledge Commitment (pending)
Sample Local Naming Procedure (pending)

VI. PROCEDURE:

A. General Provisions:

1. College presidents should maximize the potential of fund raising in association with any naming. Naming opportunities should be shared with the local college Foundation to assist in their fund raising efforts.
2. No publicity shall be given to a recommended name that requires State Board approval until receipt of the Board's approval.
3. Colleges will be responsible for all costs associated with namings.
4. Naming requests associated with a former employee may not be submitted prior to one year after the employee has left employment unless special circumstances approved by the Commissioner warrant an earlier naming. A building may not be named for a current employee.
5. A given surname or business/organization name may be assigned to only one building on a specific campus.
6. No building, grounds, programs or other interior space may bear the name of an individual convicted of a felony or who has otherwise engaged in conduct that could bring discredit upon the college or the Technical College System of Georgia. Namings must be reserved for individuals of recognized accomplishment and character and/or entities whose association with the college does not create an appearance of a conflict of interest.
7. Each naming request will be considered on a case-by-case basis taking into account factors that are relevant to the community, the person or entity being honored and fundraising capacity.
8. A naming authorized by the State Board shall not be modified. Board approval is required to remove names that have been previously authorized.
9. Each college shall establish a local procedure describing all naming opportunities, regardless of whether they require approval by the State Board. The local procedure should establish minimums for financial commitments corresponding to various naming opportunities. In setting minimums, colleges should benchmark against higher education institutions similar in size, scope and mission. Each college president shall submit its naming procedure and any modifications thereto, to the Local Board of Directors, the TCSG Office of Stewardship and Development, and Board of Trustees of the local Foundation.
10. All namings will be in compliance with applicable state and federal laws and TCSG Policies and Procedures; colleges are encouraged to consult with the TCSG's Office of Legal Services and Office of Stewardship and Development prior to submitting naming requests for: Grounds, Interior Spaces and Programs.

    a. The college president is authorized to name and remove a name of grounds, interior spaces and programs without prior approval of the State Board.
    b. Sections of buildings are generally named for donors who have played major roles in equipping, renovating, or constructing that portion of the building.
    c. Namings must be consistent with the General Provisions outlined above.
    d. Upon request, presidents will provide a report to the Commissioner on interior namings and/or removals.

B. New or Existing Buildings

1. Requests should be submitted to the Commissioner for review and further submission to the State Board of the Technical College System of Georgia. The submission of naming requests without associated fund raising should be the exception.
2. When possible, presidents should seek a portion of the gift associated with the naming of a new or existing building for endowment to support the facility or academic programs associated with the facility.
3. A naming request based upon philanthropic contributions must include proof that the gift is irrevocable and is to be paid within a five-year period. The request must be accompanied with a pledge commitment executed by the donor. In cases where a gift is to be paid over a period of time, the request may not be submitted until at least half of the total gift has been received by the college or Cooperative Non-profit Organization on the college's behalf. Failure to fulfill a pledge will result in the revocation of the donor's name for the building.
4. Requests for current naming opportunities should not be based upon deferred gifts such as life insurance and bequests. Colleges should discuss with the interested donor(s) possible naming opportunities that may be available when the gift is actually received.
5. Approved building names will remain for the useful life of the facility and not in perpetuity, unless removal is otherwise authorized by the State Board.
6. If a building is significantly modified, a named building or grounds may no longer exist. In that event, the college president may request that the name be transferred to another building and seek State Board approval.
7. Requests for naming college buildings for individuals, businesses, and organizations, whether or not such naming is associated with philanthropic contributions, should provide information regarding the following:
    a. The historical significance of the contribution of the individual, business or group to the college;
    b. The association of the individual, business, or group with the building to be named;
    c. Any financial contribution of the individual, business or group to the college, whether or not associated with a specific building or area;
    d. State, regional, national, or international recognition of the contributions and achievements of the individual or organization.
    e. Demonstrated community support for the recommended naming.
    f. Any other factors relevant to the request.
8. Each naming request will be evaluated by the Commissioner or designee(s) and a recommendation will be made to the Board by the Commissioner. All namings will be consistent with the interest of the college and with the Technical College System of Georgia.

C. Naming or Re-Naming a College:

1. In determining the name of a newly acquired/merged college or to change the current name of a college, the college president or if applicable, the Commissioner, will appoint a committee which should consist of representatives of college employees, students, the community and businesses in the service area. The committee will consider and recommend to the president a college name.
2. Any individual or group associated with the college may suggest a name for consideration by the committee.
3. The committee will submit a report to the president or Commissioner, if applicable, which includes a recommendation for the college name, documentation of all suggestions considered, and justification of its recommendation. The name should not be such that it is likely to cause confusion with another entity.
4. The president will consult with the TCSG Office of Legal Services to ensure the recommended name is in compliance with applicable state and federal laws.

5. The president will then present the recommended name to the Local Board and submit their recommendation, along with the committee's report and any additional supporting information deemed appropriate, to the State Board through the Commissioner.
6. The Commissioner may return the recommendation to the president for selection of an alternate name or submit the suggested name to the State Board for action.
7. The College President will be responsible for ensuring the Board-approved name is widely publicized and incorporated into all college operations.

D. Space of Significant Value

1. Auditoriums, conference centers, major conference rooms, and classrooms or laboratories which may be frequented by visitors to the college represent a significant fundraising opportunity for colleges.
2. The naming of such spaces is subject to the General Provisions outlined in this procedure and each college's local procedures.

VII. RECORD RETENTION:

All records relating to this procedure shall be maintained in accordance with the Georgia Records Retention Schedules maintained by Georgia Archives, University System of Georgia. Public disclosures of records identifying donors are subject to the provisions of Georgia's Open Records Act.

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 2.2
Office of the Commissioner

2.2.1 ..... POLICY - Commissioner Responsibilities and Authority
2.2.2 ..... POLICY - Agency Strategic Planning

POLICY: 2.2.1. (I.E.1)

Commissioner Responsibilities and Authority

Revised: November 1, 2011; September 1, 2011; December 29, 2003; June 18, 2001

Last Reviewed: November 1, 2011

Adopted: June 2, 1988

POLICY:

The Commissioner is responsible to the Board for the planning, development, and internal management of the System's staff, organization, and other resources to ensure the optimal development, planning, evaluation, and management of technical education programs designed to meet the needs of the citizenry, business, and industry in the most cost effective and efficient manner. The Commissioner reports to and serves at the pleasure of the Board of the Technical College System of Georgia.

The Commissioner shall:

1) Develop and submit goals, objectives, and plans for the System's operations to the Board for approval.

2) Plan, develop, coordinate, and manage the implementation of a statewide program of postsecondary technical and adult education which facilitates the meeting of, and is consistent with, the economic development needs of the state and its citizenry.

3) Manage the day-to-day operations of the System through a professional staff and direct the development and implementation of operational policies and procedures as needed.

4) Recommend to the Board, the appointment of the President of each technical college.

5) Conduct an evaluation of the President of each technical college.

6) Account to the Board for carrying out policies approved by the Board and ensuring that all policies are communicated to all personnel and all others affected. Employees shall be encouraged to make suggestions for, and contribute to, the formation of new or modifications of existing policies.

7) Develop and submit to the Board the following for consideration and action:

a) Annual and long-range plans for technical and adult education; and

b) Criteria, standards, and procedures for evaluating postsecondary technical education programs, services, and activities.

8) Review and allocate all annual and supplemental budget requests for all postsecondary technical and adult education.

9) Develop and submit to the Board the following for consideration and action:

a) Plans and proposals to modify, eliminate, or add to the Board's existing responsibilities and/or authority;

b) All proposed legislation for the Board to be considered by the State legislature;

c) Legal documents through which the Board takes action or is involved in litigation matters;

d) Proposals for membership of local boards of technical colleges;

e) All contracts that exceed $125,000;

f) All change orders or amendments to existing contracts other than for capital outlay of that exceed twenty percent of the original contract cost;

10) Approve on behalf of the Board all change orders and amendments over twenty percent of the original contract cost to state-funded contracts for capital outlay within the limits of funds appropriated for capital outlay.

11) Plan, develop, coordinate, and manage all plans to promote the Board's activities and to solicit private and public funds in support of the Colleges' mission

12) Develop and submit to the Board periodic progress reports and evaluations on:

a) All major projects which are being performed by the System's staff or contract personnel; and

b) The overall activities of the System.

13) Develop and submit to the Board for consideration and action proposed changes in organizational structure or functional assignments for the organizational level reporting immediately to the Commissioner. Approve all other changes in organizational structure or functional assignments.

14) Develop job descriptions, employ, and dismiss all employees. The Commissioner, in turn, may delegate this same authority to the supervisory staff.

15) Establish a written employee grievance procedure based on Board policy and ensure that it is properly administered.

16) Approve or delegate approval authority for all employee travel requests.

17) Manage and direct special projects at the direction of the Board.

18) Receive and resolve, if possible, complaints in regard to the Board's policies and the System's operation.

19) Ensure that all revenues are properly collected, recorded, and deposited in accordance with the Board's policies.

20) Ensure that the Board's expenditures are in accordance with the Board's and the Legislature's budgetary limitations.

21) Establish and maintain a positive working relationship with other entities involved in postsecondary technical and adult education.

22) Represent the state with national, regional, and other postsecondary technical and adult education agencies, organizations, and associations.

23) Perform other duties as assigned by the Board.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Back

POLICY: 2.2.2. (I.E.2.)
Agency Strategic Planning

Last Revised: May 5, 2016;June 23, 2005
Last Reviewed: May 5, 2016
Adopted: April 23, 2001

The Commissioner shall ensure that the Technical College System of Georgia (TCSG) establish and maintain a system strategic plan. The strategic plan shall be reviewed, updated as needed on an annual basis, recommended to the state board of the Technical College System of Georgia for adoption, and approved by the Board no later than June 30th each year. Finally, the approved strategic plan shall conform to the requirements of Georgia law and the relevant educational accreditation entities.

Related Authority:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
Georgia's State Strategic Planning Guidelines, Governor's Office of Planning and Budget
State Board Policy**:** 2.1.3. State Board Responsibilities and Authority

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 2.3
Technical Colleges

2.3.1 ..... POLICY - Employment of Presidents
2.3.1p ..... Procedure - Appointment of Presidents
2.3.2 ..... POLICY - Responsibilities and Authority of TC President
2.3.2p ..... Procedure - Presidential Responsibilities
2.3.2p.a1 ..... Attachment: Form - Request to Approve Direct Report
2.3.3 ..... POLICY - TC Strategic Planning
2.3.3p ..... Procedure - TCSG College Strategic Planning
2.3.4 ..... POLICY - Technical College Accreditation
2.3.5 ..... POLICY - Substantive Change Reporting

POLICY: 2.3.1. (I.F.1)
Employment of Presidents

Revised: January 21, 2011; April 4, 2001
Last Reviewed: January 21, 2011
Adopted: April 4, 1996

POLICY:
Technical college presidents are considered “at will” employees whose employment in this capacity is governed by this procedure and other applicable Technical College System of Georgia (TCSG) policies and procedures. After their initial appointment, presidents whose employment is to be extended beyond the current fiscal year will be provided with a letter of appointment which identifies the continued period of employment (i.e., generally the upcoming fiscal year) and annual salary/total compensation.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Procedure: 2.3.1p. (I.F.1.a.)
Appointment of Presidents

Revised: September 15, 2010
Last Reviewed September 15, 2010
Adopted: January, 17, 2001

Revises and Re-titles: President Search and Selection
Revised and Re-titled: Procedure: Appointment of Presidents

I. **PURPOSE**:
The appointment of a permanent President to fill a vacant position at a technical college associated with the Technical College System of Georgia shall be accomplished through a search process developed by the Commissioner or by direct appointment by the Commissioner. All selections will be brought to the State Board of the Technical College System of Georgia for their approval.

The Commissioner may appoint an Interim President to temporarily fill a vacant President's position. An Interim President may serve in this capacity until a permanent President is selected.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

III. **APPLICABILITY**:
All technical colleges associated with the Technical College System of Georgia.

IV. **DEFINITIONS:** N/A

V. **ATTACHMENTS**: N/A

VI. **PROCEDURE**:

Presidential Searches:

The Commissioner with input from the Chair of the College's Local Board of Directors or his/her designee shall appoint a Search Committee.

The Commissioner shall provide the Search Committee with an orientation regarding the presidential search process.

The Search Committee shall screen the candidates meeting the established minimum qualifications and provide the Commissioner with the names of the three (3) unranked finalists.

The Commissioner shall conduct an appropriate background review of and personally interview each of the three (3) candidates.

The Commissioner may involve System Office staff in these interviews.

The Commissioner shall make a final selection and submit the name of the selected candidate to the State Board of the Technical College System of Georgia for approval. In the event none of the finalists is selected, the Commissioner may initiate a new search.

Direct Appointments:

When it is in the best interests of the Technical College System of Georgia, the Commissioner may fill a vacant President's position through a direct appointment.

In these instances, the Commissioner shall ensure that the college's local Board of Directors has the opportunity to meet with the selected candidate before formal action by the State Board of the Technical College System of Georgia.

With the endorsement of the college's local Board of Directors, the name of selected candidate shall be submitted to the State Board of the Technical College System of Georgia for approval.

Any current President interested in transferring to a vacant President's position should contact the Commissioner as soon as possible after learning of the vacancy and before a formal search process is initiated.

Interim Appointments:

The Commissioner may appoint an interim president to temporarily fill a vacant President's position.

An interim president may serve in this capacity until a permanent president is selected.

VII. **RECORD RETENTION**: N/A

POLICY: 2.3.2. (I.F.2)
Responsibilities and Authority of Technical College Presidents

Revised: January 18, 2005; September 7, 1996; September 7, 1995; May 4, 1995; September 1, 1994
Last Reviewed: January 18, 2005
Adopted: September 4, 1986

POLICY:

The President of each technical college shall be the Chief Executive Officer of the college and all its departments, and shall exercise supervision and direction and promote the efficient operation of the college. The president shall be responsible to the Commissioner for the operation and management of the college and for the execution of all directives of the State Board and the Commissioner.

1) Presidents are authorized to select, employ and remove or dismiss college employees in accordance with Board policy and within existing budgets for personal services; except, prior approval of the Commissioner is required before any employee reporting directly to the President is made an employment offer, removed from that position, dismissed from employment, or awarded a raise other than one approved by the State Board or General Assembly. See Request For Approval For Personnel Action Form, below.

2) Presidents of technical colleges may delegate authority to employ individuals who do not report directly to the President; provided, however, that two levels of authority within the college are involved in the employment selection process.

3) The president of technical colleges shall determine the salary to be paid to each employee and approve all personnel actions (employment, promotions, disciplinary actions, dismissals, etc.).

4) The President shall perform such specific duties as may be included in the President's job description or otherwise communicated by the Commissioner.

On behalf of the State Board, the President shall have the authority to execute:

(1) agreements with high schools, public and private colleges and other institutions which provide additional educational options for students;

(2) agreements with employers in both the private and public sector for the clinical, on-the-job or apprenticeship components of programs offered by the college;

(3) rentals or service agreements related to custodial maintenance and upkeep of buildings and grounds;

(4) agreements negotiated for the provision of educational and training services and continuing education programs;

(5) agreements with architects and or contractors for the design, repair, renovation or construction of facilities or other capital improvements as specifically authorized by the Commissioner; provided, however, such obligations must comply with the System's purchasing policy and processes and the technical college President shall not obligate the college beyond the available resources of the college unless prior approval has been obtained.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board Policy 3.1.16. Purchasing

Procedure: 2.3.2p. (I.F.2)
Presidential Responsibilities

Revised: May 2005; January 18, 2005
Last Reviewed: May 2005
Adopted: September 4, 1986

I. PURPOSE:

The primary role of the President is to provide leadership to the technical college, to the community and to the Technical College System of Georgia. The President has direct responsibility for or responsibility to ensure that the functions listed below are performed in accordance with State Board policy.

II. RELATED AUTHORITY
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

III. APPLICIBILITY: N/A

IV. DEFINITIONS: N/A

V. ATTACHMENTS: N/A

VI. PROCEDURE:

Administration

- Prepare annual institutional budget request
- Establish and monitor purchasing and payment procedures
- Monitor expenditures in accordance with the approved operational budget
- Approve all major expenditures, with Board approval when required
- Approve and monitor travel expenditures in appropriate standards
- Coach or counsel employees with professional and/or discipline problems
- Assist with investigations and annual financial audits, including attending any scheduled audit exit interview
- Prepare and submit for consideration materials required by the Commissioner, the State Board or federal and state law

Boards - State and Local

- Carry out Board-approved policies and ensure that policies are communicated to staff and students
- Administer State and Local board policies and procedures
- Attend meetings of the Local Board and its committees
- Prepare and present special reports to the Board

- Apprise Local Board of laws, rules, regulations or policies pertaining to college activities
- Serve as Executive Secretary and provide staff assistance to the Local Board

Community

- Develop and implement a plan for promoting good public and community relations
- Participate in community-related activities
- Develop a positive working relationship with employers, public officials and other governmental entities
- Conduct informational programs for the public, business and industry
- Supervise the development of promotional materials
- Encourage employee participation in community, civic, service, and social organizations
- Keep the community informed of college activities and opportunities

Economic Development

- Provide for instructional assistance to new and/or existing industries
- Promote economic development activities within the college's service delivery area
- Represent the college at business and industry functions
- Work with community leaders to bring new industries and expand existing businesses into the college's service delivery area

Facilities

- Plan and authorize the use of institution facilities and equipment
- Arrange for maintenance of buildings, grounds, and equipment
- Develop and maintain an inventory of school property, equipment and materials
- Establish emergency evacuation plans
- Establish and oversee a campus security program
- Develop long-range facility and equipment plans
- Prepare and submit renovation and alteration plans
- Ensure compliance with health and safety laws and regulations

Human Resources

- Recruit, screen, interview, recommend and hire qualified employees
- Schedule, supervise and evaluate employees
- Process complaints/grievances filed by staff
- Maintain a confidential personnel record system
- Promote and dismiss employees
- Supervise the staff development process

Instruction and Student Services

- Prepare a master schedule of course offerings
- Monitor instructional program entry and completion requirements
- Provide for the use of occupational advisory committees
- Ensure that standards approved by the State Board are followed
- Oversee student progress reporting procedures
- Oversee student recruitment, admission and dismissal activities

- Develop and enforce student discipline policies
- Process student grievances
- Maintain a confidential student record keeping system
- Monitor extracurricular activities of students when sponsored or supervised by the college
- Provide for and monitor student job placement and follow-up services
- Arrange for and monitor student rights, laws and regulations
- Provide student counseling
- Establish or maintain required program and college accreditation/certification and keep the Commissioner advised as to accreditation/certification status

Strategic Planning/Institutional Effectiveness

- Develop goals, objectives and plans for the technical college's operations
- Use studies, surveys and research to determine program direction, size and content
- Develop short-range program plans
- Develop long-range program plans
- Provide leadership to develop solidarity of purpose within the institution
- Conduct scheduled evaluations to measure program effectiveness
- Conduct institutional research studies

VII. RECORD RETENTION: N/A

Back

[Attachment: 2.3.2p.a1]

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

TO: Commissioner Corbin
Technical College System of Georgia

FROM: _____, President
_____Technical College

SUBJECT: Request to Approve Personnel Action Involving a Direct Report

DATE:

Consistent with the provisions of State Board Policy 2.3.2.(1.F.2.), I request your approval of the following personnel action involving a position and/or an incumbent reporting directly to me:

___ Establish a new position

___ Revise an incumbent's currently assigned duties and responsibilities

___ Make an employment offer

___ Make an interim, time-limited appointment

___ Dismiss from employment

___ Provide a salary adjustment in addition to that authorized by the General Assembly

___ Reassign to another position (move position)

Name of Employee or Applicant:	
Position:	
Proposed Effective Date:	Proposed Salary:
Reason:	

☐ **APPROVED** ☐ **NOT APPROVED**

Commissioner Date

Revised January 12, 2015

POLICY: 2.3.3. (I.F.3.)
TCSG College Strategic Planning

Revised: May 8, 2014
Last Reviewed: February, 15, 2016
Adopted: April 23, 2001

POLICY:

Each technical college shall establish and maintain a strategic plan. The strategic planning process of each technical college will conform to the requirements as set forth by the Commissioner of the Technical College System of Georgia and the accrediting agency or agencies of the college.

The Commissioner is directed to develop procedures necessary to implement the provisions of this policy.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Procedure: 2.3.3p. (I.F.3.a)
TCSG College Strategic Planning

Revised: Last July 16, 2014
Reviewed: February 15, 2016
Adopted: July 16, 2014

I. PURPOSE:

Each technical college shall establish and maintain a strategic plan. The strategic planning process of each technical college will conform to the requirements as set forth by the Commissioner of the Technical College System of Georgia and the accrediting agency or agencies of the college.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

III. APPLICABILITY:

All technical colleges associated with the Technical College System of Georgia

IV. DEFINITIONS:

Environmental Scan:

The environmental scan is simply the research used to develop the strategic vision for the college. Accordingly, the scan can include any relevant information like existing college surveys/evaluations, other documents like a Quality Enhancement Plan (QEP) or strategic planning documents from other organizations. Information collected as part of the TCSG Institutional Effectiveness planning and evaluation process should also be very useful in developing an environment scan for the college strategic planning process.

Before developing a plan and vision for the future, the college must know what their current operating environment is. The scan information should assist the planning team in thinking beyond the routine daily challenges they face and help them identify and refine strategic ideas to develop the strategic plan. The following are common elements included in an environmental scan:

a. Internal factors impacting the college
b. External factors impacting the college
c. Demographic and workforce data
d. **College stakeholders** are given a voice through surveys or other methods.

i. Internal Stakeholders
ii. External Stakeholders

e. A **Trend Analysis** of relevant areas like enrollment, graduation, placement etc.

f. **SWOT** (*This is a recommended technique for organizing the data collected during the scan. For more information, please see the SWOT definition below.*)
   i. Internal – Strengths and Weaknesses (SW)
   ii. External – Opportunities and Threats (OT)

g. **PEST** is a framework for organizing and focusing the data collected during the scan. (*For additional information, please see the definition below.*)
   i. Political factors impacting the college
   ii. Economic factors impacting the college
   iii. Social/Demographic factors impacting the college
   iv. Technological factors impacting the college

SWOT Analysis:
This is related to the environmental scan and is a recommended tool. Identification of Strengths, Weaknesses, Opportunities and Threats (SWOT) can be a component of an environmental scan that helps organize and focus the data collected during the scan and covers both the internal and external environment. This is a very common technique used in planning to provide a framework for the information collected during the environmental scanning process.

PEST Framework:
This is related to the environmental scan. PEST stands for Political, Economic, Technological and Social issues that may impact your college. The PEST framework is a common method of organizing information to facilitate analysis and strategy development. For governmental entities like TCSG, the legal and regulatory environment is related to the political environment and can have a significant impact on operations. In recent years, some planners have added an “LE” to the PEST framework to include Legal and Environmental issues in separate categories.

Stakeholder:
A broad definition of stakeholders is: Any group or individual who can impact the organization, or can be impacted by the organization or its activities. Stakeholders can be divided into two categories: internal and external stakeholders. Identifying the specific college stakeholders to include is part of the environmental scanning process.

Mission Statement:
A Mission Statement is defined as a brief, comprehensive statement of purpose.
There are two SACSCOC principles related to the mission statement: Core Requirement 2.4 states, “The institution has a clearly defined, comprehensive, and published mission statement that is specific to the institution and appropriate for higher education. The mission addresses teaching and learning and, where applicable, research and public service. (Institutional Mission)” ; Comprehensive Standard 3.1.1 states “The mission statement is current and comprehensive, accurately guides the institution’s operations, is periodically reviewed and updated, is approved by the governing board, and is communicated to the institution’s constituencies.(Mission)”

Vision for the future:
The Vision should be a statement that describes the organizations desired future.

Strategic Goal:
Strategic Goals should support and clarify the vision and describe the desired end result in 5-10 years.

Strategic Objective:
These should be specific targets that further clarify the goals purpose in the near term and allow for specific actions to be identified.

Action Step:
Action steps are details description of the strategies used to implement a strategic objective.

12-month goal:
This describes specifically what we are going to do for each action step in the next 12-months. (Fiscal Year or Calendar Year)

V. ATTACHMENTS: NA

VI. PROCEDURE:

A. **Introduction**

The purpose of strategic planning is to help an organization succeed in today's world and in the future. This is accomplished through documenting the organization's mission, identifying a preferred future direction and developing goals and strategies to move the organization forward. However, developing a quality strategic plan is only the beginning of an effective planning process. Implementing the plan to achieve the goals, objectives and vision for the future is equally important.

In general, college strategic planning should be a comprehensive, integrated, data driven process that includes input from the college stakeholders. Strategic planning is also a creative process, and there is no single "right" way to develop and implement a strategic plan. However, there are common elements included in most strategic planning efforts.

Accordingly, this procedure describes the required planning elements for TCSG colleges to ensure a quality planning process that includes an acceptable level of consistency among the colleges. This procedure describes the basic components of a standard strategic plan; it is not intended to be a comprehensive guide to college strategic planning.

Many colleges will want to add additional elements to their strategic plan and use additional analysis tools in their planning process. For example, some colleges may want to include a statement of core values as part of the plan while others may want to include goals and objectives for the major work units of their institution.

B. **Responsibility**

Each TCSG College President is responsible for the strategic planning process at their institution.

C. **Timelines**

1. A comprehensive planning process must be conducted at least every five years to ensure the strategic plan reflects our constantly changing environment.
2. The existing college strategic plan must be reviewed annually and updated as needed. When the annual review is complete, an e-mail notification should be sent to the TCSG Director of Planning, Research and Policy Analysis and the Executive Director for Accountability and Institutional Effectiveness. This notification that the review was conducted should be sent even if no changes are made to the existing college plan.
3. Upon completion of a new plan or update of an existing plan, a copy must be sent to the TCSG Office of Data Planning and Research (DPR) for posting on the TCSG Knowledge Management System (KMS).
4. The college mission statement must be reviewed annually. Whenever changes are made, the revised mission statement must be submitted to the TCSG Office of Administrative Services and reviewed by the Office of Technical Education's Accountability and Institutional Effectiveness unit before approval by the State Board of the Technical College System of Georgia (SBTCSG).

D. **Strategic Planning Procedure**

College Strategic Planning

1. Form a planning team to guide the process.
2. Conduct an environmental scan that will provide context and background to challenge existing assumptions and facilitate the strategic thinking needed to develop a quality plan.

   NOTE: Additional information on conducting a typical environment scan including some suggested, but not mandatory, techniques for organizing the information is available in the definitions section of this procedure.

3. Review and revise the Mission Statement as needed.
4. Develop a Vision for the future of the college.

   NOTE: It is common to use data from the environmental scan and other background materials to identify a set of assumptions that assist the team in developing the vision, strategic goals and strategic objectives.

5. Identify Strategic Goals**.**
6. Identify Strategic Objectives**.**

Strategic Plan Implementation Tracking

To ensure that the plan is used as a strategic management tool, tracking and reporting the major activities undertaken to implement the strategic plan is crucial. This provides the link between the written plan and institution operations.

There are a number of methods for tracking the implementation of a strategic plan. The following steps are used at the TCSG system level although other methods chosen by the college will also be acceptable.

1. Identify Action steps – at least one for each strategic objective
2. Identify 12 month goals – at least one for each action step
3. Identify Strategic Outcome Measures to document success

Whenever it is practical, linking the strategic plan implementation tracking to the college's ongoing Institutional Effectiveness (IE) process should be considered.

College Plan Alignment with the TCSG System Plan

When formulating their strategic plans, each Technical College should ensure consistency with the Technical College System of Georgia strategic plan, where applicable, and should develop institutional strategies to contribute to the agency-wide objectives. However, the individual college plans do not need to mirror the TCSG system plan. Rather, colleges should be cognizant of the system strategic plan and ensure their plan does not conflict with any system-wide initiatives.

Existing College Strategic Plans

Existing TCSG college strategic plans that were developed under the previous policy and procedure and do not meet the criteria set out in this new procedure will be "grandfathered". Colleges will not be required to meet the requirements of the new policy and procedure until the next scheduled 5-year comprehensive review and revision of their strategic plan.

VI. RECORD RETENTION:

Documents developed pursuant to this procedure shall be maintained in accordance with the Georgia Secretary of State's Records Retention Schedule.

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POLICY: 2.3.4. (I.E.3
Technical College Accreditation

Revised: July 8, 2014
Last Reviewed: October 14, 2016
Adopted: May 14, 2001

POLICY:

Each technical college shall maintain accreditation by an accrediting agency approved by the United States Secretary of Education for accreditation of associate degree and diploma granting institutions. The President of the technical college shall keep the Commissioner advised as to the status of their technical college's accreditation.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 2.3.5. (I.E.4)
Technical College Substantive Change Reporting

Revised: June 4, 2015
Last Reviewed: October 14, 2016
Adopted: June 4, 2015

POLICY:

It is the responsibility of colleges accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to report any significant modification or expansion of the nature and scope of the college to SACSCOC while adhering to the appropriate reporting requirements listed in the most current SACSCOC substantive change policy and its procedures.

Each college is required to develop and maintain a written procedure to ensure that all substantive changes are reported to the Commission on Colleges in a timely fashion. Substantive changes can include but are not limited to:

- any change in the established mission or objectives of the college;
- the addition of courses or programs representing a significant change in content or delivery;
- altering significantly the length of a program;
- additional instructional locations or branch campuses and the closing of such; and/or
- closing a program, off-campus site, branch campus or institution.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 2.4
Local Board of Directors

2.4.1.....POLICY - Local Board Responsibilities and Authority
2.4.1.a1.....Attachment - Local Board Bylaws
2.4.1.a2.....Attachment: Guidelines Teleconferencing Local Board Meetings
2.4.3p .....Procedure - Compensation and Expenses
2.1.5.a1.....Attachment: Selection for Reimbursement Board Related Expenses
2.4.4p ..... Procedure - Local Board Member Emeritus
2.4.5p ..... Procedure - Approving Technical College Local Board Members
2.4.5p.a1.....Attachment: Appointment/Reappointment of Local Board Members
2.1.6.....POLICY - Ethical Responsibilities
2.1.6a1.....Acknowledgment of Ethical Responsibility

POLICY: 2.4.1. (I.D.1)
Local Board Responsibilities and Authority

Revised: September 3, 2015; May 1, 2014; May 3, 2012; October 21, 2003; June 7, 2001
Last Reviewed: September 3, 2015
Adopted: September 3, 1987

POLICY:

The State Board of the Technical College System of Georgia [TCSG] shall appoint a Local Board of Directors for each college to assist the State Board in carrying out its mission. Each Local Board shall represent the geographic area which is served by the college and shall consist of diverse members reflecting the population of the service delivery area and who represent business, industry, or economic development. The Local Board shall have at least seven and not more than fifteen members, provided, however, that those colleges with a student population greater than 6,500 may have up to seventeen members.

The purpose of the Local Boards is to facilitate the delivery of programs, services, and activities as directed by the State Board, advise the President and the State Board of local industry and community needs for the programs and services to be provided by the technical college, and advocate within the community and in the state on issues of importance in support of the Technical College System of Georgia and Georgia's workforce development efforts.

Each Local Board will establish by-laws consistent with those approved by the State Board and attached hereto. The Local Board shall meet at least eight (8) times per calendar year. Members may participate by teleconference or other similar means provided notice of the meetings list each location where any member of the board plans to participate and at least one location where the public can participate in the meeting. All meetings shall be conducted in compliance with Georgia's Open and Public Meeting statutes O.C.G.A. § 50-14-1 thru § 50-14-6 and O.C.G.A. § 50-1-5.

Each member shall serve without compensation but shall be reimbursed by the college for expenses incurred in the performance of his or her duties in the same manner that state employees are reimbursed. Employees of the Technical College System of Georgia shall not serve as members of the Local Board of Directors. No more than one member shall concurrently serve on any other Local Board of Education.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11(5) – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. § 50-14-1 thru § 50-14-6
O.C.G.A. § 50-1-5

Attachment: 2.4.1.a1. (I.D.1.a)
Local Board Bylaws
Approved by the State Board of the Technical College System of Georgia

Revised: September 3, 2015; September 5, 2013
Last Reviewed: September 3, 2015
Adopted: September 4, 1986

POLICY:

Each technical college's local Board of Directors shall adopt and operate pursuant to By-laws that, in substance, conform to the following:

ARTICLE I. NAME

The name of this organization shall be the Local Board of Directors of_____ _____ Technical College.

ARTICLE II. PURPOSE

Local Boards were created by Georgia State Statute (O.C.G.A. § 20-4-11) to assist the TCSG State Board in carrying out its mission. The primary purpose of the local boards and its members is to:

(1) Advise on program direction via their personal subject matter expertise and awareness of area business needs for program decisions and priorities;

(2) Serve as a check and balance for the development and implementation of college goals and objectives as well as operations policies and procedures; and

(3) Advocate within the community and the state on issues of importance in support of the Technical College System of Georgia and Georgia's workforce development efforts.

ARTICLE III. MEMBERS AND MEMBERSHIP

Section 1. Membership.

Each member of the Local Board of Directors of _____Technical College shall be appointed by the State Board of the Technical College System of Georgia. The Local Board shall have at least seven and not more than fifteen members. ***(*Note: Colleges with a student population greater than 6500 should localize these by-laws to read "not more than seventeen members")***

Members shall reside or be employed within the _____Technical College's designated service area. Overall county representation shall generally reflect the relative populations of the counties in the service area. One member may represent up to two contiguous counties.

Members shall reflect the diversity of business, industry and economic development interests in the service area. No more than one member shall concurrently serve on any other Local Board of Education.

The Local Board of Directors of _____Technical College shall reflect the gender, racial, ethnic, cultural diversity of the State of Georgia and the _____Technical College's service area.

Employees of the Technical College System of Georgia ("TCSG") shall not serve as members of the Local Board of Directors.

Section 2. Terms.

The State Board will appoint or reappoint Local Board members to fill expiring terms and to serve three-year terms beginning July 1st, provided however, that this shall not prohibit the appointment of Local Board members at other designated times during the year.

No member may serve more than three consecutive three-year terms but a former member may be appointed for a term to begin following a one-year break in service. A member whose term is scheduled to expire may continue to occupy his or her seat on the Local Board for a maximum of three meetings into the new fiscal year until their replacement is appointed.

Section 3. Vacancies.

Local Board of Directors of _____Technical College will notify the State Board immediately of any vacancies that occur in unexpired terms. Based on the recommendation of the college president, the State Board will appoint a new member to serve the remainder of the term as soon as practicable. A new member who fills an unexpired term is eligible to serve three consecutive three-year terms on his/her own.

Section 4. Resignations and Removal

(1) Any Local Board member may resign at any time by notifying the college president who serves as the Executive Secretary of the Local Board. The President will inform the TCSG System Office (via TCDA) of the resignation. Using the local board appointment process, the college president may recommend a replacement to complete the Local Board member's term.

(2) Any Local Board member may be removed from office by the State Board after a majority vote of the Local Board members then in office whenever, in their judgment, the best interests of the college and /or the Local Board of Directors is affected. Written request for removal with a supporting statement of concern will be forwarded to the State Board by the college president for their action. Notice of the date, time, place, and purposes of the meeting at which the removal is to be acted upon shall be given to such Local Board member intended to be removed at least ten(10) days prior to the date of such meeting and must state the reason for the proposed removal, consistent with the approved By-Laws. Disciplinary issues shall be

conducted in accordance with Georgia's Open and Public Meeting Statutes O.C.G.A. § 50-14-3 and § 50-14-4.

Section 5. Ethics

Members of the local boards 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. Members of the local board must hold themselves to the ethical standards mandated by O.C.G.A. § 45-10-3. Further, members of the local advisory boards shall electronically file a Public Officer Affidavit with the Georgia Government Transparency & Campaign Finance Commission by January 31st of each calendar year and shall be subject to the same general business transaction disclosure requirements as state employees pursuant to O. C. G. A. § 45-10-26.

ARTICLE IV. OFFICERS AND THEIR DUTIES

Section 1. Officers.

The officers of the Local Board of Directors will be the Chairperson, the Vice Chairperson, and the Executive Secretary.

Section 2. Election and Terms of Office.

(1) The Chairperson and Vice Chairperson will be elected by the Local Board of Directors of _____ Technical College from its membership at its last regularly scheduled meeting prior to July 1 of said year. The term of office for the Chairperson and Vice Chairperson will be one year. The Chairperson and Vice Chairperson shall assume their respective positions on July 1 following election; no person shall hold more than one of these offices concurrently.

(2) Executive Secretary. The President of _____Technical College, who shall not be a member of the Local Board of Directors, will be the Executive Secretary.

Section 3. Removal of Officers.

The Chairperson and the Vice Chairperson may be removed at any time by two-thirds vote of the Local Board.

Section 4. Vacancies.

Vacancies in the offices of Chairperson and Vice Chairperson shall be filled by the Local Board of Directors of _____Technical College soon as practicable.

Section 5. Duties of Chairperson.

The Chairperson shall be a member of the Local Board of Directors of _____Technical College, shall preside at the meetings of the Local Board with the authority to vote, and shall appoint the members of any and all such committees as necessary for the Local Board to perform its assigned duties.

The Chairperson shall be an ex-officio member of all committees with the authority to vote.

Section 6. Duties of Vice Chairperson.

The Vice Chairperson shall be a member of the Local Board and shall perform the duties and have the powers of the Chairperson during the absence or disability of the Chairperson.

Section 7. Duties of the Executive Secretary.
As Executive Secretary, the President will schedule and arrange for meetings of the Local Board and furnish meeting notices and materials, as needed, to members in advance of such meetings. The Executive Secretary will normally be present at all meetings of the Local Board and shall ensure that an accurate record be kept of the proceedings of the meetings of Local Board and its committees.
The President will be responsible for implementing recommendations of the Local Board and for the administrative and operational support of the Local Board.

Section 8. Committees.

(1) Local Boards may establish standing committees to serve as college liaisons in specific areas; the committees' roles will be to advise and provide support to the college on specific initiatives, events, or activities. The State Board may also require Local Boards to form committees to assist in carrying out its mission.

(2) Local Boards may appoint Ad Hoc or special committees to address specific circumstances and dissolve when the task is completed.

ARTICLE V. MEETINGS OF THE LOCAL BOARD

Section 1. Place of Meetings.

Meetings shall be held at such places as determined by the Local Board. The public shall be made aware of such regular meetings through a public posting stating the time, place and dates of all regular meetings at least one week in advance of the meeting; the notice will be maintained in a conspicuous place available to the public.

Section 2. Teleconferencing.

Members may participate by teleconference or other similar means provided notice of the meetings list each location where any member of the board plans to participate and at least one location where the public can participate in the meeting. Methods used in a teleconference meeting must be such that each participating member can hear and speak to each other board member.

Members who teleconference may be counted as present for the meeting if the presiding officer is assured of the continued presence and participation of such member(s) during the course of the meeting. (LOCAL BOARDS MAY ELECT TO RESTRICT THE NUMBER OF TIMES INDIVIDUAL MEMBERS MAY ATTEND VIA TELECONFERENCE)An individual roll call vote of members will be required on board votes.

Section 3. Attendance at all Meetings.

Local Board members shall attend all meetings unless prevented from doing so by disability or other causes beyond their control. Members who are unable to attend at least 75% of the regularly scheduled meetings during a fiscal year should consider resignation from the Local Board. No person may attend any meeting of the Local Board as a substitute for any Local Board member; and no person except a regular member of the Local Board shall be entitled to vote in determining the action of the Local Board at any time.

Section 4. Regular Meetings.

All meetings of the Local Board shall be conducted in compliance with Georgia's Open and Public Meeting statutes O.C.G.A. § 50-14-1 thru § 50-14-6 and O.C.G.A. § 50-1-5. The Local Board will meet at least eight times per year and schedule one or more future meetings at each meeting. A summary of the subjects acted on and the names of members present at each meeting will be written and made available for public inspection within two (2) business days following the Local Board meeting.

Section 5. Special Meetings.

Special meetings of the Local Board may be called by the Chairperson. A notice of the special meeting must be made available to the public in accordance with Open and Public Meetings Laws. Business transacted at a special meeting will be confined to the purposes stated in the call for the meeting and shall in all other ways be conducted in conformance with the law. A summary will be prepared and distributed as described in Section 4.

Section 6. Committee Meetings.

Committees shall meet at the direction of the Chairperson of the Local Board or on call of the committee chairperson. Members participating via teleconference will not be counted towards the physical quorum.

Section 7. Quorum.

At all meetings of the Local Board, a majority of the full membership of the Local Board shall constitute a quorum for the transaction of business. The action of a majority of the members of the Local Board present at any meeting shall be the action of the Local Board, except as may be otherwise provided by these by-laws. Members participating via teleconference are to be counted present and may contribute to the quorum.

Section 8 . Public Meetings and Executive Session.

All meetings of the Local Board shall be open to the public except as provided for in Section 9 of this Article.

Section 9. Closed Sessions

(a) When any meeting is closed to the public based on majority vote of a quorum present for the meeting, the specific reasons for such closure shall be entered upon the official minutes. The

minutes shall reflect the names of the members present and the names of those voting for closure, and that part of the minutes shall be made available to the public as any other minutes. Where a meeting of an agency is devoted in part to matters within the exceptions provided by law, any portion of the meeting not subject to any such exception, privilege, or confidentiality will be open to the public, and the minutes of such portions not subject to any such exception will be taken, recorded, and open to public inspection as provided in subsection (e) of Code Section 50-14-1.

(b) When any meeting of an agency is closed to the public pursuant to subsection (a) of O.C.G.A. § 50-14-4, the person presiding over such meeting and each member of the Local Board in attendance will execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

(c) Executive sessions may be called by the board respecting confidential information, such as authorization of a settlement; authorization of the purchase, disposal or lease of property; personnel matters and other exceptions as defined in O.C.G.A. § 50-14-3 and O.C.G.A. § 50-18-72

ARTICLE VI. OPERATION OF THE LOCAL BOARD

Section 1. Rules.

The rules contained in Roberts' Rules of Order (Latest Revised edition) shall govern in all cases to which they are applicable and in which they are not inconsistent with the by-laws or any special rule of the Local Board.

Section 2. Agenda.

A prepared agenda with appropriate information will be sent to each member of the Local Board by the Executive Secretary in advance of any regular meeting of the Local Board and will be posted at the meeting site no later than five days prior to the meeting. The agenda, as approved or amended will govern the order of business for the meeting. Additions, deletions, or reordering of agenda items shall be by majority vote.

Section 3. Minutes.

The Executive Secretary is responsible for the preparation and distribution of the minutes of Local Board meetings. A copy of the minutes of each meeting shall be mailed to each Local Board member for review prior to approval at the succeeding meeting. The minutes will not be considered official unless and until approved by the Local Board. Minutes must be made available for public inspection after official approval. Minutes must include the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the persons making and seconding the motion or other proposal, and a record of all votes. The name of each person voting for or against a proposal shall also be recorded.

Minutes of executive sessions will be recorded but shall not be open to the public as defined by lawful exceptions stated in O.C.G.A. § 50-18-72. Such minutes shall specify each issue

discussed in executive session by the board and comply in all aspects with subsection (e) of O.C.G.A. § 50-14-1.

Section 4. Local Board Actions.

The Local Board will generally consider action on matters brought to its attention only after referring such matters to technical college staff for appropriate analysis and recommendations. Such staff analyses should be brief, with supporting information appended as necessary. The staff analyses shall include a statement of the issue and its implications, a description of the practical alternatives with associated advantages and disadvantages, and a recommendation. Whenever possible, such staff analyses will accompany the agenda for the meeting at which the matter is to be considered.

ARTICLE VII. APPEARANCE BEFORE THE LOCAL BOARD

Individuals or groups wishing to appear before the Local Board must make their request in writing to the President at least ten (10) days in advance of the meeting. The Chairperson at his or her discretion may approve the request and allot a reasonable time for presentation. However, the Chairperson, without opposition, or the Local Board by majority vote, may recognize unscheduled appearances before the Local Board by individuals or groups. The Chairperson will limit the time for presentations as necessary to maintain the timely and efficient conducting of business by the Local Board.

ARTICLE VIII. METHOD OF AMENDING THE BY-LAWS

Section 1. Method.

These by-laws may be amended by the Local Board with the approval of the State Board. Proposed amendments will be distributed to each member of the Local Board and to the TCSG System Office at the meeting immediately preceding the one at which the amendment will be considered.

Amendments to the Local Board by-laws shall require approval by at least a two-thirds vote of the Board's members. The adopted amendment will then be forwarded to the State Board, which will normally consider the proposed amendment at its next regularly scheduled meeting. State Board approvals will require a majority vote of its members.

Section 2. Effective Date.

Amendments will be effective immediately upon approval by the State Board unless otherwise indicated.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. § 50-14-1 thru O.C.G.A. §50-14-6
O.C.G.A. § 50-1-5

Back

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Nathan Deal
Governor

Gretchen Corbin
Commissioner

September 17, 2015

Sent via e-mail

Dear Presidents:

During the Governance, Compliance, and Audits committee meeting in August, the proposed revisions to the State Board policy that would allow teleconferencing for Local Board meetings were discussed. While the revisions were ultimately approved, committee members expressed concerns that an over-reliance on teleconferencing would adversely impact the effectiveness of the Local Boards, specifically the individual engagement of members. As a result, we were asked to clarify the intent and provide the framework for the implementation of the revised provisions.

The following applies to all Local Boards that will utilize teleconferencing:

1) Local Boards may limit the number of times individual members can participate via teleconference as well as the number of meetings that may be held via teleconferencing. Any such limitations should be outlined in the Local Board's By-laws;

2) Methods used in a teleconference meeting must be such that each participating member can hear and speak to other board members, i.e. conference calls and/or interactive video technology;

3) Location, time and date of the primary and secondary location(s) must be posted at least one week in advance of the meeting in a conspicuous place available to the public;

4) Board members who do not participate from one of the posted location(s) will not be eligible to receive a per diem and cannot be counted for purposes of reaching a quorum;

1800 Century Place - Suite 400 Atlanta, Georgia 30345 404.679.1600

5) Board minutes should reflect the location of each participating board member;

6) New Board Member training will emphasize the value of face-to-face board meetings and the importance of attending board meetings at the primary location; and

7) All meetings remain subject to the provision of Georgia's Open and Public meeting statutes O.C.G.A. 50-14-1 thru 50-14-6 and O.C.G.A. 50-1-5.

The intent of the revised policy is to provide you with the flexibility to maximize the participation of your board members and make it easier for other campuses and the public to participate. We are confident you will benefit from this opportunity without impacting the sense of engagement and the spirit of camaraderie that have proven so important to the effectiveness of our Local Boards.

Sincerely,

Linda Osborne-Smith
TCSG General Counsel

Adie Shimandle
Executive Director of TCDA

cc: Joe Yarbrough, Chairman
Michael Sullivan , Committee Chair
Gretchen Corbin, Commissioner
Matt Arthur, Deputy Commissioner

Back

Procedure: 2.4.3p. (I.D.1.b) Compensation and Expenses

Revised: May 14, 2001
Last Reviewed: June 23, 2005
Adopted: December 3, 1987

I.PURPOSE:
Members of the local Board serve without pay. Members are obliged to attend Board meetings and perform various functions as members of Board committees.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11(5) – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. §20-4-12
Statewide Travel Regulations

III. APPLICIABILITY: N/A

IV. DEFINITIONS: N/A

V. ATTACHMENTS:
Attachment: 2.1.5.a1. Selection for Reimbursement Board Related Expenses

VI. PROCEDURE:
Members of the local Board serve without pay. Members are obliged to attend Board meetings and perform various functions as members of Board committees.

Members of the Local Board may elect to receive a per diem plus transportation costs or actual travel expenses as provided in the Statewide Travel Regulations while acting in their official capacities subject to the following conditions.

Committee chairpersons shall approve payment of per diem payments and/or travel vouchers for committee members and the board chairperson shall approve payment of per diem payments and/or travel vouchers for committee chairpersons.

Each member of the local Board electing to receive the statutorily authorized per diem (O.C.G.A. §20-4-12) for each day of actual attendance at Board meetings, and the same per diem for each day of travel within the State as a member of a committee or while acting on behalf of the Board, shall also be entitled to the reimbursable costs of transportation to and from the places of meeting or places of visits or inspections as provided in the Statewide Travel Regulations.

Said sums, expenses, and costs shall be paid from funds appropriated or otherwise available to the System.

The per diem rate of reimbursement authorized by the General Assembly is $105.

VII.RECORD RETENTION: N/A

Back

Procedure: 2.4.4p. (I.D.2)
Local Board Member Emeritus

Revised: September 15, 2010
Last Reviewed: September 15, 2010
Adopted: September 15, 2010

I. PURPOSE:

To recognize outgoing or former local board members for their outstanding contributions to their college and technical education in general through their leadership and distinguished service. To keep enthusiastic supporters of TCSG involved and promoting technical education within their communities.

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

III. APPLICIABILITY: N/A

IV. DEFINITIONS: N/A

V. ATTACHMENTS: N/A

VI. PROCEDURE:

The Chairman of the local board shall appoint a Board Member Emeritus Committee to receive nominations for the title Board Member Emeritus. The Committee shall review and recommend each individual under consideration for the designation of Local Board Member Emeritus. Candidates who have met the following minimum requirements may have their names submitted to the full local board for approval by the majority:

1) Must have at least five years of service as a local board member,
2) Must have been a certified local board member, and
3) Must have exemplary former service, to be determined by the board.

Benefits:

A local Board Member Emeritus may be entitled to the following benefits:

1) A name badge, which signifies the status of the Board Member Emeritus,
2) A local board resolution naming and honoring the individual as Board Member Emeritus, and
3) A standing invitation to attend regular meetings and events conducted within the technical college system including State Board and local board meetings; GOAL and EAGLE award banquets: and TCDA conferences as appropriate.

Procedure: 2.4.5p. (I.C.1.d)

Approving Technical College Local Board Members

Revised: July 15, 2015; April 12, 2011
Last Reviewed: November 9, 2015
Adopted: September 14, 2007

I. PURPOSE:
The State Board of the Technical College System of Georgia [TCSG] will appoint persons to serve on the local board of directors of the technical colleges that make up the Technical College System of Georgia. The purpose of this procedure is to set forth a streamlined process for the nomination and appointment of these persons while maintaining authority over the composition of the local board.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. § 50-14-3 & 4 Georgia's Open and Public Meeting Statutes.
Statewide handbook for local Board members of TCSG.
State Board Policy 2.4.1.

III. APPLICABILITY:
All local boards of directors in the Technical College System of Georgia

IV. DEFINITIONS: N/A

V. ATTACHMENTS:
Attachment 2.4.5p.a. – Local Board Appointment/Reappointment Form

VI. PROCEDURE:

A. **Submission process for appointments and reappointments to local Boards of Director of a technical college**:

1) All new appointments for the next fiscal year and reappointments of board members eligible for a second, third or special term will be considered by the State Board at its May meeting.

2) New Appointments to be effective in the current fiscal year may be considered at the August, September, October or December State Board meetings.

3) Replacement candidates may be considered any month the State Board convenes. The Board Candidate Form should include the name of the board member that the candidate will be replacing as well as the remaining timeframe of the existing term.(NOTE: Replacement candidates will be eligible for appointment to a series of

three-year terms as a new board appointment once they complete the replacement term.)

4) All submissions should be sent directly to the TCDA Office at Century Place. Complete Board Candidate Forms, along with supporting document (resume or letters of support) must be submitted 30 days prior to the applicable State Board meeting date.

5) Requests for exceptions to established timeframes for any type of board appointment must be submitted to the TCDA along with a letter of support from the college president. Exceptions may be granted for one or more of the following reasons:
   a. Maintenance of the minimum board count of seven board members
   b. Necessity for unique expertise for particular programs
   c. Inclusion of a major industry or unique industry for which there is no current board representation or expertise
   d. Maintenance of business, industry and economic development diversity that is also reflective of the service area's population

6) The TCDA Office will send an updated summary of local board member status throughout the year to facilitate the scheduling of necessary appointments or reappointments.

7) Proposed candidates for local board membership upon approval by the State Board, may take their place on the board at the next scheduled local board meeting upon taking the oath of office. New board members approved at the May State Board meeting will commence service at the first local board meeting of the new fiscal year.

B. **Resignations and Removal from the Local Board of Directors**

1) For resignations, the college President's Office should send a copy of the resignation letter or email that has been submitted by the board member to the TCDA Office within 30 days of receipt of notification of intent to leave the board. This information is needed to recognize the board member for their service and maintain the accuracy of TCDA records. No other action is required.

2) Any board member may be removed from office by the State Board after a majority vote of the local board members then in office whenever, in their judgement, the best interests of the college and or local board of directors is affected. Written request for removal with a supporting statement of concern must be forwarded to the TCDA Office by the college president for submittal to the State Board. The State Board will notify the local board member proposed for removal of the date, time, place and purpose of the meeting at which the removal is to be acted upon. Notice will be given at least ten (10) days prior to the date of such meeting and will state the reason for the proposed removal. Disciplinary issues shall be conducted in accordance with Georgia's Open and Public Meeting Statutes O.C.G.A. § 50-14-3 and 50-14-4.

VII. RECORD RETENTION: N/A

Back

[Attachment 2.4.5p.a1.]

TECHNICAL COLLEGE SYSTEM OF GEORGIA
LOCAL BOARD APPOINTMENT/REAPPOINTMENT/REPLACEMENT FORM

Submission timetables: All local board application forms and required documents must be submitted to the office of the Technical College Directors' Association (TCDA) 30 days prior to the State Board meeting based on the following parameters:

New Appointments: May for next fiscal year, August, September, October, December
Reappointments: May for board members eligible for a second or third term
Replacements: Any month the State Board meets replacement candidate applications are eligible
Exceptions: Written requests from the college president should accompany a candidate application for any exception to the board appointment timeframes

Note: All board appointments will have a beginning term of July 1st regardless of the month they are appointed.

Please submit original signed form to: Technical College Directors Association of Georgia, Inc.
1800 Century Place NE ~ Suite 275 Atlanta, Georgia 30345

Technical College Submitting Request: _____

Submission Category: ***(attach resume for first time and replacement candidates)***

1. Candidate is being submitted as: (*please check the appropriate box*)

☐ Appointment ☐ Re-appointment ☐ *Replacement (***complete 8c for departing board member***)*

2. Candidate does not reside on the college foundation board of trustees ☐ Affirmed_

Candidate for Appointment/Reappointment/Replacement:

3. Name: _____
(include title Mr. /Ms. /Dr.)
4. Contact Address: _____
(indicate if (H) or (W)
_____
_____
5. Contact Phone #: (____)_____
6. E-mail Address: _____
7. County Represented: _____

8a. For a Appointment/Reappointment: Indicate Year of Term Expiration: _____
8b. For a Reappointment: This will be the appointee's: (*please check the appropriate box*)
☐ 1st Term ☐ 2nd Term ☐ 3rd Term ☐ **4th Term** ***(requires a letter from the president explaining need)***
8c. For a *Replacement Candidate:
Departing Board Member: _____
Indicate year of replacement term expiration: _____

Recommended By: (*please check the appropriate box*)

9. ☐ Current Board Member ☐ Local Chamber ☐ Local Development Authority ☐ Other

Please Name: _____

Verification of Support for Appointment:

10. State Board Member and/or Legislator contacted:_____

_____

(Signature) **College President** **Date**

Revised July 2015

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 3
Administration

3.1 ..... Budget and Accounting
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TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 3.1
Budget and Accounting

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3.1.2 ..... POLICY - Annual Budget Requests and Operating Budgets
3.1.3 ..... POLICY - Transfer of Funds Among Technical Colleges
3.1.4 ..... POLICY - Accounting System
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3.1.16 ..... POLICY - Purchasing
3.1.16p1 ..... Procedure - Purchasing Bond Funded Goods & Services
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POLICY: 3.1.1. (II.A)
Financial Overview

Revised: April 23, 2001
Last Reviewed: October 27, 2016
Adopted: September 4, 1986

POLICY:

The Technical College System of Georgia shall be managed in accordance with sound financial management policies and practices and in accordance with all State and Federal financial rules and regulations.

The Commissioner is responsible for the overall financial management of the System and its activities.

The Commissioner shall routinely report on the System's overall financial status to the Board.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 3.1.2. (II.A.1.a)
Annual Budget Requests and Operating Budgets

Revised: February 2, 2012
Last Reviewed: October 27, 2016
Adopted: September 4, 1986

POLICY:

The budget of the Technical College System of Georgia [TCSG] shall be administered in accordance with Federal and State rules, regulations, and laws.

A task force appointed by the Commissioner shall develop the budget request for TCSG.

The Commissioner shall annually recommend TCSG's annual and supplemental budget requests to the State Board for its approval and then to the Office of Planning and Budget.

The Assistant Commissioner for Administrative Services shall distribute all budgetary instructions.

The Assistant Commissioner for Administrative Services shall compile, monitor and administer TCSG's budget.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 3.1.3. (II.A.1.b)
Transfer of Funds Among Technical Colleges

Revised: February 23, 2001
Last Reviewed: October 27, 2016
Adopted: September 4, 1986

POLICY:

The Commissioner may, when necessary, authorize the transfer of budgeted funds among the technical colleges.

The System Office shall retain a percent of the annual appropriations to minimize the need to transfer funds among colleges during the year. These funds will be made available to colleges for expenditures of an unforeseen nature which could not be budgeted.

The Commissioner shall authorize all transfers of funds among colleges.

The Commissioner shall authorize all budget amendments for the use of the retained appropriations.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 3.1.4. (II.A.2.a.)
Accounting System

Revised: April 6, 2006
Last Reviewed: October 27, 2016
Adopted: September 4, 1986

POLICY:

The System Office and technical colleges shall use an accounting system supported by the State of Georgia. The financial statements produced by the accounting system shall be the official financial records of the System Office and technical colleges. Entries into the accounting system may be summary level transactions that are supported by various subsidiary ledgers and reports.

The System Office and the technical colleges shall process their accounting transactions in accordance with the State Accounting Office and the Department of Audits and Accounts rules and regulations and generally accepted accounting principles.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
The Accounting Procedures Manual for the State of Georgia

POLICY: 3.1.5. (II.A.2.b)
Contract Management

Revised: November 4, 2011
Last Reviewed: November 4, 2011
Adopted: September 4, 1986

POLICY:

All contracts for goods and services shall be approved by either the Commissioner, President or their designee. Contracts for more than $125,000 shall be approved by the State Board except employment contracts.

The Office of Legal Services shall maintain a file of all contracts involving the System Office. The President or designee shall maintain a file of all contracts involving the technical college.

All contracts shall conform to TCSG's Purchasing Policy.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY: 3.1.16. Purchasing

POLICY: 3.1.6. (II.A.2.c.)
Payroll System

Revised: May 31, 2001
Last Reviewed: October 27, 2016
Adopted: July 1, 1986

POLICY:

The System Office and technical colleges shall use the State of Georgia's HRMS System to process all payroll and HRMS related transactions. All individual payroll checks will be generated from this system.

The System Office and technical colleges shall process all payroll transactions to include the generation of individual payroll checks for System employees.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 3.1.7. (II.A.2.d)
Enterprise Funds

Revised: May 31, 2001
Last Reviewed: June 23, 2005
Adopted: July 1, 1986

POLICY:
An enterprise fund is a fund used to account for revenues received for goods or services provided to the students or the general public on a continuing basis and primarily financed through user charges. Three criteria used to determine if an operation should be an enterprise fund include:

1) Generates revenues,
2) Provides services or goods to students or the community, and
3) Operates as a stand-alone entity.

Enterprise funds shall be considered as a source of revenue when developing annual budgets beginning in fiscal year 1988 in accordance with procedures developed by the Office of Administrative Services.

Enterprise funds shall not be used to supplant existing State or Federal funding.

Any revenues exceeding budgeted estimates shall be amended into the annual operating budget during the course of the fiscal year.

Funds remaining in these enterprise accounts at the end of each fiscal year may be put in reserve funds to finance enterprise operations including capital outlay projects, maintenance of buildings and equipment, purchase of new equipment, or support of enterprise operations which are not self-sustaining.

Enterprise funds shall be classified as proprietary fund types.

Enterprise funds include but are not limited to those created by revenues from:

1) Cafeterias (institutional or contracted),
2) Snackbars (institutional or contracted),
3) Bookstores,
4) Dormitories,
5) Faculty/Staff Housing,
6) Vending (institutional or contracted),
7) Student Transportation,
8) Game Room.

All enterprise funds shall be under the direct management, control, and supervision of the technical college president.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 3.1.8. (II.A.2.e.)
Audits

Revised: May 1, 2008
Last Reviewed: May 1, 2008
Adopted: January 11, 2006

POLICY:

The State of Georgia Department of Audits and Accounts shall perform an audit or review of the System and each technical college annually. When a vacancy occurs in a presidential position, the System Office shall request a full audit of that fiscal year unless a full audit has been completed within the two preceding fiscal years. TCSG's Office of Administrative Services shall investigate and provide assistance to any technical college that receives one or more "findings" as a result of the annual audit or review.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Procedure: 3.1.8p. (II.A.2.e1)
State Board Audit Resolution Process

Revised: November 2, 2011
Last Reviewed: November 2, 2011
Adopted: January 11, 2007

I. PURPOSE:
The Deputy Commissioner or designee shall be responsible for reviewing all internal and external audit reports received by the technical colleges annually.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY: 3.1.8. Audits

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

IV. DEFINITIONS:
V. ATTACHMENTS:
VI. PROCEDURE:

The results of all internal and external audit reports shall be compiled and each college shall be rated based on the audit results. This consolidated report shall be presented to the Governance, Compliance and Audit Committee of the State Board. The audit ratings are as follows.

For Colleges receiving a **full audit or a full disclosure report**, the individual audit findings or points are rated as follows:

- **Insignificant** – Nominal violations of procedures, rules, or regulations. Not included in report. Corrective action suggested verbally, but not required.

- **Notable** – Minor violation of policies and procedures; and/or weak internal controls; and/or opportunity to improve effectiveness and efficiency. Moderate risk identified. May be included in report. Corrective action may be required.

- **Significant** – Significant violation of policies, procedures, or laws; and/or poor internal controls; and/or significant opportunity to improve effectiveness and efficiency. Significant risk identified. Item included in report. Corrective action required.

- **Major** – Major violation of policies, procedures, and/or laws; and/or unacceptable internal controls; and/or high risk for fraud, waste, and/or abuse; and/or major

opportunity to improve effectiveness and efficiency. Major risk identified. Item included in report. Immediate corrective action required.

Completed **full audits or full disclosure reports** of technical colleges are rated as follows:

- **One** – Three or less notable observations. No internal control weaknesses noted. Good adherence to laws, regulations, and policies. Excellent control environment.

- **Two** – Four or more notable observations. No internal control weaknesses noted. Minor violations of policies and procedures. No violation of laws. Minor opportunities for improvement.

- **Three** – Four or more notable observations and/or less than three significant observations. Three or more notable violations of policy. Minor violations of regulations. No violations of laws. Moderate opportunities for improvement.

- **Four** – Three or four significant observations and no major observations. Controls were weak in one or more areas. Noncompliance with policies/regulations put the institution at risk. Violation of law (not serious). Substantial opportunities for improvement.

- **Five** – Five or more significant observations or one or more major observations. Significant risk for noncompliance with policies and/or regulations. Serious violation of laws. Significant opportunities for improvement.

For colleges receiving an **agreed upon procedures report**, the individual bullet items are rated as follows:

- **Insignificant** – Nominal violations of procedures, rules, or regulations. The total of the amounts referenced in the individual bullet noted in the report is immaterial to the college. (less than 3% of total revenue received)

- **Notable** – Minor violation of policies and procedures; and/or weak internal controls; and/or opportunity to improve effectiveness and efficiency. Moderate risk identified. The total of the amounts referenced in the individual bullet noted in the report is immaterial to the college. (less than 3% of total revenue received)

- **Significant** – Significant violation of policies, procedures, or laws; and/or poor internal controls; and/or significant opportunity to improve effectiveness and efficiency. Significant risk identified. The total of the amounts referenced in the individual bullet noted in the report is material to the college. (more than 3% of total revenue received)

- **Major** – Major violation of policies, procedures, and/or laws; and/or unacceptable internal controls; and/or high risk for fraud, waste, and/or abuse; and/or major opportunity to improve effectiveness and efficiency. Major risk identified. The total of the amounts referenced in the individual bullet noted in the report is material to the college. (more than 3% of total revenue received)

Completed **agreed upon procedures reports** of technical colleges are rated as follows:

- **One** – Four or less notable observations. No internal control weaknesses noted. Good adherence to laws, regulations, and policies. Excellent control environment.

- **Two** – Five or more notable observations and/or one or two significant observations. No internal control weaknesses noted. Minor violations of policies and procedures. No violation of laws. Minor opportunities for improvement.

- **Three** – Five or more notable observations and/or three or four significant observations. Three or more notable violations of policy. Minor violations of regulations. No violations of laws. Moderate opportunities for improvement.

- **Four** – Five or more significant observations and no major observations. Controls were weak in one or more areas. Noncompliance with policies/regulations put the institution at risk. Violation of law (not serious). Substantial opportunities for improvement.

- **Five** – Six or more significant observations and one or more major observations. Significant risk for noncompliance with policies and/or regulations. Serious violation of laws. Significant opportunities for improvement.

All colleges receiving an audit rating of five shall come before the Audit and Governance, Compliance and Audit Committee of the State Board. The college will be required to explain the causes related to the audit rating as well as presenting a corrective action plan to the committee for approval.

All colleges receiving an audit rating of three, four or five for two consecutive years shall come before the Audit and Governance, Compliance and Audit Committee of the State Board. The college will be required to explain the causes related to the audit rating as well as presenting a corrective action plan to the committee for approval.

If a college initially receives an audit rating of four or five and in the subsequent year the rating improves to a three or four, the Audit and Governance, Compliance and Audit Committee of the State Board has the discretion to decide if the College shall be required to appear before the committee.

All colleges receiving an audit rating of three, four or five for three consecutive years with no rating improvement shall come before the Executive Committee of the State Board. The college will be required to explain the causes related to the audit rating as well as why the corrective action plan was not implemented.

VII. Record Retention: N/A

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POLICY: 3.1.9. (II.A.2.g.i)
Bank Accounts

Revised: February 2, 2012
Last Reviewed: October 27, 2016
Adopted: July 1, 1986

POLICY:

The System Office and technical colleges shall follow the procedures established by the State Accounting Office and the Office of Treasury and Fiscal Services when establishing all bank accounts. All funds shall be deposited in institutions approved by the Office of the State Treasurer.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
http://otfs.georgia.gov/portal/site/OTFS/

POLICY: 3.1.10. (II.A.2.g.ii)
Petty Cash Funds

Revised: April 6, 2006; June 4, 2001
Last Reviewed: April 6, 2006
Adopted: July 1, 1986

POLICY:

The technical colleges may use petty cash accounts for purchases under $500. Petty cash funds shall not be used for travel reimbursement or payment for personal services, nor may an employee use petty cash funds for any personal purpose.

The technical colleges shall establish appropriate mechanisms for the proper use of petty cash funds and shall be responsible for the repayment of any unauthorized or inappropriate use.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 3.1.11. (II.A.2.f.iii)
Georgia Sales and Use Tax

Revised: February 2, 2013; April 6, 2006; May 31, 2001
Last Reviewed: October 27, 2016
Adopted: July 1, 1986

POLICY:

Georgia sales and use tax shall be collected and reported as required by the Georgia Sales and Use Tax Laws and Regulations.

The technical colleges shall charge and collect sales and use tax where appropriate.

The technical colleges shall report taxes in accordance with accounting procedures established by the Department of Audits and Accounts and the State Accounting Office.

Technical colleges shall direct specific questions to the Georgia Department of Revenue or a regional sales tax office.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. § 48-8-1 et seq. - Georgia Sales and Use Tax Laws and Regulations,

POLICY: 3.1.12. (II. A. 2. f. iv.)
Cooperative Nonprofit Organizations

Revised: March 7, 2013
Last Reviewed: March 7, 2013
Adopted: June 7, 1990

POLICY:

Technical colleges may associate with non-profit foundations or cooperative organizations that are established for the exclusive purpose of supporting the technical college. Financial and operational arrangements between technical colleges and their non-profit foundations must be consistent with state requirements for use of public resources. Such arrangements must be documented and follow the format of the written **System-Approved Memorandum of Understanding template.**

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
Attachment: 3.1.12.a1. Memorandum of Understanding Template

Attachment: 3.1.12.a1. (II.A.2.f.iv.)

Cooperative Nonprofit Organizations Memorandum of Understanding Template

(Local college supporting foundations)

This agreement, entered into as of the _____day of _____, 20___ is by and between _____ Technical College and the _____Technical College Foundation, hereafter referred to in this document as "the College" and "the Cooperative Organization" as it has been formally designated by the president of the technical college.

The purpose of this Memorandum of Understanding is to guide and direct the parties respecting their affiliation, cooperation, working relationship and respective authorities, inclusive of anticipated future arrangements in furtherance thereof

The Cooperative Organization was organized and incorporated in _____ under the laws of the state of Georgia and Section 501(c)(3) of the Internal Revenue Code for the purpose of stimulating voluntary private support from individuals, corporations, foundations, and others for the benefit of the College in carrying out its programs and activities.

The Cooperative Organization exists to raise and manage private resources that support the mission and priorities of the College, provide educational opportunities for students, and enhance institutional excellence in ways that would not be possible with state funds.

The Cooperative Organization is dedicated to assisting the College in the building of the endowment and in addressing through financial support, the long-term academic and other priorities of the College. The Cooperative Organization shall not engage in any activities, programs and services that are in conflict with or inconsistent with the policies, mission and goals of the Technical College System of Georgia State Board, the TCSG System Office, the college or the cooperative organization.

In consideration of the mutual commitments herein contained, and other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

I. Cooperative Organization Name, Seal and Logotype

A. Consistent with its mission to advance the plans and objectives of the College, the Cooperative Organization shall be entitled to use the name, symbols and trademarks of the College in the promotion of its business and activities. The Cooperative Organization Board may also select and approve a logo as its own identifying mark.

II. College Governance

A. The State Board of the Technical College System of Georgia is responsible for establishing standards, regulations and policies for the operation of the Technical

College System of Georgia in accordance with the established objectives and the trusteeship to the public.

The Board shall provide overall policies for the management of public postsecondary technical and adult education to ensure that the needs of the citizenry, business, and industry are met to the highest possible degree and in the most cost-effective and efficient manner. As relates to the relationship between its colleges and cooperative organizations, the state board is responsible for the provision of a template for all TCSG Memorandums of Understanding and the establishment of the TCSG Best Practices for Local Foundation Operations.

III. The Cooperative Organization's Relationship to the College

A. The Cooperative Organization is a separately incorporated 501(c)(3) organization created to solicit, manage, distribute, and steward private resources to support the various missions of the College including its various campuses and centers.

B. The Cooperative Organization Board of Trustees is responsible for the control and management of all assets of the Cooperative Organization including the prudent management of all gifts consistent with donor intent. The Cooperative Organization may not abdicate its fiduciary responsibility for the management of its funds to college personnel.

C. The Cooperative Organization is responsible for the performance and oversight of all aspects of its operations based upon a comprehensive set of bylaws that clearly address the Board's fiduciary responsibilities, including expectations of individual Board members based upon ethical guidelines and policies.

IV. The College's Relationship and Responsibilities to the Cooperative Organization

A. The College shall create an environment that encourages the appropriate independence of the Cooperative Organization consistent with its standing as an independent public trust,
IRS guidelines for non-profits and TCSG Best Practices for Local Foundation Operations.

B. The president of the College is responsible for communicating the College's strategic plans and funding priorities and, as approved by the State Board and TCSG Commissioner, to the Cooperative Organization.

C. The College and the Cooperative Organization shall not enter into any property lease agreement nor shall the College encourage the Cooperative Organization to purchase property in anticipation of future financial gain facilitated by the college or the state of Georgia without advance written approval of the TCSG State Board and the TCSG Commissioner.

D. The College recognizes that the Cooperative Organization is a private corporation with the responsibility to protect the confidentiality of its donors to the fullest extent of the law.

E. The president of the College and the chief advancement officer shall serve as non-voting ex-officio members of the Cooperative Organization board and shall assume prominent roles in fund-raising activities.

F. The College shall provide in-kind support for the general operation of the Cooperative Organization including the services of a development officer, administrative support, office and meeting space, office furniture, technology equipment and support, utilities and telephone service, and other support and services as the college may deem appropriate. This support shall be provided by the College in consideration of the significant fiscal support and services provided by the Cooperative Organization to the College and its students. This support will be recognized as an in-kind contribution in the Cooperative Organization's annual audit.

G. The College shall assign the necessary leadership, support duties and functions of the Cooperative Organization to appropriate staff members in connection with this agreement, including but not limited to the Institutional Advancement Officer/College Development Director, and others who will have authority to support the Foundation and its activities, while representing the authority and interests of the college. As such the office of Institutional Advancement/Development shall serve as the principal office and support for the Cooperative Organization.

H. The College shall establish and enforce policies and procedures that support the Cooperative Organization's ability to protect the confidentiality of donor records. All information about donors, prospective donors, gift data, campaign assignments and notes, donor correspondence, and related information is the confidential property of the Cooperative Organization, whether maintained in paper or electronic form, or maintained on servers and equipment owned by the College, in accordance with the laws of the State of Georgia. *(Reference Official Code of Georgia annotated Code Section 50-18-72)*

V. The Cooperative Organization's Responsibilities to the College

A. The Cooperative Organization shall create an environment conducive to increasing levels of private support for the mission and priorities of the College.

B. The Cooperative Organization, in consultation with the president of the College and supported by the Advancement Officer/Director of Development, is responsible for planning and executing a comprehensive fund-raising and donor-acquisition program in support of the College mission.

C. The Cooperative Organization will establish, adhere to, and periodically assess its gift-management and acceptance policies. It will promptly acknowledge and issue receipts for all gifts on behalf of the Cooperative Organization and the College and provide appropriate recognition and stewardship of such gifts.

D. The Cooperative Organization shall lead and bear major responsibility for fund-raising. College representatives will coordinate fund-raising initiatives as directed by the Cooperative Organization including annual fund, major gifts and planned giving.

E. The President will work in conjunction with the leadership of the Cooperative Organization and the Advancement Officer/Director of Development, participating in public awareness activities and advocacy efforts to assist with the identification, cultivation, and solicitation of prospects for private gifts.

F. The Cooperative Organization shall operate as an entity separate and independent from the college in accordance with the IRS regulations and institute all policies and procedures required for a 501(c)(3) organization. The Cooperative Organization shall operate in accordance with state laws that apply to non-profits, including annual registration with the Office of the Secretary of State. The Cooperative Organizations hall adhere to the Donor Bill of Rights adopted by Council for Advancement and Support of Education (CASE) and the Association of Fundraising Professionals (AFP).

G. The Cooperative Organization, in partnership with the President, shall delineate the duties of the Advancement Officer/Director of Development as relates specifically to the support needs of the Cooperative Organization and provide feedback to the president on the evaluation of those duties. Those specified duties are intended to be in support of the Cooperative Organization and are in no way intended to conflict with the rules, regulations and guidelines of the College or the Cooperative Organization.

H. The Cooperative Organization may earmark a portion of its unrestricted funds to a discretionary fund for the college president. Those funds may be used for reimbursement for approved expenses in accordance with the Cooperative Organization's Expense Reimbursement Policy and in accordance with the Cooperative Organization's approved annual budget.

I. The Cooperative Organization and the College shall make every reasonable effort to eliminate any potential conflict of interest in the operations and transactions between the Cooperative Organization and the College. Specifically, the president of the college may not accept any bonuses or any other pay supplements from the Cooperative Organization.

VI. Asset Management

A. The Cooperative Organization will establish asset allocation, disbursement, and spending policies that adhere to applicable federal and state laws including the Uniform Prudent Investor Act (UPIA) and the Uniform Management of Institutional Funds Act (UMIFA).

B. The Cooperative Organization shall solicit, receive, hold and invest funds, administer property, and make expenditures to support the programs, activities, vision and mission of the College. The Cooperative Organization may not engage in activities contrary to this objective. In addition, the acts, deeds,

functions, and activities of the Cooperative Organization shall in no way conflict with the authority of the College. Nor shall the Cooperative Organization solicit or accept gifts for any use specified by a donor that is inconsistent with the mission, goals, and objectives of the College.

C. The Cooperative Organization will receive, hold, manage, invest, and disburse contributions, including immediately vesting gifts and deferred gifts that are contributed in the form of planned and deferred gift instruments.

D. The Cooperative Organization shall not accept any gift, donation, or grant which creates a future liability for the College without the advance and written approval of the president of the College.

E. The Cooperative Organization shall use generally-accepted accounting principles in its financial record-keeping/reporting and will engage an independent accounting firm to conduct an audit of the Cooperative Organization's financial statements, including a management letter and an audit opinion, every three years with a financial review conducted the other two years. The final report of the audit, financials reviews and the annual IRS Form I-990 shall be delivered to its board of trustees and the college each year by the date as specified by the College in order to meet its audit requirements. The final report of the audit or financial review and the annual IRS Form I-990 shall also be delivered to the Office of Resource Development in the TCSG system office in order to comply with GASB requirements.

F. The Cooperative Organization will engage the services of legal counsel for the review of contracts and other legal issues as necessary.

G. The Cooperative Organization will maintain general liability insurance, directors' and officers' insurance and such other insurance coverage as may be necessary or appropriate for liabilities which may arise in connection with its operations.

H. When distributing funds to the College, the Cooperative Organization will disclose any terms, conditions, or limitations imposed by the donor or legal determination of the gift. The College will abide by such restrictions and provide appropriate documentation when required.

I. The Cooperative Organization is the primary depository of private gifts and will transfer funds to the designated entity within the institution in compliance with donor intent, college policy, and applicable laws.

J. The Cooperative Organization's disbursements on behalf of the College must be reasonable expenses that support the institution and its mission, are consistent with donor intent, and do not conflict with the law.

K. Neither the Cooperative Organization nor the College shall have any liability for the obligations, acts or omissions of the other party. The Cooperative Organization shall indemnify and hold harmless the College from and against any liability, losses, claims, demands, costs, and expenses, including without limitation attorneys' fees and litigation expenses, arising out of any personal

injury or property damage arising in connection with the activities of the Cooperative Organization.

VII. Cooperative Organization Funding and Administration

A. The Cooperative Organization is responsible for establishing a financial plan to underwrite a portion of its programs, and activities.

B. The Cooperative Organization has the right to use a reasonable percentage of annual unrestricted funds, interest on endowments (by donor agreement), and earned interest on unrestricted investments to support its operations and programs.

C. The Cooperative Organization will provide access to data and records to the college as needed and in accordance with applicable laws, policies and guidelines.

D. The Cooperative Organization will issue to the College, donors, and the community an annual report of its revenue, expenditures, programs, and activities. Donors to the Cooperative Organization shall be acknowledged and recognized in the same manner and afforded the same privileges as donors to the College.

VIII. Terms of the Memorandum of Understanding

A. This agreement has a term of one year. This Memorandum of Understanding shall be renewed by both parties and submitted together with the audit or financial review and the annual IRS Form I-990 to the Office of Resource Development in the TCSG system office. Either party may, upon 90 days prior written notice to the other, terminate this agreement. Notwithstanding the foregoing, either party may terminate this MOU in the event the other party defaults in the performance of its obligations and fails to cure the default within a reasonable time after receiving written show cause notice.

B. In the event that the Cooperative Organization is dissolved or ceases to exist, in accordance with federal and state laws, all monies and items of value received by or held by the Cooperative Organization must be transferred to another non-profit that is similar in mission. Assets may be transferred to a merger partner that fits the same description.

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed by their duly authorized officers as of the day and date first above written.

FOR THE FOUNDATION:

_____
Chair
Technical College Foundation

FOR THE TECHNICAL COLLEGE:

_____
President
_____ Technical College

POLICY: 3.1.13. (II.A.2.g, V.N.)
Personal Checks

Revised: March 14, 2006
Last Reviewed: March 14, 2006
Adopted: April 23, 2001

POLICY:

Personal checks shall be accepted with proper identification by the college for fees, tuition, services, books or class supplies. When a bank refuses to honor such a personal check, the college shall charge a service fee to the person who presented the check. This service fee may not exceed $30 or 5% of the face value of the check, whichever is greater, plus the amount of any fee charged to the college by the bank.

Students shall be notified by mail of a dishonored check and given ten (10) days to satisfy this debt. If payment to the college in the form of cash, postal money order, or cashier's check is not made within ten (10) days, the college shall place an "administrative hold" on the student's accounts and records. Until the Vice President of Administration clears the "administrative hold", the student shall not be issued quarterly grade reports, transcripts, or any other student records, or allowed to register, graduate or receive college services. If the dishonored check was for tuition, the college may also administratively drop or withdraw the student from class(es).

Each technical college may adopt its own local policy concerning personal checks as long as the local policy does not conflict with this policy/procedure. If a college has not adopted a local policy, then this policy/procedure controls.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
Returned Check Forms –
Attachment: 3.1.13p.a1. Contract for Collection of College's Unpaid Accounts Debt Collection
Attachment: 3.1.13p.a2. -Referral Letter to Collection Agency

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Procedure: 3.1.13p.

Debt Collection Contract for Collection of College's Unpaid Accounts

Revised: March 14, 2006
Last Reviewed: March 14, 2006
Adopted: *March 30, 2001*

I. PURPOSE:
Note: This is a general contract for the collection of unpaid accounts at the college. Before it is signed, the college's representative should read it carefully. Underlined or blank spaces should be filled, but provisions in italics are optional language. These provisions may be used instead of the provided language.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

III. APPLICABILTY: N/A
IV. DEFINITIONS: N/A
V. ATTACHMENTS: N/A

VI. PROCEDURE:

Note: This is a general contract for the collection of unpaid accounts at the college. Before it is signed, the college's representative should read it carefully. Underlined or blank spaces should be filled, but provisions in italics are optional language. These provisions may be used instead of the provided language. It is your decision either way.

This Agreement is made between [Full name and address of College] ("College") and [Full name and address of Other Contracting Party] ("Collector") ;

RECITALS
A. College occasionally has certain unpaid accounts for tuition, room, board, and/or loans and/or miscellaneous expenses that it is unable to collect through ordinary College collection efforts; and

B. Collector is experienced, staffed and equipped to collect unpaid accounts as they may be referred to Collector by College.

TERMS
In consideration of the mutual covenants and conditions contained in this Agreement, College and Collector agree as follows:

1.0 Referral of Accounts.
Collector agrees to accept for collection, and to promptly undertake the collection of, such unpaid accounts as College refers to it for collection upon the terms and conditions set forth in this Agreement. Collector shall attempt contact with the debtor within thirty (30) days after referral by

College of any such account. College may, in its sole discretion, refer accounts to other parties for collection.

2.0 Term.
This Agreement shall be for a term of months/years, commencing , 19 and ending , 19 .

3.0 Compensation.
3.1 For services rendered in collection of accounts referred to Collector under this Agreement, College shall pay to Collector a commission as follows:
3.1.1 % of the amount collected by Collector on all first placement accounts;
3.1.2 % of the amount collected by Collector from insurance companies;
3.1.3 % of the amount collected by Collector on each account that has been worked by another collection agency prior to referral by Collector;
3.1.4 % of the amount collected on accounts by Collector that require litigation.

3.2 The commission shall be the sole consideration paid to Collector, and College shall not be liable for any costs or expenses incurred by Collector in the collection of accounts, including attorney fees or other legal charges. No commission shall be invoiced or paid for any collections received outside the period of this contract. Collector shall be entitled to the commission or monies collected on accounts assigned before the termination of this Agreement, provided that such monies are collected within thirty (30) days following the termination date of this Agreement, unless otherwise agreed to in writing by College.

4.0 Collection of Accounts.
Collector will exercise due diligence to effect collection of all such accounts referred and will employ such lawful means, methods and procedures as in its judgment, discretion and experience it believes will effect collections. The commission described in this Agreement shall be the only charge to College for such services. In the collection of accounts under this Agreement, Collector will not harass or exert undue pressure on delinquent debtors or employ any procedure that would cast discredit upon College, defame or misrepresent College, or subject College or its officials to public disapproval. Collector shall not violate any guidelines concerning the collection of accounts established by the Federal Trade Commission or the State of Georgia, and shall comply with all applicable federal, state, and local laws and regulations with regard to collection practices and procedures, including, but not limited to the Fair Debt Collection Practices Act (15 USC § 1692) .

5.0 Settlement and Compromise of Accounts and Costs of Collection.
Collector shall have no authority to file any legal action on any account without prior written authority of College. College is to be notified of any attorney collector plans to use in the collection of any matter and the Technical College System of Georgia's Office of Legal Services may reject Collector's suggestion and designate another attorney to prosecute the actions. Collector shall be responsible for paying all costs expended for the collection of any account. No account referred to Collector shall be compromised or settled for less than the full amount without written consent of College. If there is any claim that the account is incorrect, such claims shall be referred to College for review and advice.

6.0. Reports.
6.1 Collector will prepare and give to [Administrator] of College by the
day of each month, a report of all income, collections and disbursements of the prior month, together with all funds due College for that prior month, less Collector's commission.

6.1.1 Such reports shall include the designations of accounts collected, the original amount to be collected, and the total amount collected to date, all accounts determined to be uncollected and the reasons therefore.

6.2 Collector will, at the same time, prepare and submit monthly a list of all accounts for which no amounts were collected.

6.3 [Other reports can be required: listing of transactions, status of accounts, and listing of all contacts.]

6.4 Reports shall be confidential, and may only be released to others when permitted by College.

7.0 Payments on Accounts.
Should payments be made directly to College on any account referred to Collector, College shall promptly notify Collector in writing of such fact. For each such individual payment or paid account, Collector may request authorization to retain an amount commensurate with Collector's commission percentage from the collected payments being remitted to College.

8.0 Annual Financial Statement.
Collector shall provide College a copy of Collector's annual financial statement within ninety (90) days after end of Collector's fiscal year. In addition, College has the right, at its own expense, to examine and/or audit, or to have examined or audited, the records of Collector.

9.0 Recall of Accounts.
College may at any time, orally or in writing, recall any account that has been referred to Collector under this Agreement; and upon such recall, Collector shall immediately return such account, including any applicable files, to College and conclude its action thereon without any further charge to College on such account.

10.0 Suspension of Collection.
When requested by College, either orally or in writing, Collector shall suspend its collection efforts on any account and take no further action thereon until notified by College.

11.0 Surety Bond.
11.1 Collector shall maintain in favor of and for the protection and benefit of College, a surety or fidelity bond with the following characteristics:
11.1.1 In the total amount of dollars ($);
11.1.2 It being the obligation of a Surety, Bonding or Insurance Company authorized to do business in the State of Georgia;
11.1.3 With the bond conditioned on Collector's accounting for, paying over, and delivering to College all funds and monies collected for and on behalf of College and due and owing College;
11.1.4 With a copy of the bond or a certificate evidencing its existence and general terms and conditions filed with College upon execution of this Agreement;
11.1.5 With a covenant agreeing to give College sixty (60) days' advance written notice of cancellation.

12.0 Termination.
12.1 College may terminate this Agreement at any time should Collector fail to observe or comply with any of the terms or conditions of this Agreement or in any way default under this Agreement, after giving Collector written notice of such failure or default and of College's intent to terminate; provided, however, that Collector shall have fifteen (15) days after the receipt of such notice in which to cure or correct such failure or default. No failure of College to act upon any failure or default of Collector hereunder nor any acceptance by College of any of Collector's effort to cure or correct any failure or default by Collector shall operate as a waiver or acceptance of such failure or default or any other failure or default, or preclude College from acting upon its rights hereunder upon any other or subsequent failure or default of Collector.

12.2 Collector may terminate this Agreement at any time should College fail to observe or comply with any of the terms or conditions of this Agreement or in any way default under this Agreement, after giving College written notice of such failure or default and of Collector's intent to terminate; provided, however, that College shall have fifteen (15) days after the receipt of such notice in which to cure or correct such failure or default. No failure of Collector to act upon any failure or default of College hereunder nor any acceptance by Collector of any of College's effort to cure or correct any failure or default by Collector shall operate as a waiver or acceptance of such failure or default or any other failure or default, or preclude Collector from acting upon its rights hereunder upon any other or subsequent failure or default of College.

[The other option is to provide for termination as follows: College or Collector may terminate this Agreement at any time upon thirty (30) days written notice by either party to the other. If Collector fails to fulfill in a timely manner its obligations under this Agreement, or if Collector shall violate any of its terms, College may terminate this Agreement immediately and Collector will be liable for any damages as a result of its breach.]

13.0 Return of Accounts on Termination of Agreement.
13.1 Should this Agreement for any reason be terminated, Collector shall take the following actions:
13.1.1 Cease collections on all accounts submitted by College and shall return such accounts, including any applicable files, to College along with all collections due College, less Collector's earned commission;
13.1.2 Provide a written report to College on the status of all uncollected accounts;
13.1.3 Within thirty (30) days of the termination of this Agreement, Collector shall promptly transfer to College any payments received on College's accounts, less Collector's commission.

14.0 Indemnification.
Collector shall defend, indemnify and hold harmless College, the Technical College System of Georgia, their governing boards, officers, employees, and agents against any and all claims, costs, demands, attorney's fees, causes of action, losses or damage that may arise as the result of any action or conduct by Collector or its agents or employees in the collection of accounts under this Agreement.

15.0 Assignment.
No assignment of this Agreement by Collector shall be valid without the written consent of College. [Assignment of accounts shall not be permitted, any assignment or attempted assignment of any account shall constitute a breach of this Agreement.]

16.0 Notice.
Any notice to either party hereunder must be in writing, and signed by the party giving it, unless otherwise stated in this Agreement. Written notice shall be served (1) by hand, (2) through the United States Mail, postage prepaid, registered or certified, return receipt requested, or (3) through Federal Express, Express Mail, or other expedited mail or package service, if a receipt showing the delivery has been retained, addressed as follows:

To College: _____
_____
_____

To Collector:
_____

_____
_____

or to such other addressee as may be hereafter designated by written notice. Notice shall be effective upon receipt and receipt shall be deemed given (1) days after such notice has been deposited in the United States Mail, registered or certified, return receipt requested, postage prepaid, (2) one business day after such notice has been deposited with Federal Express, Express Mail, or other expedited mail or package delivery service guaranteeing delivery not later than the next business day, or (3) upon hand delivery to the address and person designated.

17.0 Governing Law; Forum.
This Agreement shall be governed by and construed under the laws of the State of Georgia, and shall be the forum for any lawsuits arising from an incident to this Agreement.

18.0 Severability.
If any provision of this agreement shall be determined to be void, invalid, unenforceable or illegal for any reason, it shall be ineffective only to the extent of such prohibition and the validity and enforceability of all the remaining provisions shall not be affected thereby.

19.0 Non-Waiver.
The failure of either party to exercise any of its rights under this Agreement for a breach thereof shall not be deemed to be a waiver of such rights, nor shall the same be deemed to be a waiver of any subsequent breach, either of the same provision or otherwise.

20.0 Modification.
This Agreement may be amended at any time only upon mutual agreement in writing of the parties.

21.0 Non-Discrimination.
In fulfilling the obligations contained in the Agreement, Contractor and all those under the direction of Contractor involved in the performance of this contract will not unlawfully discriminate against any individual on the basis of race, color, national origin, religion, sex or disability, status as a disabled veteran, or veteran of the Vietnam era, and will comply with all non-discriminatory laws and policies that College promulgates and to which College is subject.

22.0 Entire Agreement.
22.1 This Agreement (and its attachments, if any) constitutes the entire understanding between the parties with respect to the subject matter hereof and supersedes any and all prior understandings and agreements, oral and written, relating hereto. Any amendment hereof must be in accord with the above paragraph on "Modification."

22.2 With regard to the services performed by Collector for College under this Agreement, it is understood that Collector is acting as an independent contractor.

IN WITNESS WHEREOF, the authorized representatives of the parties have executed this Agreement on this day of , 19 .

COLLEGE: COLLECTOR:
Full Legal Name of College Full Legal Name of Collector

by _____ by _____
(Signature) (Signature)

_____ _____
(Printed Name) (Printed Name)

_____ _____
(Title) (Title)

VII. RECORD RETENTION: N/A

Attachment: 3.1.13p.a1. (II.A.2.g)
Returned Check Forms

M E M O R A N D U M

TO: *(Name of issuer of returned check)*
(Address of issuer of returned check)
(City, State, and Zip Code)

FROM: *(Vice President of Administration)*
DATE:
RE: **Returned Check - First Notice**

Listed below is a check that has been returned to the college due to insufficient funds:

Name on account: _____
Check Number: _____
Dated: _____
Amount: _____

In order to prevent further action by the college, you have ten (10) days from the date of this notice to satisfy this debt. You must bring certified funds (Cash, cashier's check or money order) to the _____ (Business Office) in the amount of $_____. This includes a fee of $ _____ as a returned check charge in accordance with college policy on personal checks. Our office hours are _____.

If you fail to satisfy this debt by _____ (Insert date 10 days in the future), the college will place an "administrative hold" on all your college accounts and services. You will not, for example, be allowed to graduate, register, or receive grades or transcripts. If this check was for tuition, you will be dropped or withdrawn from class(es). In addition, the college has a variety of options to collect this debt, including but not limited to criminal prosecution, civil lawsuit or turning this matter over to a collection agency.

Protect your good name and credit rating. Please contact me promptly at _____ (Telephone number).

M E M O R A N D U M

TO: *(Vice President for Instructional Services)*
(Vice President of Student Services)
FROM: *(Vice President of Administration)*

DATE: *(Should be sent on the 11th (eleventh) day after the FIRST NOTICE was sent)*
RE: **Administrative Hold**

Name of Student: _____
Student Identification Number: _____

This is to advise you that the student referenced above is in violation of the college's policy on personal checks. Please place an "administrative hold" on all college accounts and services to this student. This means the student should not be allowed to graduate, register for classes, receive grades or college transcripts, etc.

Optional additional sentence:

In addition, since the check violation was for tuition, please take appropriate action to administratively drop/withdraw this student from all present class(es).

Thank you for your assistance. If you have any questions about this matter, please contact me at _____ (Telephone number).

cc: *(Student who issued the returned check)*
(Financial Aid Director)
(Registrar)

VIA CERTIFIED MAIL- RETURN RECEIPT REQUESTED

M E M O R A N D U M

TO: *(Name of issuer of returned check)*
(Address of issuer of returned check)
(City, State, and Zip Code)
FROM: *(Vice President of Administration)*
DATE:

RE: **Returned Check - Second Notice**

You are here by notified that a check or instrument numbered _____ issued by you on _____ (Date), drawn upon _____ (Name of bank), and payable to _____ (Name of college) has been dishonored. Pursuant to Georgia law, you have 10 days from receipt of this notice to tender cash payment of the full amount of the check or instrument plus a service charge of _____, the total amount due being $_____.

Unless this amount is paid in full within the 10 day period, as holder of the check or instrument I may file a civil suit against you for two times the amount of the check or instrument, but in no case more than $500.00, in addition to the payment of the check or instrument plus any court costs incurred by the college in taking this action. If you have any questions, you may contact me at _____ (Telephone number).

Back

_____
Signature - Vice President of Administration

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Attachment: 3.1.13p.a2.

Referral Letter to Collection Agency Form

Date: _____

_____
_____
_____
_____

Dear Collection Agent:

The following account(s) is(are) assigned and referred to you for collection in accordance with the terms of the Collection Agreement between us, which Agreement is made a part of this Assignment. Please proceed to collect the account. You are authorized to endorse in our name for deposit and collection all payments received on this account.

As provided in the Collection Agreement, you are not authorized to threaten or initiate legal proceedings with regard to the described account without written authorization from the college's president. If you are unable to collect anything on this account, you may return it to us or to the attorney that we may designate. If you are unable to collect anything on this account for a period of more than days/months, the account must be returned. It is specifically understood that the Institution is engaging you because of your expertise in debt collection and your knowledge of the laws governing this activity. You specifically agree to comply with those laws in conducting your collection activities.

Sincerely,

[College Administrator]

Description of Accounts

Debtor: _____

Last known Address: _____

Last known Phone Number: _____

Amount Owed: $ _____

Basis of Debt: _____

Date of Last Charge: _____

Date of Last Payment: _____

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Currently Employed or Active in Business: _____

Bank: _____

Additional Comments: _____
_____
_____

By: _____

POLICY: 3.1.14. (II. A. 2. h.)
Indirect Cost Rate

Revised: May 1, 2008
Last Reviewed: October 27, 2016
Adopted: May 1, 2008

POLICY:
A technical college may voluntarily apply for an indirect cost rate to be used to allocate various facilities and administrative costs to federal grants and contracts.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
OMB Circular A-21
Circular A-21 Simplified Model

APPLICABILITY:
All technical colleges associated with the Technical College System of Georgia.

DEFINITIONS:
OMB – Federal Office of Management and Budget

ATTACHMENTS: N/A

PROCEDURE:
All indirect cost proposals will comply with the standards set forth in Office of Management and Budget (OMB) Circular A-21, *Cost Principles for Educational Institutions.*
The System Budget Office will provide assistance with the application process.

RECORD RETENTION: N/A

POLICY: 3.1.15. (II. A. 2. i.)
Corporate Charge Cards

Revised: May 1, 2008
Last Reviewed: May 1, 2008
Adopted: May 1, 2008

POLICY:
Corporate charge cards may be issued to eligible full-time employees upon approval by the Commissioner, College President or his/her designee and the company issuing the corporate charge card. Corporate charge cards are issued directly to the employee, and the employee pays all expenses charged to the corporate charge card. Therefore, there is no liability to the State or an agency, even if the employee defaults. Employees who are issued corporate charge cards are authorized to use the charge cards for travel related business purposes only.

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

DEFINITIONS:
Corporate Charge Card refers to the Georgia Corporate American Express cards available to employees of the State.

ATTACHMENTS: None

PROCEDURE:
Each entity utilizing the corporate charge card program shall have an American Express Administrator and shall develop procedures to monitor and maintain all cards. This procedure must include a process to ensure that all cards are returned to the administrator upon the termination of an employee.

RECORD RETENTION: N/A

Back

POLICY: 3.1.16. (II. B.)
Purchasing

Revised: May 2, 20ï3; November 1, 2011; May 4, 2006; September 25, 2001
Last Reviewed: May 2, 2013
Adopted: March 18, 2001

POLICY:

In accordance with Georgia law (O.C.G.A. § 50-5-50 et seq.), all purchases made by the System or its technical colleges shall conform to all purchasing laws and all purchasing rules or procedures established by the System and/or the Department of Administrative Services.

The System has unlimited delegated authority from the Department of Administrative Services to directly purchase goods and services and a delegated authority up to $1 million to conduct Request for Proposals.

The State Board must approve any purchase valued at $125,000 or more.

If a proposed purchase exceeds $100,000 and is for non-exempt goods and services related to technology, as that term is defined at O.C.G.A. § 50-25-1 then such purchases shall be approved by the Agency CIO who will notify the Georgia Technology Authority as required.

RELATED AUTHORITY:

Georgia's State purchasing laws,
O.C.G.A § 50-5-50 et seq.
The Department of Administrative Services' Purchasing Regulations
Definition of "Technology" See O.C.G.A. § 50-25-1
Procedure: 3.1.16p1. Purchasing Bond-Funded Goods and Services
Procedure: 3.1.16p2. Purchasing Non-Bond-Funded Goods and Services

Procedure: 3.1.16p1. (II.B)
Purchasing Bond-Funded Goods and Services

Revised: November 4, 2013; March 17, 2006
Last Reviewed: November 4, 2013
Adopted: September 25, 2001

I. PURPOSE:

Define Purchasing Bond-Funded Goods and Services

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. § 50-25-1

III. APPLICABILTY:

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

IV. DEFINITIONS: N/A

V. ATTACHMENTS: N/A

VI. PROCEDURE:

The purchases of all bond-funded goods and services shall be processed as defined below:
For bond funds that reside on the Technical College business units, Colleges shall follow the same procedure used for Non-Bond purchases.
For bond funds that reside on the TCSG business unit, the following shall apply:

1) Shall be pre-approved and managed by the System's Purchasing Office.
2) Purchases for non-exempt technology goods and services (as that term is defined at O.C.G.A. § 50-25-1) shall, be forwarded by the System's Purchasing Office, then to the Georgia Technology Authority for approval. The State Board shall approve all purchases for $125,000 and above. Purchases will be presented to the State Board by the appropriate Assistant Commissioner or Director of Facilities.

VII. RECORD RETENTION: N/A

Procedure: 3.1.16p2. (II.B)

Purchasing Non-Bond-Funded Goods and Services

Revised: November 4, 2013; March 17, 2006
Last Reviewed: November 4, 2013
Adopted: September 25, 2001

I. PURPOSE:

Define Purchasing Non-Bond-Funded Goods and Services

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. § 50-25-1

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

IV. DEFINITIONS: N/A
V. ATTACHMENTS: N/A

VI. PROCEDURE:

1) From $0 - $10,000 may be purchased directly by the Technical Colleges in accordance with legal and Department of Administrative Services' procedures. All purchases by System Office staff and technical college purchases exceeding $10,000 or to their approved delegated purchasing authority, whichever is greater, will be pre-approved and managed by the System's Purchasing Office.

2) Purchases for non-exempt technology goods and services (as that term is defined at O.C.G.A. § 50-25-1) shall be forwarded by the System's Purchasing Office to the Georgia Technology Authority for approval.

3) The State Board shall approve all purchases for $125,000 and above. Purchases will be presented to the State Board by the appropriate Assistant Commissioner or Director of Facilities.

VII. RECORD RETENTION: N/A

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 3.2
Copyright, Intellectual Property Protection

3.2.1 ..... POLICY - Intellectual Property
3.2.2p ..... Procedure - Patentable or Copyrightable Materials
3.2.3p ..... Procedure - HEOA P2P Unauthorized File Sharing Prevention Compliance
3.2.3p.a1 ..... Attachment: Example of HEOA Disclosure Statement

POLICY: 3.2.1. (II.E.)

Intellectual Property

Revised: August 6, 2015; February 5, 2015
Last Reviewed: October 14, 2016
Adopted: April 3, 2002

POLICY:

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

In order that the Technical College System of Georgia 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 System and college units and anyone providing work for their use must represent and warrant 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; and
- Do not libel, defame, or invade the privacy of any person or firm.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure 4.3.2p6. Other Employment
TCSG Procedure 6.7.2p2. Model Student Conduct Code
TCSG Procedure 3.2.2p. Development of Patentable Devices/Materials or Copyrightable Materials by TCSG/College Personnel or Students

Procedure: 3.2.2p. (II.E.1)

Development of Patentable Devices/Materials or Copyrightable Materials/Media by TCSG/College Personnel or Students

Revised: July 15, 2015; October 29, 2014

Last Reviewed: October 14, 2016

Adopted: June 1991

I. PURPOSE:

To further the Technical College System of Georgia's [TCSG] 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. Revenue generated by intellectual property rights owned by the TCSG may be distributed to the TCSG and/or the college originating the creation of the property. Adherence to this procedure and the State Board Policy: 3.2.1 is a condition of employment or enrollment.

II. 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)
State Board POLICY: 3.2.1. Intellectual Property
TCSG Procedure 4.3.2p6. Other Employment
TCSG Procedure 6.7.2p2. Model Student Conduct Code

III. APPLICABILITY:

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

IV. DEFINITIONS:

A) "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.

B) "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.

C) "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.

D) "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.

E) "Trademarks" shall refer to all trademarks, service marks, trade names, seals, symbols, designs, slogans or logotypes (15 U.S.C. § 1127).

F) "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:**

A) 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.

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. Income or revenue generated by sponsor-supported property shall be distributed in accordance with the terms of the contract; if the contract is silent, all revenue shall be distributed to the sponsoring college or TCSG System Office.

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. Should the property generate revenue from outside of the college, all revenues will be remitted to the college and accounted for as provided by 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 or compensation 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. Revenue generated from property created solely through efforts of faculty, staff or students without any contribution from TCSG or a constituent college shall belong to the individual owning the property.

B) 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 or related compensation, 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 or related compensation. 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 and/or compensation 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.

C) Proposed Changes to Ownership Rights Established by this procedure:

Any proposed changes to the Ownership Rights of Intellectual Property must be submitted in writing to the TCSG Commissioner 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. Any revenue sharing agreement associated with the altered ownership must be approved by TCSG Office of Legal Services.

D) Copyright, Trademark, Patent Applications

All colleges are required to coordinate with the TCSG Office of Legal Services In the submission of applications for copyrights, trademarks, or patents.

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).
http://www.georgiaarchives.org/records/retention_schedules

Procedure: 3.2.3p.

HEOA P2P Unauthorized File Sharing Prevention Compliance

Revised:
Last Reviewed: October 14, 2016
Adopted: July 13, 2010
(*Formerly located on the Introduction of the Policy Manual)*

I. PURPOSE:
To define a baseline for actions to combat the unauthorized distribution of copyrighted materials that is consistent with Federal requirements.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

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

IV. DEFINITIONS:

P2P Unauthorized File Sharing: Unapproved distribution of copyrighted materials utilizing Peer to Peer or other technologies by users of TCSG networks and internet connected systems.

V. ATTACHMENTS:
N/A

VI. PROCEDURE:

1. To meet federal HEOA (Higher Education Opportunity Act) requirements a disclosure describing copyright law and TCSG policies and penalties must be provided to students annually. This statement must include the following:
    a. A statement that explicitly informs its students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;
    b. A summary of the penalties for violation of Federal copyright laws
    c. A description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system.
    d. A link to legal alternatives for downloading or acquiring copyrighted materials.

2. To meet federal HEOA requirements each TCSG college will utilize one or more of the following technologies to identify and/or block P2P file sharing activities
    a. Bandwidth or traffic shaping
    b. Traffic monitoring to identify abnormally high bandwidth users
    c. Internet content filtering to block or reduce illegal file sharing
    d. Other commercial products designed to reduce or block illegal file sharing
3. TCSG will respond to all Digital Millennium Copyright Act (DMCA) notices, notify the College ISA (Information Security Administrator) and work with the college to determine the sources of suspect traffic.
4. TCSG will periodically review the effectiveness of HEOAP2PUFSPCG compliance and make suggestions for improvement where needed

VII. **RECORD RETENTION:**

Unauthorized Distribution of Copyrighted Materials is Against Federal Law

The unauthorized copying and distributing of copyrighted materials, including, but not limited to peer-to-peer (P2P) file sharing, is a violation of United States copyright law and may result in civil and criminal liability and prosecution

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than $750 and not more than $30,000 per work infringed. For "willful" infringement, a court may award up to $150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to $250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at *www.copyright.gov*, especially their FAQ's at *www.copyright.gov/help/faq*.

Unauthorized Distribution of Copyrighted Materials is Prohibited by TCSG Policy

TCSG Procedure 3.3.4p. prohibits the unauthorized distribution of copyrighted materials via TCSG systems or networks. Maximum penalties under Georgia Law are a $50,000 fine and 15 years of imprisonment, plus civil liability in addition to the potential federal penalties listed above.

Legal Alternatives for Downloading or Otherwise Acquiring Copyrighted Materials

For a list legal alternative sites for downloading copyrighted materials please visit: http://www.educause.edu/legalcontent

Section 3.3
Operations

3.3.1 ..... POLICY - Maintenance
3.3.2 ..... POLICY - Use of Vehicles
3.3.2p ..... Procedure - DOAS Motor Pool
3.3.3 ..... POLICY - Use of Campus Facilities
3.3.3.a ..... Attachment: Use of Campus License Agreement

3.3.4p ..... Procedure - Acceptable Computer & Internet Use
3.3.5 ..... POLICY - Use of Telecommunications Equipment
3.3.6 ..... POLICY - Alcohol on Campus
3.3.6p ..... PROCEDURE - Alcohol on Campus
3.3.6a1 ..... Attachment: Alcohol on Campus Request/Agreement
3.3.6a2 ..... Attachment: Department of Revenue Alcohol Tax Law
3.3.6a3 ..... Attachment: Sample Event Agreement Form
3.3.7 ..... POLICY - Tobacco Use
3.3.8 ..... POLICY - Records Management
3.3.9 ..... POLICY - Inventory Management
3.3.10 ..... POLICY - Firearms, Weapons and Explosives
3.3.11 ..... POLICY - Severe Inclement Weather
3.3.11p ..... Procedure - Severe Inclement Weather
3.3.12 ..... POLICY - Real Property Acquisitions and Leases
3.3.12.a ..... Attachment: Space Request Form
3.3.13p ..... Procedure - Business Email Archiving, Retention and Investigation
3.3.14p ..... Procedure - Open Records Act
3.3.14p.a ..... Attachment - Open Record Sample Letter
3.3.15 ..... POLICY - Environment Protection

3.3.16p ..... Procedure - Identity Theft Prevention

POLICY: 3.3.1. (II.C.1.)

Maintenance for Campus Facilities

Revised: May 4, 2006
Last Reviewed: May 4, 2006
Adopted: April 23, 2001

POLICY:

Each technical college shall develop a protocol and schedule for maintaining its campus facilities.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 3.3.2. (II. C. 2.)

Use of Vehicles

Revised: May 14, 2001
Last Reviewed: June 23, 2005
Adopted: July 1, 1986

POLICY:

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

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

Motor vehicles to be used by System 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.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State of Georgia travel regulations

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Procedure: 3.3.2p. (II.C.2)

DOAS Motor Pool

Revised: July 10, 2001
Last Reviewed: June 23, 2005
Adopted: May 1, 1987

I. **PURPOSE:**

Define use of a DOAS Motor Pool Vehicle.

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY: 3.3.2. Use of Vehicles

O.C.G.A. §20-4-11; 45-7-53; 51-1-40

III. APPLICABILTY:

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

IV. DEFINITIONS: N/A
V. ATTACHMENTS: N/A

VI. PROCEDURE:

Reserving Vehicles

Reserve vehicles by contacting the Capitol Hill Motor at (404) 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.

VII. RECORD RETENTION: N/A

POLICY: 3.3.3. (II. C. 3.)

Use of Campus Facilities

Revised: April 27, 2004; January 17, 2001; [Procedure added April 27, 2004]
Last Reviewed: June 23, 2005
Adopted: November 1, 1990

POLICY:

The Presidents of technical colleges shall participate in civic and community functions and activities and promote community participation in college functions and activities.

At the discretion of the technical college President, technical college facilities may be made available for community and civic functions that promote the interests of the college and serve to enhance the college's relationship with the community. A President may make reasonable limitations as to time, manner and place, but may not exercise his or her discretion in a manner that discriminates based on the type of group seeking to use campus facilities.

Facilities may also be made available for functions related to business, industry, health, economic development, the arts, both public and private.

Appropriate charges may be assessed for use of facilities to cover costs incurred as well as amortization of equipment and cost of materials.

The President may require, as a condition precedent for using a facility, that a non-governmental organization obtain liability insurance coverage, in a form satisfactory to the President, that additionally insures the Technical College System of Georgia, including the technical college and its employees against any all liabilities and claims that may arise out of the organization's use of the facility.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
Attachment 3.3.3.a1. Suggested License Agreement Form

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[Attachment: 3.3.3.a1.] Use of Campus- License Agreement

STATE OF GEORGIA

COUNTY OF _____

LICENSE AGREEMENT COVERING THE USE OF

_____
NAME OF THE BUILDING OR FACILITY

OF _____TECHNICAL COLLEGE

THIS AGREEMENT, entered into the _____ day of _____, 200_____, by and between _____ Technical College, whose address is _____, _____ (city), Georgia _____ (zip code) herein-after referred to as "Licensor", and _____, whose address is _____, _____, _____, _____, hereinafter referred to as "Licensee".

W I T N E S S E T H T H A T:

IN CONSIDERATION of the mutual agreements set forth in this Agreement:

A. Grant of License: Licensor grants to Licensee, and Licensee hereby accepts and agrees to exercise, a license to and for the use of the Licensed Facilities at _____, _____ Technical College, _____ (city), Georgia, made available to Licensee for the times and periods which are described in Paragraph A.3 (hereinafter collectively referred to as the "facilities").

A.1. Licensed Facilities: Licensee shall have access to and use of the following area(s) of said Licensed Facilities:

Auditorium(s):
_____
_____

Conference Room(s):_____
_____.

Catering Kitchen: _____.

Technical Room: _____.

Computer Room: _____.

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Other: _____.

A2. Purpose. The license is granted, and Licensee shall have access to said facilities and shall use the facilities solely for the purpose of conducting the following activities:

(a) Use:_____

_____

A.3. License Period and Fees: The license is granted to Licensee for a period:

(a) Beginning at _____ o'clock ___. M., on the _____ day of _____, 200___, and ending at _____ o'clock ___. M., on the _____ day of _____, 200___. [Multiple days and / or days with differing hours of license period should be listed in a similar fashion and attached as Exhibit B to this Agreement.]

(b) Licensee agrees to pay to Licensor the total fixed amount of _____ _____ __ ($_____) for the use of said facilities, payable $_____ at the execution of the Agreement, and $_____ payable forty- eight (48) hours prior to the day of use of said facilities.

(c) Licensee will be responsible for damages to the Licensed Facilities beyond normal wear and tear.

(d) Security Deposit: A Security Deposit is / is not (circle one) required of Licensee in the amount of $_____ and is due at the signing of this License Agreement. This Security Deposit will be maintained to cover any damages beyond normal wear and tear to the Licensed Facilities and equipment. If no damages occur, Security Deposit will be refunded in full.

(e) Cancellation Policy: Cancellation of this License Agreement by Licensee more than 30 days prior to the beginning of the license period is allowed and Licensee will be refunded all monies and deposits paid, less a $_____ administrative fee. Cancellation of this License Agreement by Licensee less than 30 days but more than 7 days prior to the beginning of the license period is allowed and Licensee will be refunded all monies and deposits paid, less a $_____ fee to cover administration and potential loss of use. Cancellation of this License Agreement by Licensee less than 7 days prior to the beginning of the license period is allowed only by permission of Licensor and, if allowed, Licensee will be refunded all monies and deposits paid, less a $_____ fee to cover administration and potential loss of use.

Cancellation of this License Agreement by Licensor more than 7 days prior to the beginning of the license period is allowed and Licensee will be refunded all monies and deposits paid. Cancellation of this License Agreement by Licensor less than 7 days prior to the beginning of the license period is allowed if the same is necessary for Licensor to meet it's business functions due to unforeseen conditions arising contemporaneously. In this circumstances, Licensee will be refunded all monies and deposits paid.

A.4. Equipment: Licensee is entitled to the normal use of basic fixtures and equipment located in the Licensed Facilities except required herein. All audio / visual / computer equipment must be reserved and specified in advance, and there may be a rental charge for some equipment. Licensee should present Licensor with a list of desired equipment for the License Period prior to signing the License Agreement, and should there be a charge for the use of said equipment or if said equipment is not available, Licensor shall inform Licensee within 7 days or no later than 7 days prior to the License Period. Should the parties agree to Licensee using Licensor's equipment, the list of said equipment and any charges thereto, should be signed by both parties and attached to this License Agreement.

B. Indemnity: Licensee, in using Licensor's facilities, assumes full responsibility for any and all claims arising out of Licensee's use of said facilities for personal injury, loss of life, theft, damages, or otherwise, and waives, releases, and agrees to indemnify and save harmless Licensor and its respective officers, employees, and agents from all liabilities, and the cost and expense of defending all claims of liability, arising out of Licensee's use of said facilities to the extent permitted under Georgia law.

C. Notice: Written notices under this Agreement shall be given by first class mail, addressed to Licensor:

_____ Technical College,
Attention: _____
_____
_____

And, in the case of Licensee:

_____
_____
_____
_____

D. The parties acknowledge and agree that neither party shall discriminate against person(s) on the basis of race, color, sex, creed, national origin, age or handicap.

E. Alcoholic Beverages are specifically prohibited unless there is attached hereto as Exhibit C a separate agreement signed by the college president entitled “Request For Approval to Serve Alcoholic Beverages and Approval”.

F. Entire Agreement: This Agreement consists of (i) this License Agreement, and (ii) the Terms and Conditions of License Agreement, attached hereto as Exhibit "A" and made a part hereof.

IN WITNESS WHEREOF, the parties have signed this Agreement or caused it to be signed by their representatives on the day and date first set out above.

LICENSOR:

By: _____/s/
(Signature of Authorized Representative)
OF _____TECHNICAL COLLEGE

_____
(Print or Type Name of Authorized Representative)

Title or Position: _____

LICENSEE:

_____(Print or Type Name of Licensor)

By: _____/s/
(Signature of Authorized Representative)

_____
(Print or Type Name of Authorized Representative)

Title or Position:_____

ACKNOWLEDGMENT:

Licensee hereby acknowledges receipt of a copy of the Terms, Conditions, Rules and Regulations this _____ day of _____, 200___, and hereby accepts and agrees to abide by said terms, conditions, rules and regulations.

BY:_____/s/
(Signature of Authorized Representative of Licensee

EXHIBIT “A”

TERMS, CONDITIONS, RULES AND REGULATIONS OF THE
_____ (Building or Facility Name) of
_____Technical College

1. Scope of License:

1.1 Period. The license is granted for each of the facilities for the full License Period. However, if a lesser period is stated for any particularly listed facility or building, the stated period is the License Period for that facility.

1.2 Other Uses. Licensor may permit others (i) to obtain access to the Licensed Facilities, (ii) to use the Licensed Facilities listed in Paragraph A.3 at times other than that for which a license is granted to Licensee. However, no other permitted access or use during the License Period will unreasonably interfere with Licensee's operations in the Licensed Facilities during the License Period. Licensee shall not unreasonably interfere with any other permitted access or use. Licensee shall comply with Licensor's directives issued for the purpose of ensuring that concurrent uses of the Licensed Facilities by Licensee and other users do not disrupt their respective operations in the Licensed Facilities.

1.3 Common Areas. Common areas of the Licensed Facilities, including the parking area, entrance, lobby, restrooms, hallways, and atrium, which are made available to Licensee, may also be made available by Licensor for concurrent access and use by others. However, Licensor shall coordinate and schedule Licensee's access and use of common areas of the Licensed Facilities and access and use by others so that Licensee and each other user are able to achieve the permitted purposes of their respective activities within the Licensed Facilities without undue or unreasonable disruption. Licensee shall comply with Licensor's coordination and scheduling directives issued for this purpose.

2. Fees and Charges for Licensor's Services.

2.1 If upon Licensee's request, or the request of Licensee’s representatives, Licensor provides goods or services other than those stated herein, Licensee shall pay for such additional items at Licensor's then prevailing rates. Upon request at the time of Licensee's order for additional items, Licensor shall provide the applicable rates and shall not charge in excess of the quoted rates.

3. Relative Rights of Licensor and Licensee Concerning Goods and Services.

3.1 Exclusive Services. Licensor has the exclusive right to dispense, by gift, sale, or otherwise, all food, beverage or other consumable products at the Licensed Facilities. Licensee shall not dispense or bring into the Licensed Facilities any of those

items. Alcoholic beverages are prohibited at all times unless specifically permitted in writing in the License Agreement.

3.2 Licensee's Rights to Provide Goods and Services. Licensee may provide within the facilities listed in Paragraph A.3 all goods and services appropriate to its permitted use except Exclusive Services listed above.

4. Condition of Facilities, Staffing and Security.

4.1 General Obligations. The facilities as made available to Licensee shall be in substantially the same condition as it exists on the date of the License Agreement.

4.2 Legal Compliance. The facilities, as made available to Licensee, shall be in compliance with all governmental requirements, including Americans with Disabilities Act [ADA], fire, health, and safety codes applicable to Licensor. Licensor strives to accommodate persons with disabilities and relies on those with disabilities or others concerned for suggestions, or to alert them to barriers to access.

4.3 Staffing. If Licensor determines that a member(s) of its staff must be present at the Licensed Facilities during the use or License Period, when staff member(s) would not otherwise be present, then Licensee shall reimburse Licensor after Licensee's use for the cost of such staff member(s). (See Schedule of Pay Rates, attached as EXHIBIT "A").

4.4 Security. Upon request, Licensor may arrange for security personnel. If so requested, or if Licensor determines security personnel are required, which would not otherwise be required, Licensee shall reimburse Licensor for the cost of security personnel.

5. Operations under License.

5.1 Licensor. Licensor retains, and Licensee many not interfere with Licensor's:

a. Access to the facilities at all times to exercise its rights or responsibilities.

b. The right to issue regulations and directives in good faith deemed necessary to the safe and orderly operation of the Licensed Facilities.

c. The right, if Licensee fails to do so, to remove any person who fails to comply with the rules and regulations of the Licensed Facilities or whose removal from the facilities the Licensor in good faith believes is necessary for the safe and orderly operation of the Licensed Facilities.

5.2 Licensee shall:

a. Use the facilities in a safe and orderly manner.

b. Comply with Licensor's regulations and directives governing the safe and orderly operation of the Licensed Facilities.

c. Conform to all governmental statutes, regulations, ordinances and directives.

d. Be responsible for the safety of all of Licensee's temporary property.

e. Obtain all licenses, and pay all royalties and artists fees, necessary to use any patented or copyrighted matter or any trade name.

f. Not in any way damage, deface, or alter the Common Areas or Licensed Facilities.

g. Not affix any signs, advertisements or notices to the facilities or Licensed Facilities, inside or outside, or attached to any part thereof, without the Licensor's consent.

h. Not fasten any article, drill holes, drive nails, or screws in the walls, floors, woodwork, or partitions; nor shall Licensee paint or spray paint the walls, floors, woodwork or partitions; without the consent of Licensor.

6. Duties at End of License Period.

6.1 Duty to Vacate. By the end of the License Period, Licensee shall have vacated the facilities, leaving them in the same condition as originally furnished, normal wear and tear only excepted.

6.2 Failure to Vacate. If Licensee fails to vacate the facilities by the end of the License Period, or if Licensee fails to maintain an orderly and timely sequence of work to do so, then Licensor many remove all property brought into the facilities and Licensed Facilities by Licensee or any person admitted to the facilities and Licensed Facilities by Licensee and to restore the facilities. Any property removed by Licensor may be stored or delivered to Licensee or treated as abandoned property and accordingly disposed of. Licensor is not liable for any damage to or loss of such property which occurs in the course of such removal, storage, delivery, or disposal. Licensee shall pay to Licensor all costs incurred by Licensor in effecting removal, storage, delivery or disposal, and restoring the facilities. In addition, unless Licensee's failure to vacate and restore the facilities is due to any Act of God, national emergency, riot, or by governmental directive to the Licensor, Licensee shall be liable to Licensor for any loss suffered by Licensor if a person who has the right to use the facilities is materially delayed or impaired in its access or use by Licensee's failure to vacate the facilities.

7. Insurance and Indemnity

7.1 Licensee and Other Property. Licensee shall maintain insurance as Licensee deems advisable protecting against loss of or damage to property brought into the facilities by Licensee, and shall require all persons admitted to the facilities by Licensee to maintain such insurance as those persons deem advisable protecting against loss of or damage to property brought into the facilities by those persons. **However, Licensor may require Licensee to obtain and present certification of public liability or other insurance for the License Period.** Licensor shall have no liability for any damage to or loss of property brought in the facilities by Licensee or by persons admitted to the facilities by Licensee. Licensee shall look solely to such insurance as Licensee elects to obtain and shall require each person admitted to the facilities to look solely to such insurance as Licensee may elect to obtain for protection against loss of or damage to such property. To the extent permitted under Georgia law, Licensee waives, releases and agrees to indemnity and save the Licensor and its respective officers, employees and agents harmless from all liabilities, and the cost and expense of defending all claims of liability, for any loss (from theft or otherwise) of or damage to(i) property brought into the facilities by Licensee or (ii) to property brought into the facilities by any person admitted to the facilities by Licensee or (iii) to property of others as the result of the negligent or wrongful act or omission of Licensee or any person admitted to the facilities by Licensee, in each case ((items (i) through (iii)), regardless of whether Licensee's negligent or wrongful act or omission caused, contributed to or aggravated the loss or damage, and regardless of where such loss or damage occurs.

7.2 Persons.

a. Indemnity. To the extent permitted under Georgia law, Licensee waives, releases, and agrees to indemnify and save Licensor and its respective officers, employees and agents harmless from all liabilities, and the cost and expense of defending all claims of liability, for any personal or bodily injury to persons, including death, arising out of the use of the facilities by Licensee or by any other person admitted to the facilities by Licensee (i) suffered by Licensee, (ii) suffered by any person admitted to the facilities by Licensee, or (iii) suffered by any other person as a result of the acts or omissions of Licensee or any persons admitted to the facilities by Licensee, in each case ((item (i) through (iii)), regardless of whether Licensee's negligent or wrongful act or omission, caused, contributed to or aggravated the loss or damage, and regardless of where such loss or damage occurs. **Licensor may require Licensee to obtain and present certification of public liability or other insurance for the License Period.**

8. Assignment; Binding Effect.

8.1 By Licensee: Licensee shall not assign the License Agreement or sublicense the license for any facilities as a whole, or in part, without the prior written approval of Licensor. Licensor may sell or otherwise grant to others permission to enter or to use the facilities on terms consistent with the License Agreement between Licensor and Licensee.

8.2 By Licensor: Licensor may assign any of its rights or duties upon notice to Licensee, but any such assignment shall bind the assignee to the License Agreement between Licensor and
Licensee.

8.3 Binding Effect on Licensee: The License Agreement is binding on Licensee, its successors and assigns. The License Agreement is also binding on each person admitted to the facilities by Licensee. As to its obligations to Licensor, Licensee assumes full responsibility for the acts or omissions of anyone who obtains access to the facilities upon the express or implied consent, invitation, or sublicense of Licensee and any person to whom Licensee has granted access by consent, invitation, or sublicense shall be a person admitted to the facilities by Licensee.

8.4 Binding Effect on Licensor: The License Agreement is binding upon Licensor, its successors and assigns. Licensor may perform any of its rights or obligations directly or through others.

9. No Property Interest: Licensee has not acquired any property interest in the facilities. Licensee has solely a license which is revocable by Licensor, but only on the terms of the License Agreement.

10. Severability: If any provision of the License Agreement is unenforceable or is unenforceable in a particular application, then, as the case may be, the remaining provisions of the License Agreement and other applications of that provision shall not be effected.

11. Waiver by Licensor: In order to be binding on Licensor, any waiver or change to the License Agreement must be in writing and must be signed by a duly authorized officer of Licensor.

12. Smoking: Smoking is not permitted in the facility at any time, including load-in/out periods. Licensees and Contractors are expected to observe and support this policy.

13. Emergency Evacuation: Licensor reserves the right to evacuate the premises at any time it deems necessary for the safety of the public.

14. Occupancy Control: Licensor reserves the sole discretion to restrict the number of persons on the premises, or in any room or part, at any time, consistent with public safety.

15. Unsafe Conditions: Licensee will immediately correct any unsafe or unsanitary condition, as identified by Center in its sole discretion, created by Licensee's occupancy of the premises.

Procedure: 3.3.4p (II.C.4.)
Acceptable Computer and Internet Use

Revised:	May 17, 2016; February 2, 2012; October 2, 2003
Last Reviewed:	May 17, 2016; February 2, 2012
Adopted:	October 2, 2003

I. PURPOSE:

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.):

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

III. APPLICABILTY:

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

IV. DEFINITIONS:

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).

V. ATTACHMENTS: n/a

VI. PROCEDURE:

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 be 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.

VII. RECORD RETENTION: n/a

POLICY: 3.3.5. (II. C. 5.)

Use of Telecommunications Equipment

Revised: October 1, 2004; March 17, 2004; May 14, 2001; May 1992
Last Reviewed: June 26, 2005
Adopted: July 1, 1986

POLICY:

It is the policy of the Technical College System of Georgia [TCSG] to control and minimize the costs of using communication services and equipment.

The cost of acquiring and using telecommunication equipment represents a significant amount of funds. TCSG shall develop procedures and controls in conformance with the Governor's Office of Planning and Budget Policy Governing the Use and Control of Telecommunications Equipment is understood and implemented.

The Commissioner shall develop procedures and controls to minimize the cost of acquiring and using telecommunications equipment within the System.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 3.3.6. (II. C. 6.)

Alcohol on Campus

Revised: March 2012; January 2012; May 2006; March 2005; April 23, 2001

Last Reviewed: March 2012

Adopted: April 23, 2001

POLICY:

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 [TCSG] policies and procedures. All persons entering the campus or any facility owned or operated by the TCSG 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 TCSG 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.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure 3.3.6p. Alcohol on Campus
TCSG Procedure 4.3.2p4. Standards of Business Conduct
O.C.G.A. §3-8-6
O.C.G.A. §3-3-21.1(b)

Procedure: 3.3.6p. (II.C.6)

Use of Alcoholic Beverages on Campus

Revised: December 2011; March 2005
Last Reviewed: March 2, 2012
Adopted: October 2003

I.PURPOSE:

The possession, service, sale and consumption of alcoholic beverages on college campuses shall be in strict compliance with all federal, state and local laws. All persons coming onto the campus of any facility owned or operated by the Technical College System of Georgia or any of its technical colleges must comply with these laws.

A technical college may serve alcoholic beverages in conjunction with its operation of a business conference center capable of accommodating 200 or more people. The sale of alcoholic beverages shall always be sponsored by an outside entity possessing the appropriate federal, state and local licenses and shall not be sponsored by the technical college or its officials.

The service or sale of alcoholic beverages pursuant to this policy shall be limited to those occasions which serve a business, economic development, civic, social or educational purpose. Alcoholic beverages may not be served or sold at any student-sponsored function or event.

The President may, at his or her sole discretion, decline to allow the service or sale of alcoholic beverages at a technical college and determine those areas on campus in which alcohol will be allowed. No State or Federal funds may be used to purchase alcohol for service at a technical college; the prohibition does not apply to purchase of alcohol for the exclusive use in a college's culinary arts programs, provided the technical college has adopted written procedures to regulate the purchase, storage and use of alcohol in these programs.

College Presidents are expected to be familiar with laws governing the possession, service, sale and consumption of alcoholic beverages.

II. RELATED AUTHORITY:
O.C.G.A. § 3-8-6
O.C.G.A. § 3-3-21.1(b)
State Board POLICY 3.3.6. Alcohol on Campus
State Board POLICY 4.8.1. Drug and Alcohol-Free Workplace

III. APPLICABILITY:
All work units and Technical Colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS:

A. **SALE OF ALCOHOLIC BEVERAGES**: any transfer, trade, exchange or barter, in any manner or by any means, for consideration, including, but not limited to, required fees or the purchase of tickets for admission to an event at which alcoholic beverages will be served.
B. **SERVICE OF ALCOHOLIC BEVERAGES**: taking orders for, handling, delivering or pouring/mixing of alcoholic beverages.
C. **EVENT**: a function on a college campus that serves a business, economic development, civic, social or educational purpose.
D. **EVENT SPONSOR**: an individual who is at least twenty-one years of age or an organization or association who has requested permission to hold an Event on the college campus at which alcohol will be served and/or sold.
E. **EVENT SUPERVISOR**: an individual who is at least twenty-one years of age who is designated by the Event Sponsor to assume responsibility for direct supervision of the serving, sale and consumption of alcoholic beverages at the event.

V. ATTACHMENTS:

Attachment 3.3.6p.a3. –Sample Event Agreement From
Attachment 3.3.6p.a2. State Alcoholic Beverage Tax Law and Regulations Order Form
Attachment 3.3.6p.a1.-Alcohol on Campus Request and Agreement

VI. PROCEDURE:

A. PRESIDENT'S RESPONSIBILITY:

a. As applicable, the technical college President must designate, in writing, those locations on campus at which the service, sale and/ or consumption of alcoholic beverages will be authorized. Alcoholic beverages may not be carried or consumed outside rooms or areas designated for an approved Event.
b. The President may prohibit any service or sale of alcohol on campus. All decisions regarding the service or sale of alcoholic beverages on campus shall rest with the President.
c. Presidents and staff associated with operation of a business conference center should be familiar with State Board Policy II. C. 6. Alcohol on Campus, as well as state and local laws and ordinances governing the service, sale, and consumption of alcoholic beverages.
d. Any service or sale of alcohol on campus will be approved by the President only if the requirements of this procedure and applicable laws and regulations have been met. The President's approval granted under this procedure will be in addition to any other approval needed to use campus facilities.
e. The President will ensure appropriate security or other precautionary measures are in place for an event during which alcoholic beverages will be served, sold, and/or consumed.
f. As applicable, each President will establish and monitor procedures for the purchase, use and storage of alcoholic

beverages used exclusively in the college's culinary arts programs.

g. The Technical College System of Georgia and/or the President may require additional precautions including, but not limited to the use of licensed caterers to dispense alcoholic beverages, limitations on time and duration of service, or a requirement to serve food at such events.
h. The President or his/her designee will ensure that alcoholic beverages will be securely stored if such storage is necessary preceding or following the event.

B. EVENT REQUIREMENTS

a. The event will serve a business, economic development, civic, social or educational purpose.
b. Alcoholic beverages may not be served or sold at any student-sponsored function or event.
c. No one under the age of twenty-one will be served alcoholic beverages at any event on campus. Signs notifying attendees of this requirement will be posted at events which admit individuals under the age of twenty-one.
d. Individuals exhibiting signs or behaviors of the overuse of alcohol may not be served at events or allowed to consume alcohol on campus.
e. Events at which alcohol is sold must be sponsored by an individual who is at least 21 years of age, or an association or organization with appropriate state and local licenses.
f. For purposes of determining the local jurisdiction pertaining to the regulation of the taxing, sale, storage, and distribution of 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 for these purposes.
g. Any advertisement concerning the sale or service of alcohol for events sponsored by third-parties shall not contain any information which would suggest the alcohol is being served or sold by the college. College logos, name, etc., shall not be used as an endorsement for the sale or service of alcoholic beverages. NOTE: this procedure does not prohibit the use of the campus address in invitations to an event or the use of the college name/logo on invitations or other marketing material for fundraising events benefiting the college.

C. EVENT SPONSOR RESPONSIBILITY:

a. The Sponsor must be an individual who is at least twenty-one years of age or an organization or association. The Sponsor may not be the Technical College System of Georgia, the technical college, or their employee(s).

b. Prior to the Event and in sufficient time for consideration by the President, the Sponsor must submit a written request to serve and/or sale alcohol on campus.
c. The Sponsor will be required to provide sufficient proof that all applicable local and state licenses have been obtained prior to the event.
d. The Sponsor will comply with the Procedure for Alcohol on Campus and all pertinent federal, state and local laws governing the possession, sale, storage, and consumption of alcoholic beverages.
e. The Sponsor will designate an event supervisor who will be present at the event and who will be responsible for the direct supervision of the storage, serving, sale and consumption of alcoholic beverages throughout the Event. The supervisor may not be the Technical College System of Georgia, the technical college or their employee(s).
f. The Sponsor will provide adequate security for each event which may include the reimbursement to the college for the cost of additional security personnel.
g. The Sponsor will be required to sign an agreement to indemnify and hold harmless the Technical College System of Georgia and the technical college from any and all harm, injury, or losses which may arise as a result of the event.
h. The Event Sponsor shall be required to show proof of liability insurance sufficient to cover any liability, including attorney fees that may arise as a result of the use of alcohol at the event.

VII. RECORD RETENTION:

All requests, agreements and copies of documents provided by Sponsor showing compliance with the alcohol laws and this policy shall be retained in accordance with the record retention schedule published by Secretary of State's Office.
http://www.sos.ga.gov/archives/who_are_we/rims/retention_schedules/default.htm

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Attachment: 3.3.6p.a1.

ALCOHOL ON CAMPUS
REQUEST AND AGREEMENT

Event Sponsor: _____

Address:_____
_____

Phone: _____ Cell #_____

Sponsor's Designated Supervisor: _____
(Must be on site at all times during Event)

Address:_____
_____

Phone: _____ Cell #_____

Is the Supervisor an individual who is at least 21 years old? Yes __No ___
(NOTE: Supervisor may not be employee of TCSG or Technical College)

Type of Event: _____
_____

Campus Location/Facility: _____
(NOTE: permission to use the facility is required prior to approval for alcohol on campus)

Estimated Attendance: _____

Date of Event: _____

Time of Event:
Begins: _____
Ends : _____

Will alcoholic beverages be served? **Yes_____No_____**
Cash bars and the exchange of money with respect to service of alcohol at the event is prohibited

Times that alcoholic beverages will be served during the event
Begin: _____End: _____
Begin: _____End: _____

Types of alcoholic beverages to be served?
____Beer _____Wine _____Liquor

Alternate nonalcoholic beverages and food to be offered at the event:_____
_____

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Have you obtained all the applicable state and local licenses for the sale and/or service of alcohol? _____Yes_____No
(Please provide copies of applicable licenses, e.g. caterer/server license, special event permits, etc.)

Will persons under age 21 be solicited or invited to attend? Yes _____No_____
If the answer is yes, describe the precautions that will be taken to ensure that persons under 21 years of age are not served alcoholic beverages:

_____
(At a minimum, Sponsors must include a sign at the Event indicating that no alcoholic beverages will be served to anyone less than 21 years of age and that ID will be required.)

Liability Insurance Provider: _____

ALCOHOL ON CAMPUS
TERMS AND CONDITIONS OF APPROVAL

In consideration of approval to hold the event at the requested location and to serve alcoholic beverages, I agree on behalf of the Sponsor to the following terms and conditions:

1. That the serving of alcoholic beverages at this event will be conducted as described in this Request and in compliance with TCSG Policy and Procedure for Alcohol on Campus, a copy of which is attached and made a part of this Agreement, and will be conducted in compliance with federal, state and local law.
2. That Sponsor agrees to indemnify and hold harmless, the State of Georgia, the Technical College System of Georgia and_____ Technical College and their officials, agents and assigns for any and all losses, including legal fees, resulting from the Event.
3. That I have secured sufficient liability insurance to meet the requirements in #2.
4. That the Sponsor will conduct the Event with any Special Limitations/Conditions described below.

_____ _____
Signature of Sponsoring Official/Title Date

_____ _____
Signature of Technical College President Date

_____Approved

_____Special Limitations/Conditions

_____Disapproved

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Attachment: 3.3.6p.a2.

State of Georgia
Department of Revenue
Alcohol & Tobacco Division
Suite Number 4235
1800 Century Blvd., N.E.
Atlanta, Georgia 30345
(404) 417-4900

ALCOHOLIC BEVERAGE TAX LAWS AND REGULATIONS

N O T I C E

TO: ALL GEORGIA BEVERAGE ALCOHOL LICENSEES

To ensure that you are aware of the current laws and rules under which you must operate your business, you should have a copy of the laws and regulations for use by yourself and your employees. The Department of Revenue's Alcohol and Tobacco Division has available copies the 2010 Edition of the Alcoholic Beverage Tax Laws and Regulations booklet. This booklet can be ordered at a cost of $10.00 each.

If you have an earlier edition of this booklet, you may consider obtaining the current edition in order to be up-to-date on any new regulations.

Please complete and return the bottom portion of this document to place your order.

Make your check or money order payable to the **Georgia Department of Revenue**. *****Do Not Mail Cash*****

Mail this order form and payment to:
Georgia Department of Revenue
Alcohol and Tobacco Division
1800 Century Blvd, Suite 4235
Atlanta, Georgia 30345

Please send me the following booklet(s):

_____ **2010 Georgia Alcoholic Beverage Tax Laws and Regulations @$10.00 each**
(Quantity)

TOTAL ENCLOSED……$_____
*****Do Not Mail Cash*****

Send Booklet To:
Name: _____
Address: _____
_____
_____

_____ _____
(Date) **(Signature)**

An Equal Opportunity Employer

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Attachment: 3.3.6p.a3.

STATE OF GEORGIA

COUNTY OF _____

LICENSE AGREEMENT COVERING THE USE OF

_____
NAME OF THE BUILDING OR FACILITY

OF _____TECHNICAL COLLEGE

THIS AGREEMENT, entered into the _____ day of _____, 20_____, by and between _____ Technical College, whose address is _____, _____ (city), Georgia _____ (zip code) herein-after referred to as "Licensor", and _____, whose address is _____, _____, _____, _____, hereinafter referred to as "Licensee".

W I T N E S S E T H T H A T:

IN CONSIDERATION of the mutual agreements set forth in this Agreement:

A. Grant of License: Licensor grants to Licensee, and Licensee hereby accepts and agrees to exercise, a license to and for the use of the Licensed Facilities at _____, _____ Technical College, _____ (city), Georgia, made available to Licensee for the times and periods which are described in Paragraph A.3 (hereinafter collectively referred to as the "facilities").

A.1. Licensed Facilities: Licensee shall have access to and use of the following area(s) of said Licensed Facilities:

Auditorium(s): _____
_____

Conference Room(s):_____
_____.

Catering Kitchen: _____.

Technical Room: _____.

Computer Room: _____.

Other: _____.

A2. Purpose. The license is granted, and Licensee shall have access to said facilities and shall use the facilities solely for the purpose of conducting the following activities:

(a) Use:_____
_____

A.3. License Period and Fees: The license is granted to Licensee for a period:

(a) Beginning at _____ o'clock ___. M., on the _____ day of _____, 20___, and ending at _____ o'clock ___. M., on the _____ day of _____, 20___.

OR

Multiple days and/or days with differing hours as described below:
_____
_____
_____

(b) Licensee agrees to pay to Licensor the total fixed amount of _____
_____
($_____) for the use of said facilities, payable $_____ at the execution of the Agreement, and $_____ payable forty- eight (48) hours prior to the day of use of said facilities.

(c) Licensee will be responsible for damages to the Licensed Facilities beyond normal wear and tear.

(d) Security Deposit: A Security Deposit is / is not (circle one) required of Licensee in the amount of $_____ and is due at the signing of this License Agreement. This Security Deposit will be maintained to cover any damages beyond normal wear and tear to the Licensed Facilities and equipment. If no damages occur, Security Deposit will be refunded in full.

(e) Cancellation Policy: Cancellation of this License Agreement by Licensee more than 30 days prior to the beginning of the license period is allowed and Licensee will be refunded all monies and deposits paid, less a $_____ administrative fee. Cancellation of this License Agreement by Licensee less than 30 days but more than 7 days prior to the beginning of the license period is allowed and Licensee will be refunded all monies and deposits paid, less a $_____ fee to cover administration and potential loss of use. Cancellation of this License Agreement by Licensee less than 7 days prior to the beginning of the license period is allowed only by permission of Licensor and, if allowed, Licensee will be refunded all monies and deposits paid, less a $_____ fee to cover administration and potential loss of use.

Cancellation of this License Agreement by Licensor more than 7 days prior to the beginning of the license period is allowed and Licensee will be refunded all monies and deposits paid. Cancellation of this License Agreement by Licensor less than 7 days prior to the beginning of the license period is allowed if the same is necessary for Licensor to meet its business functions due to unforeseen conditions arising contemporaneously. In this circumstance, Licensee will be refunded all monies and deposits paid.

A.4. Equipment: Licensee is entitled to the normal use of basic fixtures and equipment located in the Licensed Facilities except required herein. All audio / visual / computer equipment must be reserved and specified in advance, and there may be a rental charge for some equipment. Licensee should present Licensor with a list of desired equipment for the License Period prior to signing the License Agreement, and should there be a charge for the use of said equipment or if said equipment is not available, Licensor shall inform Licensee within 7 days or no later than 7 days prior to the License Period. Should the parties agree to Licensee using Licensor's equipment, the list of said equipment and any charges thereto, should be signed by both parties and attached to this License Agreement.

B. Indemnity: Licensee, in using Licensor's facilities, assumes full responsibility for any and all claims arising out of Licensee's use of said facilities for personal injury, loss of life, theft, damages, or otherwise, and waives, releases, and agrees to indemnify and save harmless Licensor and its respective officers, employees, and agents from all liabilities, and the cost and expense of defending all claims of liability, arising out of Licensee's use of said facilities to the extent permitted under Georgia law.

C. Notice: Written notices under this Agreement shall be given by first class mail, addressed to Licensor:

_____ Technical College,
Attention: _____
_____
_____

And, in the case of Licensee:

_____
_____
_____
_____

D. The parties acknowledge and agree that neither party shall discriminate against person(s) on the basis of race, color, sex, creed, national origin, age or disability.

E. Alcoholic Beverages are specifically prohibited unless there is attached hereto as Exhibit C a separate agreement signed by the college president entitled "ALCOHOL ON CAMPUS REQUEST AND AGREEMENT."

F. Entire Agreement: This Agreement consists of (i) this License Agreement, and (ii) the Terms and Conditions of License Agreement, attached hereto as Exhibit "A" and made a part hereof.

IN WITNESS WHEREOF, the parties have signed this Agreement or caused it to be signed by their representatives on the day and date first set out above.

LICENSOR:

By: _____/s/
(Signature of Authorized Representative)
OF _____TECHNICAL COLLEGE

_____
(Print or Type Name of Authorized Representative)

Title or Position: _____

LICENSEE:

_____(Print or Type Name of Licensor)

By: _____/s/
(Signature of Authorized Representative)

_____
(Print or Type Name of Authorized Representative)

Title or Position:_____

ACKNOWLEDGMENT:

Licensee hereby acknowledges receipt of a copy of the Terms, Conditions, Rules and Regulations this _____ day of _____, 20___, and hereby accepts and agrees to abide by said terms, conditions, rules and regulations.

BY:_____/s/
(Signature of Authorized Representative of Licensee)

License Agreement revised June 2012

EXHIBIT "A"

TERMS, CONDITIONS, RULES AND REGULATIONS OF THE
_____ (Building or Facility Name) of
_____Technical College

1. Scope of License:

1.1 Period. The license is granted for each of the facilities for the full License Period. However, if a lesser period is stated for any particularly listed facility or building, the stated period is the License Period for that facility.

1.2 Other Uses. Licensor may permit others (i) to obtain access to the Licensed Facilities, (ii) to use the Licensed Facilities listed in Paragraph A.3 at times other than that for which a license is granted to Licensee. However, no other permitted access or use during the License Period will unreasonably interfere with Licensee's operations in the Licensed Facilities during the License Period. Licensee shall not unreasonably interfere with any other permitted access or use. Licensee shall comply with Licensor's directives issued for the purpose of ensuring that concurrent uses of the Licensed Facilities by Licensee and other users do not disrupt their respective operations in the Licensed Facilities.

1.3 Common Areas. Common areas of the Licensed Facilities, including the parking area, entrance, lobby, restrooms, hallways, and atrium, which are made available to Licensee, may also be made available by Licensor for concurrent access and use by others. However, Licensor shall coordinate and schedule Licensee's access and use of common areas of the Licensed Facilities and access and use by others so that Licensee and each other user are able to achieve the permitted purposes of their respective activities within the Licensed Facilities without undue or unreasonable disruption. Licensee shall comply with Licensor's coordination and scheduling directives issued for this purpose.

2. Fees and Charges for Licensor's Services.

2.1 If upon Licensee's request, or the request of Licensee's representatives, Licensor provides goods or services other than those stated herein, Licensee shall pay for such additional items at Licensor's then prevailing rates. Upon request at the time of Licensee's order for additional items, Licensor shall provide the applicable rates and shall not charge in excess of the quoted rates.

3. Relative Rights of Licensor and Licensee Concerning Goods and Services.

3.1 Exclusive Services. Licensor has the exclusive right to dispense, by sale or otherwise, all food, beverage or other consumable products at the Licensed Facilities. Licensee shall not dispense or bring into the Licensed Facilities any of those items without the express written consent of Licensor. Alcoholic beverages are prohibited at all times unless specifically

permitted in writing in the ALCOHOL ON CAMPUS REQUEST AND AGREEMENT, Exhibit C.

3.2 Licensee's Rights to Provide Goods and Services. Licensee may provide within the facilities listed in Paragraph A.3 all goods and services appropriate to its permitted use except Exclusive Services listed above.

4. Condition of Facilities, Staffing and Security.

4.1 General Obligations. The facilities as made available to Licensee shall be in substantially the same condition as it exists on the date of the License Agreement.

4.2 Legal Compliance. The facilities, as made available to Licensee, shall be in compliance with all governmental requirements, including Americans with Disabilities Act [ADA], fire, health, and safety codes applicable to Licensor. Licensor strives to accommodate persons with disabilities and relies on those with disabilities or others concerned for suggestions, or to alert them to barriers to access.

4.3 Staffing. If Licensor determines that a member(s) of its staff must be present at the Licensed Facilities during the use or License Period, when staff member(s) would not otherwise be present, then Licensee shall reimburse Licensor after Licensee's use for the cost of such staff member(s). (See Schedule of Pay Rates, attached as EXHIBIT "B").

4.4 Security. Upon request, Licensor may arrange for security personnel. If so requested, or if Licensor determines security personnel are required, which would not otherwise be required, Licensee shall reimburse Licensor for the cost of security personnel.

5. Operations under License.

5.1 Licensor. Licensor retains, and Licensee many not interfere with Licensor's:

a. Access to the facilities at all times to exercise its rights or responsibilities.

b. The right to issue regulations and directives in good faith deemed necessary to the safe and orderly operation of the Licensed Facilities.

c. The right, if Licensee fails to do so, to remove any person who fails to comply with the rules and regulations of the Licensed Facilities or whose removal from the facilities the Licensor in good faith believes is necessary for the safe and orderly operation of the Licensed Facilities.

5.2 Licensee shall:

a. Use the facilities in a safe and orderly manner.

b. Comply with Licensor's regulations and directives governing the safe and orderly operation of the Licensed Facilities.

c. Conform to all governmental statutes, regulations, ordinances and directives.

d. Be responsible for the safety of all of Licensee's temporary property.

e. Obtain all licenses, and pay all royalties and artists fees, necessary to use any patented or copyrighted matter or any trade name.

f. Not in any way damage, deface, or alter the Common Areas or Licensed Facilities.

g. Not affix any signs, advertisements or notices to the facilities or Licensed Facilities, inside or outside, or attached to any part thereof, without the Licensor's consent.

h. Not fasten any article, drill holes, drive nails, or screws in the walls, floors, woodwork, or partitions; nor shall Licensee paint or spray paint the walls, floors, woodwork or partitions; without the consent of Licensor.

6. Duties at End of License Period.

6.1 Duty to Vacate. By the end of the License Period, Licensee shall have vacated the facilities, leaving them in the same condition as originally furnished, normal wear and tear only excepted.

6.2 Failure to Vacate. If Licensee fails to vacate the facilities by the end of the License Period, or if Licensee fails to maintain an orderly and timely sequence of work to do so, then Licensor many remove all property brought into the facilities and Licensed Facilities by Licensee or any person admitted to the facilities and Licensed Facilities by Licensee and to restore the facilities. Any property removed by Licensor may be stored or delivered to Licensee or treated as abandoned property and accordingly disposed of. Licensor is not liable for any damage to or loss of such property which occurs in the course of such removal, storage, delivery, or disposal. Licensee shall pay to Licensor all costs incurred by Licensor in effecting removal, storage, delivery or disposal, and restoring the facilities. In addition, unless Licensee's failure to vacate and restore the facilities is due to any Act of God, national emergency, riot, or by governmental directive to the Licensor, Licensee shall be liable to Licensor for any loss suffered by Licensor if a person who has the right to use the facilities is materially delayed or impaired in its access or use by Licensee's failure to vacate the facilities.

7. Insurance and Indemnity

7.1 Licensee and Other Property. Licensee shall maintain insurance as Licensee deems advisable protecting against loss of or damage to property brought into the facilities by Licensee, and shall require all persons admitted to the facilities by Licensee to maintain such insurance as those persons deem advisable protecting against loss of or damage to property brought into the facilities by those persons. **However, Licensor may require Licensee to obtain and present certification of public liability or other insurance for the License Period.** Licensor shall have no liability for any damage to or loss of property brought in the facilities by Licensee or by

persons admitted to the facilities by Licensee. Licensee shall look solely to such insurance as Licensee elects to obtain and shall require each person admitted to the facilities to look solely to such insurance as Licensee may elect to obtain for protection against loss of or damage to such property. To the extent permitted under Georgia law, Licensee waives, releases and agrees to indemnity and save the Licensor and its respective officers, employees and agents harmless from all liabilities, and the cost and expense of defending all claims of liability, for any loss (from theft or otherwise) of or damage to(i) property brought into the facilities by Licensee or (ii) to property brought into the facilities by any person admitted to the facilities by Licensee or (iii) to property of others as the result of the negligent or wrongful act or omission of Licensee or any person admitted to the facilities by Licensee, in each case ((items (i) through (iii)), regardless of whether Licensee's negligent or wrongful act or omission caused, contributed to or aggravated the loss or damage, and regardless of where such loss or damage occurs.

7.2 Persons.

a. Indemnity. To the extent permitted under Georgia law, Licensee waives, releases, and agrees to indemnify and save Licensor and its respective officers, employees and agents harmless from all liabilities, and the cost and expense of defending all claims of liability, for any personal or bodily injury to persons, including death, arising out of the use of the facilities by Licensee or by any other person admitted to the facilities by Licensee (i) suffered by Licensee, (ii) suffered by any person admitted to the facilities by Licensee, or (iii) suffered by any other person as a result of the acts or omissions of Licensee or any persons admitted to the facilities by Licensee, in each case ((item (i) through (iii)), regardless of whether Licensee's negligent or wrongful act or omission, caused, contributed to or aggravated the loss or damage, and regardless of where such loss or damage occurs. **Licensor may require Licensee to obtain and present certification of public liability or other insurance for the License Period.**

8. Assignment: Binding Effect.

8.1 By Licensee: Licensee shall not assign the License Agreement or sublicense the license for any facilities as a whole, or in part, without the prior written approval of Licensor. Licensor may sell or otherwise grant to others permission to enter or to use the facilities on terms consistent with the License Agreement between Licensor and Licensee.

8.2 By Licensor: Licensor may assign any of its rights or duties upon notice to Licensee, but any such assignment shall bind the assignee to the License Agreement between Licensor and Licensee.

8.3 Binding Effect on Licensee: The License Agreement is binding on Licensee, its successors and assigns. The License Agreement is also binding on each person admitted to the facilities by Licensee. As to its obligations to Licensor, Licensee assumes full responsibility for the acts or omissions of anyone who obtains access to the facilities upon the express or implied consent, invitation, or sublicense of Licensee and any person to whom Licensee has granted access by consent, invitation, or sublicense shall be a person admitted to the facilities by Licensee.

8.4 Binding Effect on Licensor: The License Agreement is binding upon Licensor, its successors and assigns. Licensor may perform any of its rights or obligations directly or through others.

9. No Property Interest: Licensee has not acquired any property interest in the facilities. Licensee has solely a license which is revocable by Licensor, but only on the terms of the License Agreement.

10. Severability: If any provision of the License Agreement is unenforceable or is unenforceable in a particular application, then, as the case may be, the remaining provisions of the License Agreement and other applications of that provision shall not be effected.

11. Waiver by Licensor: In order to be binding on Licensor, any waiver or change to the License Agreement must be in writing and must be signed by a duly authorized officer of Licensor.

12. Smoking: Smoking is not permitted in the facility at any time, including load-in/out periods. Licensees and Contractors are expected to observe and support this policy.

13. Emergency Evacuation: Licensor reserves the right to evacuate the premises at any time it deems necessary for the safety of the public.

14. Occupancy Control: Licensor reserves the sole discretion to restrict the number of persons on the premises, or in any room or part, at any time, consistent with public safety.

15. Unsafe Conditions: Licensee will immediately correct any unsafe or unsanitary condition, as identified by Center in its sole discretion, created by Licensee's occupancy of the premises.

EXHIBIT B
(Insert college Fee schedule for use of facilities, supplies, and/or equipment and pay rate of college staff if required to be present)

EXHIBIT C
(Insert ALCOHOL ON CAMPUS REQUEST AND AGREEMENT if applicable; revised form is attached as a link to the "Use of Alcoholic Beverages on Campus" Procedure)

POLICY: 3.3.7. (II. C. 7.)

Tobacco Use

Revised: May 4, 2006; March 14, 2001; September 1, 1994
Last Reviewed: May 4,2006
Adopted: April 7, 1988

POLICY:

Tobacco use causes enormous financial, social and public health harm to the citizens of Georgia. Accordingly, tobacco use is prohibited within the System Office, all technical colleges and within all other facilities under the supervision or control of TCSG.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

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POLICY: 3.3.8. (II. C. 8.)

Records Management

Revised: April, 23, 2001
Last Reviewed: June 23, 2005
Adopted: April 23, 2001

POLICY:

The System Office and the Technical College System of Georgia [TCSG] shall ensure the legal disposition of agency records in accordance with instructions contained in the official records retention schedule approved by the State Records Committee and any relevant federal statutes.

The System Office and the technical colleges shall also adhere to the federal statues pertaining to records management. These include records concerning non-resident aliens, employment, financial aid, education, campus security, and non-discrimination in federally subsidized programs.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
Georgia Records Management Act O.C.G.A §50-18-92

Federal Statutes and Regulations
Affirmative Action Programs Pursuant to Qualified Disabled Veterans and Vietnam Era Veterans: 41 C.F.R. §60-250.80
Age Discrimination in Employment Act: 29 C.F.R. §1627
Campus Security: 20 U.S.C. §1092(f)(1)(F)
Drug Free Schools and Communities Act: 34 C.F.R. §86.103
Equal Pay Act: 29 C.F.R. §1620.32
Exchange Visitors: 22 C.F.R. §62.10
Fair Labor Standards Act: 29 U.S.C. §213(a)(1)
Family and Medical Leave Act. (see TCSG Procedure 4.5.1p. FMLA)
Financial Aid Records: 34 C.F.R. §674-675
Immigration and Naturalization Records: 8 C.F.R. §274a.2
International Students: 8 C.F.R. §214.3(g)
Tax Records: 29 C.F.R. §31 subpart G
The Civil Rights Act of 1964: 29 C.F.R. §1602.48-50; 29 C.F.R. §1607.15

POLICY: 3.3.9. (II. C. 9.)

Inventory Management

Revised: October 2, 2003; May 14, 2001; April 23, 2001
Last Reviewed: October 2, 2003
Adopted: August 3, 1989

POLICY:

The Technical College System of Georgia [TCSG] 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 System Office and technical colleges in accordance with the state guidelines issued by the Department of Audits. In addition, the System Office and all technical colleges shall maintain appropriate licensing records for all computer software.

The System 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 System 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.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. §50-5-140 et seq.
Accounting Procedure Manual for the State of Georgia

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POLICY: 3.3.10 (II.C.10)

Firearms, Weapons, and Explosives

Revised: August 7. 2014
Last Reviewed: October 14, 2016
Adopted: September 2, 2010

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. 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. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

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

POLICY: 3.3.11. (II. C. 11.)

Severe Inclement Weather

Revised: April 23, 2001
Last Reviewed: June 23, 2005
Adopted: July 1, 1986

POLICY:

The Governor shall make decisions affecting the closure of all agencies statewide or within a geographic region. Decisions regarding conditions affecting the System 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 System 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 the System Office staff. Technical college presidents are responsible for the administration of this policy for their campuses.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure 3.3.11p. Severe Inclement Weather

Procedure: 3.3.11p. (II.C.11)
Severe Inclement Weather

Revised: November 15, 2016, April 23, 2001
Last Reviewed: November 15, 2016
Adopted: July 1, 1986

I. PURPOSE:

Whenever it is determined that the health or safety of citizens, clients, or employees would be placed at risk or that conditions or events prevent performance of regular operations, services or responsibilities assigned to a state agency, closure of an agency or a subsection thereof may be deemed necessary.

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Policy on Inclement Weather and Emergency Closure
State Board POLICY: 3.3.11. Severe Inclement Weather

III. APPLICABILTY: n/a

IV. DEFINITIONS: n/a

V. ATTACHMENTS: n/a

VI. PROCEDURE:

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 & Homeland Security 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 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 Georgia Public Radio Network (GPB) will carry official announcements. Agencies with operations outside of metropolitan Atlanta are encourage 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. The Commissioner, for System Office employees, or the President, for technical college employees, is responsible for determining the appropriate method of communicating closures that affect only their agency.

Employees who are not directly affected by the conditions warranting closure, or who are not scheduled to work during such times, shall not accrue any right to, and shall not be compensated in any manner for any absence that may be authorized for the employees directly affected.

VII. RECORD RETENTION: n/a

POLICY: 3.3.12. (II. C. 12.)

Real Property Acquisitions and Leases

Revised: November 4, 2010
Last Reviewed: November 4, 2010
Adopted: May 10, 2001

POLICY:

All real property acquisitions, whether purchased or donated, must be approved by the State Board and the State Properties Commission.

Prior to approval by the State Board, the president of a technical college shall consult with the Commissioner as to the need of the property for the college. If acquisition is approved by the Commissioner, the Director of Facilities Management at the System Office shall request approval of the acquisition by the State Board.

At the time the property acquisition is presented to the State Board for Approval, the following documents shall be in the Office of Facilities Management:

1) Two written appraisals of the property prepared by appraisers who are members of the Appraisal Institute (MAI);

2) A plat of survey of the property prepared by a Georgia Registered Land Surveyor; and

3) A Phase I Environmental Site Assessment of the property.
After approval of the acquisition by the State Board, the Office of Facilities Management shall forward to the State Properties Commission a request for approval of the acquisition.

A request for the rental or lease of off-campus space shall be submitted to the Director of Facilities Management at System Office for approval. After approval, the Director of Facilities Management shall notify the State Board of the proposed rental or lease and submit a request to the State Properties Commission to formalize a rental agreement with the Owner/Landlord of the space to be rented as required by law. The State Board must approve leases of (1) spaces exceeding 5,000 sq. feet of interior space or (2) a space of any size when either a college's foundation or any governmental entity will be the landlord.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. §50-16-30 through §50-16-47
Attachment 3.3.12.a1. Space Management Form
O.C.G.A. § 50-5-30

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Attachment: 3.3.12.a1.

SPACE REQUEST FORM

DOAS/SBS, SPACE MANAGEMENT
TWO NORTHSIDE 75 - SUITE 134
ATLANTA, GEORGIA 30318-7701
404/352-4890 FAX 404/352-4889

Assigned to: _____

DATE Click here to begin. _____
RENTAL AGREEMENT # _____
FY _____

(1.) TYPE OF REQUEST

☐ NEW _____ ☐ RENEWAL _____ ☐ RENEGOTIATION _____ ☐ EXPANSION _____ ☐ OTHER _____

(2.) REQUESTED BY	(3.)	(4). LOCAL CONTACT
Agency	City/County of Occupancy	Division
Address:	Occupancy Date Desired	Address:
Phone:	Budgeted Rent Amount	Phone:
Coordinator	Number of People	Contact Person

(5.) CURRENT RENTAL INFORMATION

Monthly Rate _____
Utilities * _____
Janitorial * _____

TOTAL _____ $0.00

*- if not included in rent

NEED SPECIAL REQUIREMENTS TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT (ADA)

_____ Yes _____ No

(6.) CURRENT BUILDING PROBLEMS NOT CORRECTED

LANDLORD NOTIFIED IN WRITING? Yes_____ No _____

(7.) REASON FOR REQUEST/REMARKS

(8.) I CERTIFY THAT THE SPACE REQUESTED ABOVE IS NECESSARY FOR THE PROPER FUNCTION OF THE AGENCY NAMED AND THAT SUFFICIENT FUNDS ARE AVAILABLE.

NAME OF AUTHORIZED REQUESTING OFFICIAL

SIGNATURE

X Original signature required

Title

DATE

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Procedure: 3.3.13p. (II.C.13)
Business Email Archiving, Retention and Investigation Procedure

Revised: September 15, 2010
Last Reviewed: September 15, 2010
Adopted: September 15, 2010

I. **PURPOSE:**

Business email archiving and retention involves storing in an unalterable format for a specified amount of time all electronic messages processed by any TCSG or college email system used for employee business email communications. This procedure sets a standardized searchable storage system for retention and retrieval of all electronic correspondence to, from, or within TCSG/college business email systems in a manner that is consistent with federal requirements.

II. **RELATED AUTHORITY:**

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

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

IV. **DEFINITIONS**: N/A
V. **ATTACHMENTS:** N/A

VI. **PROCEDURE:**

A. Retention and retrieval system:

1. To meet retention guidelines and comply with e-Discovery requirements, every TCSG entity which operates a business email system will implement a TCSG-approved searchable email retention and retrieval system which stores unalterable copies of all email correspondence processed by their business email systems.
2. All employee business email correspondence must utilize the TCSG, Quick Start or college Microsoft Exchange email system. This includes all correspondence with students with the exception of broadcast messages to classes sent via an online classroom format.
3. Archived messages will be transported and stored in an encrypted format readable only by TCSG, the college or their designees.
4. The archiving system will allow selected mailboxes to be marked for legal holds providing for storage for an indefinite period of time during legal proceedings (see VI.C. below).
5. The retention period for all email messages not subject to legal holds will be 60 months.

6. All archived messages will be accessible for retrieval for the full retention period, after which they will be purged from the archive.
7. PST file storage and POP3 mail access will be disabled.

B. Investigations involving archived messages:

1. Access to messages of other employees for investigative purposes will be achieved by the following:
    a. Request must be submitted via email to the appropriate Information Security Administrator by a member of the college's senior management team or the System office executive committee. The request must contain the name of the requesting party, the subject and purpose of the investigation.
    b. If the requesting party is not the Commissioner or College President the ISA will obtain approval via email from the Commissioner/President or his/her designee prior to providing the information.
    c. The ISA will notify the local HR Director and the TCSG Information Security Officer that an investigation is underway, the name of the mailbox being investigated, the name of the requestor and the reason for the investigation. The TCSG ISO will notify the TCSG Director of Human Resources.
    d. The HR Director at the college or TCSG will notify the subject of the investigation that the contents of his/her email account will be investigated.
    e. A temporary access account will be created with access to the mailbox under investigation. The temporary access account will be deleted once the investigation is completed.

C. Litigation holds:
1. Where TCSG or the college is the subject of litigation, there are special requirements related to electronic document retention (including emails).
2. Upon receipt of an ante litem notice, summons, complaint or other notice that TCSG or the college may be the subject of litigation, the receiving party is to contact the TCSG Legal Office.
3. The TCSG Legal Office will then issue a Litigation Hold Notice to the party of the lawsuit instructing the college to retain all documents which might be relevant to the lawsuit in their original state. Printing out and retaining only paper documents is not sufficient.
4. The archiving system discussed herein allows certain mailboxes to be marked for legal holds.
5. At the completion of litigation, the TCSG Legal Office will issue a letter indicating that the Litigation Hold on these documents has been lifted and the documents will return to their ordinary retention schedule.

VII. **RECORD RETENTION:**

Litigation Hold Notice – retained for 2 years after the completion of the litigation.

Procedure: 3.3.14p. (II.C.14a.)
Open Records Requests

Revised: July 15, 2015; January 9, 2013
Last Reviewed: July 15, 2015
Adopted: July 18, 2008

I.PURPOSE:

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.RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. §§ 50-18-70 et seq
O.C.G.A. § 10-1-761
O.C.G.A. § 45-11-1
Family Educational Rights & Privacy Act (FERPA), 20 U.S.C. §1232(g); 34 CFR Part 99.

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

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 3.3.14p.a1. Sample Response Letter

VI. PROCEDURES:

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:
    i. 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)
    ii. 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)
    iii. Records maintained by TCSG and associated foundations that contain personal information concerning donors or potential donors except;
        1. 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)
        2. "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.

iv. Medical records; O.C.G.A. § 50-18-72(a)(2)
v. 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)
vi. 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)
vii. 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)
viii. 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)
    1. 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).
    2. 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;
    3. 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.
ix. 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)
x. 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)

xi. 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)

xii. 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)

xiii. 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)

xiv. 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)

xv. Records relating to a Quick Start training program disclosing an economic development project prior to a binding commitment having been secured. For purposes of this paragraph, “economic development project” means a plan or 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. O.C.G.A. § 50-18-72(a)(47)

xvi. Quick Start related records pertaining to job applicants, or identifying proprietary hiring practices, training, skills, or other business methods and practices of a private entity O.C.G.A. § 50-18-72(a)(47)

1. 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.
2. 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.

xvii. 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.

xviii. 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.

xix. 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.

xx. 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.

xxi. 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.

xxii. 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.

A) 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:

B) 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.

a) 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.

b) 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.

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

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

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

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

VII. RECORD RETENTION:

All employment-related documents created or collected pursuant to this procedure shall be maintained in a manner consistent with the Georgia Archive's Retention Schedule for State Government Paper and Electronic Records. NOTE: all medical information obtained/collected in conjunction with a donated leave request shall be maintained in a file separate from the employee's official personnel file with limited access.

ATTACHMENT: (3.3.14p.a1.)

Sample Open Records Response

Instructions for various situations are underlined and should be removed from final response; insert college specific information in highlighted areas

Dear [Requestor's Name]:

I have received your request for [list requested records] dated [insert date of request]. I am responding to your request under the Georgia Open Records Act, which can be found at O.C.G.A. § 50-18-70 et seq.

The following records are available: [insert list of available documents]. OR ***If documents have been requested that contain confidential information:***
The following documents exist, but [college name/TCSG] will be unable to produce the records under an exception(s) to the Georgia Open Records Act: [list documents that will not be produced or information that will be redacted AND the legal citation to the exception from the Open Records Act.] ***NOTE: citations are included in the Open Records Procedure at the end of each exception that is listed***

If the cost of producing responsive documents is less than $25.00:
All responsive documents have been enclosed. ***OR*** are available for review at [insert location where records can be viewed]. ***If the documents cannot be produced within 3 business days, use the following as an alternative:*** The responsive documents will be available by [date] and will be sent to you at that time. ***OR*** will be available for review at [location].

If responding to the request will generate costs in excess of $25.00:
The cost for producing the responsive documents is estimated at $[insert total cost] which includes XX ***(minus the first 15 minutes)*** staff hours for search, retrieval, production, copying, and if applicable, redaction of the records, 10 cents each for approximately XX copies, and ***only if applicable*** $XX for [list cost of flash drive, CD, cost of non-traditional sized copying]. Please confirm that you are willing to pay for the cost of production. Once I receive your confirmation, the college [or TCSG] will begin the search and retrieval process. I anticipate the documents will be available [insert date or other period of time, e.g. within one week of receiving confirmation from you].

If responding to the request will generate costs in excess of $500.00:
The college [or TCSG] anticipates that the cost to respond to your request will be $[insert total cost] which includes XX ***(minus the first 15 minutes)*** staff hours for search, retrieval, production, copying, and if applicable, redaction of the records, 10 cents each for approximately XX copies, and ***only if applicable*** $XX for [list cost of flash drive, CD, cost of non-traditional sized copying]. Please send your payment to my attention. Once the payment is received, the college [or TCSG] will begin the search and retrieval process. I anticipate the documents will be available [insert date or other period of time, e.g. within one week of receiving your payment.

If you have any questions, please do not hesitate to contact me at [insert phone number] or [email].

POLICY: 3.3.15. (II.C.15.)
Environmental Protection

Revised: November 7, 2013
Last Reviewed: October 14, 2016
Adopted: May 10, 2001

POLICY:

The Technical College System of Georgia [TCSG] is committed to protecting the environment while recognizing that teaching, research and service activities conducted in pursuit of the TCSG and colleges' mission may result in environmental impacts.

TCSG's goal is to reduce waste and emissions, and ensure compliance with all relevant environmental regulations. All employees and other members of the technical college community shall strive to minimize adverse impacts on the air, water, and land through pollution prevention and energy conservation. By successfully preventing pollution at its source, we can achieve cost savings; increase operational efficiencies; improve the quality of our teaching, research and services; maintain a safe and healthy workplace for our employees and students; and improve the environment. This environmental policy is based on the following guiding principles:
Preventing pollution by reducing and eliminating the generation of waste and emissions at the source shall be a prime consideration in college activities. The Commissioner and the technical college presidents shall seek to identify and implement waste minimization and pollution prevention opportunities.

Environmental protection is everyone's responsibility. The Commissioner and the presidents of the technical colleges shall communicate their environmental policies to employees and other members of the technical college community. All members of the technical college community shall be encouraged to identify and implement feasible pollution prevention and waste minimization opportunities.

Technologies and methods that substitute non-hazardous materials and utilize other source reduction approaches shall be given top priority in addressing environmental issues. Where source reduction is not possible or feasible, TCSG shall make every effort to investigate recycling as a waste management option in lieu of treatment and disposal, which shall be the least preferred waste management options.

TCSG shall strive to continually improve its environmental performance by developing and implementing tools to measure performance and provide the information necessary to establish realistic objectives for continued reductions in waste generation and energy consumption. Progress in attaining these objectives shall be communicated to employees and other members of the technical college community as well as the general public.

TCSG shall demonstrate its leadership role to the citizens of Georgia by adhering to applicable

environmental regulations while ensuring that the generation of wastes and emission of pollutants are minimized to the extent feasible. TCSG shall promote cooperation and coordination among industry, government, and the public toward the shared goal of preventing pollution at its source, by seeking new ideas for pollution prevention and waste minimization, and by sharing experiences with the general public.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Environmental Compliance, Legal Developments Related to Compliance in Higher Education, A.C.E. Summary

Website for the federal Environmental Protection Agency, Region 4

Website for Environmental Protection Agency's Region 3, "Information for Colleges and Universities”

Center for Sustainable Systems

Procedure: 3.3.16p (II.F.)
Identity Theft Prevention

Revised:	May 17, 2016; May 3, 2012
Last Reviewed:	May 17, 2016
Adopted:	May 3, 2012

I.PURPOSE:

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 procedure 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. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

III. APPLICABILITY:

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

IV. 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.

V. ATTACHMENTS: None.

VI. 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:**
    a. Change of address for a covered account followed by a request to change the student's name;
    b. Payments stop on an otherwise consistently up-to-date covered account;
    c. Covered account used in a way that is not consistent with prior use;
    d. Mail sent to the student is repeatedly returned as undeliverable;
    e. Notice to the college that a student is not receiving mail sent by the college;
    f. Notice to the college that a covered account has unauthorized activity;
    g. Breach in the college's computer system security; and
    h. 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).

VII. RECORD RETENTION: Not Applicable.

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 3.4
Emergency Preparedness

3.4.1..... POLICY - Emergency Preparedness, Health, Safety and Security
3.4.1.a1..... Attachment: Emergency Preparedness, Health, Safety and Security
3.4.1p1.....Procedure - TCSG Emergency Operations Plan
3.4.1p2 .....Procedure - TCSG Business Continuity Plan
3.4.1p3 .....Procedure - TCSG Exposure Control Plan
3.4.1p4.....Procedure - TCSG Hazard Communication Program and Hazardous Chemicals Plan
3.4.1p5 .....Procedure - TCSG Security
3.4.1p5.a1 ..... Attachment: TCSG Annual Security Report Template

POLICY: 3.4.1. (II.D.)

Emergency Preparedness, Health, Safety and Security

Revised: December 5, 2013
Last Reviewed: October 14, 2016
Adopted: December 5, 2013

POLICY:

The Technical College System of Georgia [TCSG] and each of its associated technical colleges and work units are committed to healthy, safe and secure workplaces and/or educational settings for all employees, students, volunteers, visitors, vendors and contractors. Each technical college or work unit shall develop, review and submit, at least annually to the System Office, those plans and procedures which are essential to respond to matters of natural and man-made hazards; public health; occupational and environmental safety as well as security. These plans and procedures shall be established with the goals of mitigating risk to individuals and physical resources as well as of maintaining compliance with national, state and local regulations. The Commissioner is directed to develop procedures necessary to implement the provisions of this policy.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

[Attachment: 3.4.1.a1.]

Emergency Preparedness, Health, Safety and Security

Procedures and Associated Attachments can be viewed after logging into KMS.

Emergency Preparedness, Health, Safety and Security
(State Board Policy 3.4.1.)

The Technical College System of Georgia (TCSG) and each of its associated technical colleges and work units are committed to healthy, safe and secure workplaces and/or educational settings for all employees, students, volunteers, visitors, vendors and contractors. Each technical college or work unit shall develop, review and submit, at least annually to the System Office, those plans and procedures which are essential to respond to matters of natural and man-made hazards; public health; occupational and environmental safety as well as security. These plans and procedures shall be established with the goals of mitigating risk to individuals and physical resources as well as of maintaining compliance with national, state and local regulations. The Commissioner is directed to develop procedures necessary to implement the provisions of this policy.

The following procedures a designated to support efforts in the areas of Emergency Preparedness, Health, Safety and Security:

I. TCSG Emergency Operations Plan (TCSG Procedure 3.4.1p1.)

An Emergency Operations Plan (EOP) is developed to mitigate the damage of potential events that could endanger the ability of a technical college or a work unit to function. An EOP includes measures that provide for the safety of employees, students, volunteers, visitors, vendors and contractors as well as property and facilities. It also includes provisions to assess the severity of an incident and implement steps to eliminate the problem.

II. TCSG Business Continuity Plan (TCSG Procedure 3.4.1p2.)

A Business Continuity Plan (BCP) ensures the maintenance of critical operations when confronted with adverse events such as natural disasters, technology failures, human errors, or terrorism. The objectives of a BCP plan are to minimize loss to the organization, continue to serve customers, and maintain administrative operations. Each technical college or work unit has an obligation to protect and provide for employees, students, volunteers, visitors, vendors and contractors in the event of a major interruption to the mission or operation. This obligation also extends to those of each operating unit.

III. TCSG Exposure Control Plan (TCSG Procedure 3.4.1p3.)

An Exposure Control Plan (ECP) is developed by technical colleges and work units to eliminate or minimize exposure to bloodborne and airborne pathogens in recognition of OSHA Standard 29 CFR 1910.1030, “Occupational Exposure to Bloodborne Pathogens” as well as Centers for Disease Control (CDC) “Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Facilities, 2005.”

IV. TCSG Hazard Communication Program Plan and Hazardous Chemical Inventory (TCSG Procedure 3.4.1p4.)

A Hazard Communication Program Plan (HCPP) is established to inform employees and students of the hazardous properties of chemicals with which they work or study, of safe handling procedures and of measures to take to protect employees and students from these chemicals. In addition, an HCPP will inform employees of the contents of the Occupational Safety and Health Administration (OSHA) Hazard Communications Standard, 29 CFR 1910.1200 (along with the Georgia Public Employee Hazardous Chemical Protection and Right to Know Act of 1988 O.C.G.A. §45-22-1 to §45-22-12 as well as the Georgia Public Employee Hazardous Chemicals Protection and Right to Know Rules, 300-3-19-01 et seq.)

V. TCSG Security (TCSG Procedure 3.4.1p5.)

Several processes are included in the support of security efforts to the TCSG technical colleges and work units. These processes include, but are not limited to, reporting to the U.S. Department of Education regarding the Annual Security Report (ASR) (frequently referred to as the “Clery Report”), maintaining appropriate emergency response notifications with particular processes associated with the safety and security of student housing.

Attachment 3.4.1p5.a1 TCSG Annual Security Report Template

Back

Procedure: 3.4.1p1. (II.D.1a)
TCSG Emergency Operations Plan

Revised: November 7, 2013
Last Reviewed: October 14, 2016
Adopted: October 3, 2001

I. PURPOSE:

The Technical College System of Georgia (TCSG) and each of its associated technical colleges and work units are committed to healthy, safe and secure workplaces and/or educational settings for all employees, students, volunteers, visitors, vendors and contractors. Each technical college or work unit shall develop, review and submit, at least annually to the System Office, those plans and procedures which are essential to respond to matters of natural and man-made hazards; public health; occupational and environmental safety as well as security. These plans and procedures shall be established with the goals of mitigating risk to individuals and physical resources as well as of maintaining compliance with national, state and local regulations. The Commissioner is directed to develop procedures necessary to implement the provisions of this policy.

II. RELATED AUTHORITY:

Guide for Developing High-Quality Emergency Operations Plans for Institutions of Higher Education. June 2013. U.S. Department of Education, U.S. Department of Health and Human Services, U.S. Department of Homeland Security, U.S. Department of Justice, Federal Bureau of Investigation, Federal Emergency Management Agency. Available at http://rems.ed.gov/docs/REMS_IHE_Guide_508.pdf.

National Incident Management System (NIMS) Implementation for Schools and Institutions of Higher Education (IHEs) Webpage. Available at http://rems.ed.gov/display.aspx?page=resources_NIMS

2013 Georgia Emergency Operations Plan (GEOP); Georgia Emergency Management Agency (GEMA). Available at http://www.gema.ga.gov/content/atts/prepare/Plans%20and%20Maps/Plan%20Library/GEOP2010.pdf
Myer, R.A., James, R.K. and Moulton, P. (2011). This is not a fire drill: Crisis intervention and prevention on college campuses. John Wiley & Sons, Inc.: Hoboken, NJ.
Federal Emergency Management Agency (FEMA) Emergency Management Institute training. Available at http://training.fema.gov/IS/NIMS.aspx
IS-100.HE Introduction to Incident Command for Higher Education.
IS-700.a Introduction to National Incident Management System (NIMS): An Introduction.
Georgia Pandemic Influenza Planning advisement document. Available at http://health.state.ga.us/pandemicflu/doc/Georgia%20Pandemic%20Influenza%20Standard%20Operating%20Guide%206-7-06.pdf

III. APPLICABILITY:

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

IV. DEFINITIONS:

All Hazards: Any incident or event, natural or human caused, that requires an organized response by a public, private, and/or governmental entity in order to protect life, public health and safety, values to be protected, and to minimize any disruption of governmental, social, and economic services.

Assessment (Threat or Hazard): The method for determining risk and the resources and issues to be addressed in the EOP. Assessments include but are not limited to: site assessments, culture and climate assessments, behavioral threat assessments, and capacity assessments.

Incident Command System (ICS): A standardized on-scene emergency management concept specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries.
Mitigation: The capabilities necessary to eliminate or reduce the loss of life and property damage by lessening the impact of an event or emergency.

National Incident Management System (NIMS): A systematic, proactive approach guiding government agencies at all levels, the private sector, and nongovernmental organizations to work seamlessly to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life or property and harm to the environment.

Prevention: The capabilities necessary to avoid, deter, or stop an imminent crime or threatened or actual mass casualty incident.

Protection: The capabilities to secure against acts of terrorism and man-made or natural disasters.

Response: The capabilities necessary to stabilize an emergency once it has already happened or is certain to happen in an unpreventable way; establish a safe and secure environment; save lives and property; and facilitate the transition to recovery.

Recovery: The capabilities necessary to restore a setting affected by an event or emergency.

Vulnerabilities: The characteristics which make a setting or individual more susceptible to identified threats or hazards.

V. ATTACHMENTS:

A. TCSG Emergency Operations Plan Signature Page Exemplar (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)
B. TCSG Emergency Operations Plan Guide (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)
C. TCSG Pandemic Influenza Plan Guide (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)

VI. PROCEDURE:

A. The President/Executive is directly responsible for the implementation of this policy with its accompanying procedures. The President/Executive shall provide sufficient resources, personnel and administrative support to accomplish this end.
B. Recognize the Intent of the Emergency Operations Plan (EOP): The intent of the EOP is to provide a planned and coordinated response in concert with local, state and federal authorities, to certain acts of violence, acts of terrorism, accidents, hazardous materials, as well as natural and man-made disasters at all locations for which the work unit or college is responsible.
C. Form a Collaborative Planning Team: The planning team should be small enough to permit close collaboration, yet large enough to be representative of the work unit or technical college community, as well as the broader community. It should also be large enough to not place an undue burden on any single individual. The work unit or technical college will assign a single individual to serve as the coordinative point of contact for the EOP.
D. Understand the Situation: Identify possible threats and hazards, and assess the risk and vulnerabilities posed by those threats and hazards. This is typically performed through a threat and hazard identification, and risk assessment process that collects information about threats and hazards, and assigns values to risk for the purposes of determining which threats or hazards the EOP should prioritize and subsequently address.
E. Develop Goals and Objectives: *Goals* are broad, general statements that indicate the desired outcome in response to the threat or hazard identified and/or prioritized. They are what personnel and other resources are to achieve, help identify when major activities are complete and what defines a successful outcome. *Objectives* are specific, measurable actions that are necessary to achieve the goals.
F. Develop EOP: (Identify Courses of Action): This plan details the strategies for the achievement of the goals and objectives by determining the following: the action, responsibility for the action, the timing and duration of the action, what proceeds and follows the action, resources required, effect of the action on specific populations, such as individuals with disabilities and others with access and functional needs or who may experience severe anxiety during traumatic events. ICS and NIMS principles should be employed in the development of the EOP.
G. Prepare, Review, and Approve the EOP: Appropriate processes should be adopted and documented regarding the preparation of the EOP, including formatting and writing; review for compliance with national, state and local regulations and local support of the EOP by appropriate

stakeholders and authorities (local boards; law enforcement, public safety and GEMA representatives should be considered.)

H. Maintain the EOP: The EOP shall be reviewed and revised as necessary each year. The reviewed EOP shall be submitted to the TCSG System Office not later than May 1st of each calendar year. In addition, the EOP should be reviewed when any of the following have occurred: actual emergencies; changes have been made in policy, personnel, organizational structures, processes, facilities, or equipment; formal updates of planning guidance or standards have been finalized; formal exercises have taken place; changes in the surrounding community have occurred; threats or hazards change or new ones emerge; or ongoing assessments generate new information.

I. Implement the EOP: Promulgate the EOP to all stakeholders. Train, drill and exercise all participants to their level of involvement. Document EOP implementation.

VII. RECORD RETENTION: The currently implemented EOP and all of its revisions shall be retained for a five year period.

Procedure: 3.4.1p2. (II.D.2a.)

TCSG Business Continuity Plan

Revised: November 7, 2013
Last Reviewed: October 14, 2016
Adopted: November 7, 2013

I.PURPOSE:

The Technical College System of Georgia (TCSG) and each of its associated technical colleges and work units are committed to healthy, safe and secure workplaces and/or educational settings for all employees, students, volunteers, visitors, vendors and contractors. Each technical college or work unit shall develop, review and submit, at least annually to the System Office, those plans and procedures which are essential to respond to matters of natural and man-made hazards; public health; occupational and environmental safety as well as security. These plans and procedures shall be established with the goals of mitigating risk to individuals and physical resources as well as of maintaining compliance with national, state and local regulations. The Commissioner is directed to develop procedures necessary to implement the provisions of this policy.

II. RELATED AUTHORITY:

Federal Emergency Management Agency:

Business continuity planning information:
http://www.ready.gov/business/implementation/continuity

Business Continuity Planning Suite
http://www.ready.gov/business-continuity-planning-suite

Emergency Management Higher Education Virtual Symposiums: Business Crisis and Continuity Management: http://training.fema.gov/EMIWeb/edu/busind.asp

Higher Education Compliance Alliance:
http://www.higheredcompliance.org/resource/business-continuity-planning-toolkit/

Educause Center for Applied Research:
http://net.educause.edu/ir/library/pdf/ERB0711.pdf

III. APPLICABILITY:

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

IV. DEFINITIONS:

Business Continuity: Business continuity is an ongoing process to ensure that the necessary steps are taken to identify the impact of potential losses and maintain viable recovery strategies, recovery plans, and continuity of services.

Business Continuity Planning: Business continuity planning is the process whereby organizations ensure the maintenance of critical mission functions when confronted with adverse events such as natural disasters, technology failures, human errors, or terrorism. The objectives of a business continuity plan (BCP) are to minimize loss to the organization, continue to serve customers, and maintain administrative operations.

Business Impact Analysis: Business impact analysis identifies critical business processes, assigns estimates of maximum allowable downtime, and designates priorities for restoration.

Critical Mission Functions: Critical mission functions include those activities, devices, services or systems whose failure or disruption will cause a collapse in business operations.

Risk Assessment: Risk assessment identifies specific threats, assesses vulnerability to those threats, and assigns degree of risk associated with each threat.

V. ATTACHMENTS:

A. TCSG Business Continuity Plan Informational Summary (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)

B. TCSG Business Continuity Plan Guide and Appendices (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)

VI. PROCEDURE:

A. The President/Executive is directly responsible for the implementation of this policy with its accompanying procedures. The President/Executive shall provide sufficient resources, personnel and administrative support to accomplish this end.
B. Recognize the Intent of the BCP: The intent of the BCP is to guide response and recovery from a major emergency and where appropriate, to be linked or combined with emergency operations procedures.
C. Form a Collaborative Team: This team should be representative of the operational units of the work unit or technical college and work cooperatively with a System Office contact. The work unit or technical college will assign a single individual to serve as the BCP Coordinator.
D. Identify Scope of BCP: A BCP represents the needs of the work unit or technical college as a whole, as well as for the individual operating units within, which are responsible for critical mission functions.
E. Perform Business Impact Analysis: A Business Impact Analysis identifies critical business processes, assigns estimates of maximum allowable downtime, and designates priorities for restoration.

F. Complete Risk Assessment: A Risk Assessment identifies specific hazards, assesses vulnerability to those hazards, and assigns degree of risk associated with each hazard.
G. Develop the BCP: These are the strategies which mitigate the risk of the identified hazards. One opportunity is to provide information to complete the designated templates and work with the System Office to submit the information to the requisite State of Georgia Living Disaster Recovery Planning System (LDRPS). Other optional BCP systems or processes may be considered.
H. Maintain the BCP: The BCP shall be reviewed as part of a continuous improvement process and revised as necessary each year. The reviewed BCP shall be submitted to the TCSG System Office not later than May 1st of each calendar year. In addition, review of the BCP should be considered when any of the following have occurred: actual emergencies; changes have been made in policy, personnel, organizational structures, processes, facilities, or equipment; formal updates of planning guidance or standards have been finalized; formal exercises have taken place; changes in the surrounding community have occurred; threats or hazards change or new ones emerge; or ongoing assessments generate new information.
I. Implement the BCP: Promulgate the BCP to all stakeholders. Train, drill and exercise all participants to their level of involvement. Document BCP implementation.

VII. RECORD RETENTION: The currently implemented BCP and all of its revisions shall be retained for a five year period.

Procedure: 3.4.1p3. (II.D.3.)

TCSG Exposure Control Plan

Revised: November 7, 2013
Last Reviewed: October 14, 2016
Adopted: August 5, 1993

I. PURPOSE:

The Technical College System of Georgia (TCSG) and each of its associated technical colleges and work units are committed to healthy, safe and secure workplaces and/or educational settings for all employees, students, volunteers, visitors, vendors and contractors. Each technical college or work unit shall develop, review and submit, at least annually to the System Office, those plans and procedures which are essential to respond to matters of natural and man-made hazards; public health; occupational and environmental safety as well as security. These plans and procedures shall be established with the goals of mitigating risk to individuals and physical resources as well as of maintaining compliance with national, state and local regulations. The Commissioner is directed to develop procedures necessary to implement the provisions of this policy.

II. RELATED AUTHORITY:

Bloodborne Pathogens Standard: OSHA: 29 C.F.R. 1910.1030 Bloodborne Pathogens Standard and complimentary information available at https://www.osha.gov/Publications/osha3187.pdf

Quick Reference Guide to the Bloodborne Pathogens Standard, available at https://www.osha.gov/SLTC/bloodbornepathogens/bloodborne_quickref.html
Bloodborne Pathogen Exposure Incidents OSHA Fact Sheet, available at https://www.osha.gov/OshDoc/data_BloodborneFacts/bbfact04.pdf

Bloodborne Pathogen Standard, Georgia: Georgia Department of Human Resources as well as O.C.G.A. §31-12-13 Control of Hazardous Conditions, Preventable Diseases, and Metabolic Disorders.

Occupational Safety and Health Act (29 U.S.C. 653, 655, 657)

Universal Precautions: http://www.cdc.gov/ncidod/dhqp/guidelines.html

Tuberculosis Guidelines: Centers for Disease Control and Prevention (CDC), Morbidity and Mortality Weekly Report (*MMWR*): *Recommendations and Reports,* December 30, 2005; 54(RR17);1-141. Guidelines for Preventing the Transmission of *Mycobacterium tuberculosis* in Health-Care Settings, 2005. Available at: http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5417a1.htm?s_cid=rr5417a1_e

III. APPLICABILITY:

All technical colleges and work units (where applicable) associated with the Technical College System of Georgia.

IV. DEFINITIONS:

Blood: Bloodincludes human blood, human blood components, and products made from human blood.

Bloodborne Pathogens (BBPs): Bloodborne pathogens are pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Contaminated: Contaminated describes the presence or the reasonably anticipated presence of blood or other potentially infectious materials (OPIM) on an item or surface.

"Covered": "Covered" individuals are identified by the technical college or work unit as those employees or students who are at-risk or vulnerable in the normal conduct of their tasks or activities for exposure to bloodborne pathogens (blood and/or other potentially infectious body materials), or alternately, airborne pathogens/tuberculosis. A "covered" occupational area is recognized as one in which this risk of exposure is reasonably expected. For example, practical nursing faculty, practical nursing students as well as the academic practical nursing program itself, would be identified as "covered."

Decontamination: Decontamination is the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

Engineering Controls: Engineering controls (e.g., sharps disposal containers, self-sheathing needles, and the like) are those means designed to isolate or to remove the bloodborne/airborne pathogens hazard from the work or instructional environment and the task or activity itself.

Exposure Incident: An exposure event is when a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral comes in contact with blood or other potentially infectious materials that results from the performance of an employee's or student's tasks or activities.

Occupational Exposure: Occupational exposure is the reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's or student's tasks or activities. Occupational exposure could occur in many different settings, including an instructional lab activity, a clinical rotation or other work-site.

Occupational Exposure to Tuberculosis: Occupational exposure to tuberculosis is defined as "exposure to the inhaled or expired air of a person with confirmed or suspected TB disease, exposure to a high-hazard procedure or an individual with suspected or confirmed TB disease and with the potential to generate potentially infectious airborne respiratory secretions."

Other Potentially Infectious Materials (OPIM): OPIM means (1) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; (2) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and (3) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

Personal Protective Equipment (PPE): PPE is specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) are not intended to function as protection against a hazard and are not considered to be personal protective equipment.

Sterilize: To sterilize is to use a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores and nonliving infectious entities.

Universal Precautions: Universal Precautions is an approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are presumed to be infectious for HIV, HBV, and other bloodborne pathogens.

Work Practice Controls: Work place controls are practices and protocols that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

V. ATTACHMENTS:

A. TCSG Exposure Control Plan Signature Page Exemplar (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)

B. TCSG Exposure Control Plan Model (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)

C. Tuberculosis/Airborne Pathogens Information (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)

D. Hepatitis B Vaccination Information (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)

E. TCSG Hepatitis B Training and Vaccination Form; Acceptance/Declination Statement Exemplar (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)

F. TCSG Exposure Incident Report and Follow up Form for Exposure to Bloodborne/Airborne Pathogens (Tuberculosis) Exemplar (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)

G. TCSG Post-exposure Consent for Testing: Source Individual (Testing for HIV, HBV, and HCV Infectivity) Exemplar (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)

VI. PROCEDURE:

A. The President/Executive is directly responsible for the implementation of this policy with its accompanying procedures. The President/Executive shall provide sufficient resources, personnel and administrative support to accomplish this end.

B. The technical college or work unit shall develop an Exposure Control Plan (ECP) to detail procedures to limit exposure to bloodborne and airborne pathogens. The intent of the ECP is to minimize or eliminate the potential for exposure to blood and other potentially infectious body materials as well as airborne pathogens (including tuberculosis) of covered employees and students; to follow-up on exposure incidents and to provide for appropriate training for covered employees and students at primary campus locations, satellite locations and off-campus sites.

C. The technical college or work unit shall assign a single individual to serve as the Exposure Control Coordinator (ECC) to monitor compliance, exposure control procedures (including exposure incidents and materials management) as well as training. The ECC must hold professional health credentials and have expertise with regard to infectious diseases and exposure control procedures. Additional personnel and departments may also be identified to fulfill requirements of the Exposure Control Plan.

D. The ECP shall be reviewed at least annually by the technical college or work unit and revised with regard to compliance with state and federal guidelines including those of the U.S. Department of Public Health, of the Occupational Safety and Health Administration as well as of the Georgia Department of Human Resources. The ECP will be submitted to the TCSG System Office not later than May 1 of each calendar year.

E. The technical college or work unit shall document and implement protocols to determine employee or student exposure according to its ECP; incorporate exposure control measures; use proper recordkeeping methods; and provide appropriate communication and training.

F. The technical college or work unit shall document and implement protocols according to its ECP for the containment, labeling, storage and disposal/removal of sharps, regulated waste, contaminated laundry and certain specimens.

G. The technical college or work unit shall follow the hepatitis B vaccination protocol for each covered employee and student as described in the Attachment D: TCSG Hepatitis B Vaccination Information.

H. Exposure incidents shall be documented, recorded in an Exposure Log, and followed up according to the ECP of the technical college or work unit. Costs associated with the medical follow-up for an exposed covered employee or student shall be the responsibility of the technical college or work unit. In addition, a record of all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material must be documented, recorded in a Sharps Injury Log and followed up according to the ECP of the technical college or work unit.

I. The technical college or work unit shall follow the protocols for tuberculosis screening and surveillance; post-exposure follow-up; and training for each covered employee and student at no cost as described in the Attachment : Tuberculosis/Airborne Pathogen Information. All diagnoses must remain confidential.

J. The technical college or work unit shall follow the protocols of its ECP for blood or OPIM post-exposure follow-up for each exposed covered employee and student at no cost, including: training; procedures and laboratory tests conducted by accredited laboratories; confidential medical evaluation documenting the circumstances of exposure; identification and testing the source individual if feasible; testing the exposed individual if he/she consents; post-exposure prophylaxis; and counseling and evaluation of reported illnesses. Healthcare professionals must be provided specified information to facilitate the evaluation and their written opinion on the need for hepatitis B vaccination following the exposure. Information such as the employee's ability to receive the hepatitis B vaccine must be supplied to the employer. All diagnoses must remain confidential.

VII. RECORD RETENTION: The currently implemented ECP and all of its revisions shall be retained for a three year period. Required confidential medical records of covered employees and covered students must be retained for the duration of employment or attendance plus 30 years. Training records of covered employees and students must be retained for a three year period from the date of training. The Exposure Log must be retained for at least five years following the end of the calendar year covered. The Sharps Injury Log must be maintained for at least five years following the calendar year covered.

Procedure: 3.4.1p4. (II. D. 4.)

TCSG Hazard Communication Program Plan and Hazardous Chemical Inventory

Revised: November 7, 2013
Last Reviewed: October 14, 2016
Adopted: March 3, 1994

I. PURPOSE:

The Technical College System of Georgia (TCSG) and each of its associated technical colleges and work units are committed to healthy, safe and secure workplaces and/or educational settings for all employees, students, volunteers, visitors, vendors and contractors. Each technical college or work unit shall develop, review and submit, at least annually to the System Office, those plans and procedures which are essential to respond to matters of natural and man-made hazards; public health; occupational and environmental safety as well as security. These plans and procedures shall be established with the goals of mitigating risk to individuals and physical resources as well as of maintaining compliance with national, state and local regulations. The Commissioner is directed to develop procedures necessary to implement the provisions of this policy.

II. RELATED AUTHORITY:
O.C.G.A. § 45-22-1 et seq.

Occupational Safety and Health Administration (OSHA) Hazard Communication Standard 29 CFR 1910.1200 available at
https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=standards&p_id=10099

A Guide to *The Globally Harmonized System of Classification and Labelling of Chemicals* (GHS) (OSHA) https://www.osha.gov/dsg/hazcom/ghs.html

The Globally Harmonized System for Hazard Communication (OSHA)
https://www.osha.gov/dsg/hazcom/global.html
Public Employee Hazardous Chemical Protection and Right to Know Act of 1988 O.C.G.A. §45-22-1 to §45-22-12.

Public Employee Hazardous Chemicals Protection and Right to Know Rules, 300-3-19-01 et seq. http://www.state.ga.us/rules/index.cgi?base=300/3/19

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

IV. DEFINITIONS:

Container: *A container is* any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical.

Exposure: Exposure means that an employee or student is subjected to a chemical that is a physical or health hazard, and includes potential (*e.g.* accidental or possible) exposure. "Subjected" in terms of health hazards includes any route of entry (*e.g.* inhalation, ingestion, skin contact or absorption.)

Globally Harmonized System (GHS) of Classification and Labeling of Chemicals: The GHS is a system for standardizing and harmonizing the classification and labeling of chemicals. GHS is intended to define health, physical and environmental hazards of chemicals; create classification processes that use available data on chemicals for comparison with the defined hazard criteria; and communicate hazard information, as well as protective measures, on labels and Safety Data Sheets (SDS).

Hazardous Chemical: Any chemical that is a health hazard or a physical hazard and includes not only generic chemicals but also paints, cleaning compounds, inks, dyes, and many other common substances.

Hazardous Chemical Standard 2012 (HCS): The Hazard Communication Standard (HCS), often called HazCom or employee Right to Know law, is a set of regulations first promulgated in 1988 and last updated in 2012, by the Office of Occupational Safety and Health Administration (OSHA). The Standard's purpose is to ensure that the hazards of workplace chemicals are evaluated, and that information on the hazards is provided to employers and employees.

Health Hazard (Chemical): A chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees or students.

Label: *A label is* an appropriate group of written, printed or graphic information elements concerning a hazardous chemical that is affixed to, printed on, or attached to the immediate container of a hazardous chemical, or to the outside packaging.

Physical Hazard (Chemical): A chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive.

Safety Data Sheet (SDS)*:* An SDS contains the written or printed material concerning a hazardous chemical that is prepared in accordance with 29 CFR Occupational Health and Safety Standards: Toxic and Hazardous Substances: Hazard Communication 1910.1200 (g) United Nations' Globally Harmonized System of Classification and Labeling of Chemicals (GHS) and published it in the Federal Register in March 2012 (77 FR 17574).

V. ATTACHMENTS:

A. TCSG Hazardous Communication Program/Right to Know Plan (HCPP) Signature Page Exemplar (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)

B. TCSG Hazard Communication Program/Right to Know Plan (HCPP) Model (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)

VI. PROCEDURE:

A. The President/Executive is directly responsible for the implementation of this policy with its accompanying procedures. The President/Executive shall provide sufficient resources, personnel and administrative support to accomplish this end.

B. The intent of this policy is to develop plans and establish procedures to safeguard the health and safety of employees and students of the work units and technical colleges of the Technical College System of Georgia when working in contact with or proximity to hazardous chemicals. Each technical college or work unit shall develop and implement, in coordination with the Georgia Department of Labor, a Hazard Communication Program Plan (HCPP) to address measures to protect and appropriately train employees and students working in contact with or in proximity to hazardous chemicals at primary work sites/campus locations, satellite locations and off-campus sites.

C. The technical college or work unit shall assign a single individual to serve as the Hazard Communication Program Plan/Right to Know Coordinator to monitor compliance, hazardous chemical safety practices, incidents and applicable training. The HCPP Coordinator should hold professional credentials and expertise with regard to occupational safety and hazard communication in the workplace. Additional personnel and departments may also be identified to fulfill requirements of the HCPP.

D. The HCPP shall be reviewed annually by the technical college or work unit and revised with regard to compliance with state and federal guidelines including those of the Occupational Safety and Health Administration as well as of the Georgia Department of Labor. The HCPP will be submitted to the TCSG System Office not later than May 1 of each calendar year and then for subsequent approval by the Georgia Department of Labor.

E. Each technical college or work unit shall submit a Hazardous Chemical Inventory of those hazardous chemicals used, stored, or manufactured by the unit to the System Office for review no later than June 30 and December 31 of each calendar year.

F. The technical college or work unit shall document and implement protocols for the containment, labeling, storage and disposal/removal of hazardous chemicals.

G. An employee information poster describing employee rights under O.C.G.A. §45-22-1 to §45-22-12 shall be posted in all appropriate workplaces in a prominent manner so that it is routinely visible to all employees. For those workplaces in geographically dispersed work areas, a poster shall be placed in each work area.

H. The HCPP Coordinator shall make arrangements for and/or ensure training in the area of hazardous chemicals for all employees and students who are at risk for exposure. Training is required prior to initial assignment of an employee to a workplace and periodic retraining is required on at least an annual basis. Training for students is required prior to initial participation in each applicable course with periodic retraining if indicated. The HCPP Coordinator shall also maintain a master log of all associated training activities which shall be maintained for at least

three (3) years after the training is completed. Employee training on the notification and use of hazardous chemicals shall be documented in the employee's personnel file.

I. Each technical college or work unit shall provide appropriate personal protective equipment (PPE) for use by employees and as required in each work environment and shall provide training to employees on the use and maintenance of this equipment. PPE for students may be made available at expense to the student.

J. All hazardous chemicals introduced into the workplace by employers and used in the workplace by employees or students shall be in labeled containers that meet the requirements of the Occupational Safety and Health Administration standard.

VII. RECORD RETENTION: The currently implemented HCPP and all of its revisions shall be retained for a three year period. Required confidential medical records of covered employees and covered students must be retained for the duration of employment or attendance plus 30 years. Training records of covered employees and students must be retained for a seven year period. An Incident Log must be retained for at least five years following the end of the calendar year covered.

Procedure: 3.4.1p5. (II. D. 5a.)

TCSG Security

Revised: November 7, 2013
Last Reviewed: October 14, 2016
Adopted: November 7, 2013

I. PURPOSE:

The Technical College System of Georgia (TCSG) and each of its associated technical colleges and work units are committed to healthy, safe and secure workplaces and/or educational settings for all employees, students, volunteers, visitors, vendors and contractors. Each technical college or work unit shall develop, review and submit, at least annually to the System Office, those plans and procedures which are essential to respond to matters of natural and man-made hazards; public health; occupational and environmental safety as well as security. These plans and procedures shall be established with the goals of mitigating risk to individuals and physical resources as well as of maintaining compliance with national, state and local regulations. The Commissioner is directed to develop procedures necessary to implement the provisions of this policy.

II. RELATED AUTHORITY:

Clery Act or the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46.

US DOE The Handbook for Campus Safety and Security Reporting: http://www2.ed.gov/admins/lead/safety/handbook.pdf

2013 Department of Education Campus Safety and Security Survey https://surveys.ope.ed.gov/security/PrintFormsView.aspx?id=1

Violence Against Women Reauthorization Act ("VAWA") and Campus Sexual Violence Act ("SaVE Act") provision, Section 304 (http://www.gpo.gov/fdsys/pkg/PLAW-113publ4/pdf/PLAW-113publ4.pdf)

US Department of Education, Office for Civil Rights April 4, 2011 Dear Colleague letter: Sexual Violence: http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html

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

IV. DEFINITIONS:

Clery Act: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs keep and disclose information about crime on and near their respective campuses.

Campus Security Authority (CSA): A CSA is any of the following four groups of individuals and organizations associated with a college: campus police department or a campus security department of an college; any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into college property); any individual or organization specified in a college's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; an official of a college who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the college.

Contiguous (Reasonably): Contiguous refers to a building or property owned or controlled at location that the technical college or students consider to be, and treat as, an integral part of the main or core campus; and is covered by the same security policies as the campus. This concept must meet all three of the following criteria: owned by the college but does not control them; frequently used by the college's students; and used to support the college's educational purposes.

On-campus Geography: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On-campus Housing Facility: Any student housing facility that is owned or controlled by the college, or is located on property that is owned or controlled by the college, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Noncampus Geography: Non-campus designation refers to any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the college's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Separate Campus: A location is considered a separate campus if all the following criteria are met: the technical college owns or controls the site; it is not reasonably geographically contiguous with the main campus; it has an organized program of study; and there is at least one person on site acting in an administrative capacity.

V. ATTACHMENTS:

A. **Clery Reporting Information (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)**
B. **Clery Act Compliance Checklist: Colleges Without Housing (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)**
C. **Clery Act Compliance Checklist: Colleges With Housing (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)**
D. **TCSG Annual Security Report Template (KMS Page: https://kms.tcsg.edu/DPR/Planning/EmergencyMgmt.aspx)**

VI. PROCEDURE:

A. The President/Executive is directly responsible for the implementation of this policy with its accompanying procedures. The President/Executive shall provide sufficient resources, personnel and administrative support to accomplish this end.

B. Technical colleges shall collect, classify and count crime reports and crime statistics designated by the US Department of Education including:

1. Criminal offenses:
    a. Criminal Homicide including: murder and non-negligent manslaughter; negligent Manslaughter;
    b. Sex Offenses including: Forcible, and b) Non-forcible;
    c. Robbery; Aggravated Assault;
    d. Burglary;
    e. Motor Vehicle Theft; and
    f. Arson
2. Hate Crimes which include any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias; and a) Forcible, and b) Non-forcible; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
3. Arrests and Referrals for Disciplinary Action for Weapons which include the following: carrying, possessing, etc., drug abuse violations and liquor law violations.
4. Violence against women.

C. Shall provide an Annual Security Report (ASR) to the TCSG System Office and submit it to the U.S. Department of Education by October 1 of each calendar year.

D. Technical colleges with a police or security department are required to maintain a public crime log documenting the nature, date, time, and general location of each crime and its disposition, if known.

E. Technical colleges shall disclose crime statistics for incidents that occur on campus(es), in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities. The statistics must be gathered from campus police or security, local law enforcement and other school officials who have "significant responsibility for student and campus activities.

F. Technical colleges shall issue timely warnings about Clery Act crimes which pose a serious or ongoing threat to students and employees.

G. Technical colleges shall devise an emergency response, notification and testing policy to inform the campus community about significant emergencies or dangerous situations involving an immediate threat to the health or safety of students or employees occurring on the campus.

H. Technical colleges with on-campus housing shall keep a fire log that is open to public inspection; publish an annual fire safety report containing policy statements as well as fire statistics associated with each on-campus student housing facility, including number of fires, cause, injuries, deaths and property damage; and compile and submit fire statistics to the Department of Education by October 1. Technical colleges also must inform prospective students and employees about the availability of the report.

I. Technical colleges with on-campus housing shall enact policies and procedures to handle reports of missing students and must disclose missing student notification procedures that pertain to students residing in those facilities.

VII. RECORD RETENTION:

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ATTACHMENT: 3.4.1p5.a1

TCSG Annual Security Report Template

_____ (Year) Annual Security Report

for

_____Technical College

Incident Category	***Number***	***Arrest Made?***	***Notes on Disposition of Incident***
Murder			
Manslaughter			
Forcible Sex Offense			
Non Forcible Sex Offense			
Robbery			
Aggravated Assault			
Burglary			
Motor Vehicle Theft			
Arson			
Any Other Crime Involving Bodily Injury			
Hate Crime (TOTAL)			
Race			
Religion			
Sexual Orientation			
Gender			
Disability			
Ethnicity			

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National Origin			
Gender Identity			
Illegal Weapons Possession			
Drug Law Violation			
Liquor Law Violation			
Domestic Violence			
Dating Violence			
Stalking			
Alcohol Referral			
Drug Referral			
Vandalism			
Domestic Incident			
Student Misconduct			
Medical Reports			
Bomb Threat			
Ejection from Campus			
Thefts			

Note: Shaded categories above are reportable to the U.S. DOE annually under the Clery Act.

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 4
Human Resources

4.1 ..... Employment Guidelines and Processes
4.2 ..... Work Hours and Schedules
4.3 ..... Employee Ethics and Standards of Conduct
4.4 ..... Employee Performance Management
4.5 ..... Employee Leave
4.6 ..... Employee Medical Program
4.7 ..... Employee Travel
4.8 ..... Drug/Alcohol Free Workplace
4.9 ..... Employee Compensation and Related Benefits

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 4.1
Employment Guidelines and Processes
1/3

2.1.1 ..... POLICY - Statement of Equal Opportunity
2.1.1p ..... Procedure - Statement of Equal Opportunity

4.1.1 ..... POLICY - Recruiting and Hiring
4.1.1p1 ..... Procedure - Recruiting and Hiring
4.1.1p2 ..... Procedure - Intra System Recruitment
4.1.1p3 ..... Procedure - Interviewing and Selection Guidelines

4.1.2 ..... POLICY - Verifying Employment Eligibility
4.1.2p ..... Procedure - Verifying Identity and Employment Eligibility
4.1.2p.a1 ..... Employment Eligibility Verification Form
4.1.3 ..... POLICY - Job Descriptions
4.1.4p ..... Procedure - Categories of Employment
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POLICY: 4.1.1. (III.B)
Recruiting and Hiring

Revised: August 25, 2003; September 28, 2001; January 17, 2001; April 13, 1995
Last Reviewed: August 25, 2003
Adopted: May 5, 1988

POLICY:

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

The System and its constituent technical colleges shall conduct all recruitment activities in accordance with the Statement of Equal Opportunity and all other applicable laws, rules and regulations. The System 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 deemed beneficial to the productivity of the agency.

Each technical college and the System Office shall follow the guidelines of the Recruiting and Hiring procedure.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure: 4.1.1p1. Recruiting and Hiring

Procedure: 4.1.1p1. (III.B)
Recruitment

Revised: July 20, 2016; July 12, 2004; August 25, 2003
Last Reviewed: July 20, 2016
Adopted: September 28, 2001

I. PURPOSE:

The Technical College System on Georgia [TCSG] provides equal employment opportunity with respect to all employment practices, including recruitment, and administers these practices without regard to 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).

The TCSG is committed to efforts to maintain a qualified work force reflecting the diverse community it serves/represents. Therefore, in an effort to ensure effective recruitment practices; to provide equal employment opportunity; and, to provide promotional and leadership opportunities for current employees, the recruitment guidelines outlined in this procedure shall be followed by all associated work units and technical colleges.

II.RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board Policy 2.1.1. - Statement of Equal Opportunity
State Board Rule 6 – Recruiting, Interviewing and Hiring
TCSG Procedure 4.1.4p. – Categories of Employment
TCSG Procedure 4.1.9p. - Background Investigations

III.APPLICABILTY:

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

IV.DEFINITIONS:

Demotion: Movement to a position in a job with a lower pay grade (salary range), rank, or classification (e.g., a position with less responsibility).

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).

Job Announcement: a statement of advertisement that a position is to be filled.

Lateral Transfer: for purposes of this procedure, movement to a position in the same job with comparable duties and responsibilities and a comparable salary range.

Recruitment: the component of the hiring process that notified potential candidates about job availability and career opportunities.

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

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

V. ATTACHMENTS: N/A

VI. PROCEDURE:

A. General Provisions:

1. With the exception of positions referenced in Paragraph VI.B., all vacant full- and part-time salaried positions, adjunct faculty, and those categories of hourly-paid, part-time positions encompassing an indefinite period of employment (as referenced in the Categories of Employment Procedure) must be announced/posted.

2. A continuous recruitment effort is permissible for jobs with an ongoing need to fill vacancies (e.g., jobs with high turnover).

3. As provided in Paragraph VI.B.1.c., an employee may be reassigned to a vacant position in the same TCSG work unit when the reassignment is considered a lateral transfer or a voluntary demotion and is necessary for legitimate business purposes. In all such instances, the employee must meet the Minimum Qualifications of the position/job to which assigned and the movement must be accomplished without an increase in pay.

4. The minimum announcement period is five (5) business days.

5. A vacant position may be made available to prospective candidates only within the TCSG work unit housing the position; in all TCSG work units; or, to all interested candidates, within TCSG and/or externally.

6. As provided in the TCSG Procedure governing Background Investigations, the requirement that the selected candidate for employment in any full- or part-time TCSG position must successfully complete a criminal history records check as a condition of employment (and, as applicable, any other identified supplemental, post-offer screening/testing/examination or record check requirement) is not impacted by an exception to the recruitment processes referenced in Paragraph VI.B.

B. Exceptions to Normal Recruiting Procedures:

1. Employment actions that are exempt from normal recruiting procedures include, but are not limited to:

   a. a temporary, time-limited appointment to an hourly-paid position in Temporary Categories 1 – 6. A TCSG work unit may, at its discretion, elect to post position vacancies in these employment categories in a manner consistent with the provisions of this procedure.

b. a direct appointment by the Commissioner. In limited instances, the Commissioner may direct appoint an individual to a position. A technical college President may request a direct appointment of an individual to a position; such request must be directed to the TCSG Director of Human Resources for review and must include an explanation of the business reasons supporting an exemption from normal recruiting procedures; no individual may be direct appointed unless approved in writing by the Commissioner or designee.

c. reassignment of an employee when the action is in the best interests of the TCSG work unit and based on legitimate business needs such as an effort to avoid a reduction-in-force. In all such instances, the reassignment must be considered a lateral transfer or a voluntary demotion; the employee must meet established Minimum Qualifications of the position to which assigned; and, the movement must be accomplished without an increase in pay.

d. when a pool of qualified candidates was assembled for another vacancy within the same job class and in the same work unit within the past sixty (60) days, a selection may be made from the pool of remaining candidates in lieu of advertising the current vacancy.

e. when necessary to accommodate an otherwise qualified employee with a disability through a reasonable accommodation provided he/she can perform the essential functions of the assigned position and meets the established Minimum Qualifications.

f. in response to an emergency staffing situation including, but not limited to:

   1. the appointment of an hourly-paid employee to temporarily perform the duties of a vacant full- or part-time salaried position; or,
   2. the appointment of an adjunct to teach one or more courses when a full-time instructional position remains unfilled at the beginning of an academic term or when necessary to complete the remainder of an academic term when a vacancy occurs in a full-time instructor position after the academic term has begun.

      Any such appointment is considered temporary while efforts are made to fill the full- or part-time salaried position and should not exceed three (3) months or, as applicable, the end of the academic term.

g. Any other unique circumstance not covered by the provisions above, provided approval is first obtained from the TCSG General Counsel or the TCSG Director of Human Resources.

C. Job Announcements:

1. Prior to advertising a vacant position, the immediate supervisor and/or reviewing manager must ensure that the position is properly budgeted and should review the job description and assigned duties and responsibilities outlined in performance plan or the most recent performance appraisal of the previous incumbent to ensure that the position remains properly classified.

2. Each work unit will determine how the position should be advertised/announced based on factors including the level of responsibility, the critical nature of the position to the organization, the unique qualification requirements, the effectiveness of previous recruitment efforts in filling this position or similar positions, the frequency of turnover, and efforts to create a diverse applicant pool of qualified candidates.

3. To expand the search for qualified candidates, the work unit may choose to advertise the vacancy in specialized publications, on available professional organization websites, or, as appropriate, social media platforms.

4. The vacancy announcement may also be sent to State agencies such as the Georgia Department of Labor and local community organizations or groups to further efforts to attract an applicant pool of qualified and diverse candidates and/or in response to hiring goals addressed in the System Office or, as applicable, a technical college Affirmative Action Plan.

5. Each job announcement should minimally contain the following information:

a. a brief description of the position's primary duties and responsibilities;

b. the established starting salary or hourly rate of pay or targeted salary/entry salary range;

c. the application deadline, if any;

d. notice of the TCSG Statement of Equal Opportunity and a statement/information identifying a contact person re: an applicant's need for assistance/accommodation in the application/interview process;

e. the scope of the recruitment efforts, i.e., only within the TCSG work unit housing the position, in all TCSG work units, or all interested candidates;

f. a notice that references will be checked;

g. a notice that all required education credentials, license, certification and/or registration must be submitted prior to beginning employment;

h. a notice that the position is either full- or part-time or temporary; with or without benefits: and, the method of compensation, e.g., salaried, hourly paid, etc.

i. minimum and preferred qualifications; and

j. a notice of all post-offer requirements following a conditional offer of employment to include a criminal history records check and, as applicable, pre-employment/random drug testing, a credit history check, a fingerprint records check, and a motor vehicle records check,

NOTE: a full-time P.O.S.T., certified campus police officer position must also successfully complete a 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. Additionally, candidates for all full- and part-time campus police officer positions requiring P.O.S.T. certification must complete a TCSG Pre-Employment Questionnaire as pre-offer activity as provided in the TCSG Procedure governing Background Investigations.

VII. Records Retention

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

Procedure: 4.1.1p2. (III.B)
Intra System Recruitment

Revised: November 15, 2016
Last Reviewed: November 15, 2016
Adopted: August 22, 2003

I. PURPOSE:

It is recognized as a good practice for technical colleges to employ administrators and faculty members from other technical colleges in the System.

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY: 4.1.1. Recruiting and Hiring

III. APPLICABILTY:

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

IV. DEFINITIONS: n/a

V. ATTACHMENTS: n/a

VI. PROCEDURE:

In order to reduce disruptions to institutional operations and the educational process, intra-system transfers should take place at the start of a new fiscal year. Prior to an offer being made under these circumstances, the new employer shall contact the current or prior employing technical college for an employment reference.

When employment is to begin at a time other than the start of a new fiscal year, the goal of this procedure is to not disturb the instructional program or orderly operation of another technical college yet to allow faculty and administrators to pursue their professional goals. Accordingly, any formal offer of employment shall be made contingent upon the employee fulfilling all contractual obligations or obtaining the consent of the current employer. Once the current employer is notified of the employee's desire to move to another technical college, the current employer shall act promptly to obtain a replacement.

VII. RECORD RETENTION: n/a

Procedure: 4.1.1p3. [III.B]
Interviewing and Selection Guidelines

Revised: July 20, 2016
Last Reviewed: July 20, 2016
Adopted: July 20, 2016

I. PURPOSE:

The Technical College System on Georgia [TCSG] provides equal employment opportunity with respect to all employment practices, including recruitment, and administers these practices without regard to 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).

The TCSG is committed to efforts to maintain a qualified work force reflecting the diverse community it serves. The guidelines outlined in this procedure are designed to promote effective interviewing and selection practices within all TCSG work units, to provide equal employment opportunity and, to provide promotion and leadership opportunities for current TCSG employees.

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
Military Selection Service Act – 50 U.S.C. App et. Seq., as amended
State Board Policy 2.1.1. - Statement of Equal Opportunity
State Board Rule 6 – Recruiting, Interviewing and Hiring
TCSG Procedure 3.3.14p. Open Records Act
TCSG Procedure 4.8.1p1. – Drug Testing – Non U.S. DOT Regulated Positions
TCSG Procedure 4.8.1p2. – Drug Testing – U.S. DOT and FMCSA Regulated Positions
TCSG Procedure 4.1.9p. - Background Investigations
TCSG Procedure 4.7.2p. – Drivers Qualifications

III. APPLICABILTY:

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

IV. DEFINITIONS:

Applicant: for purposes of this procedure, an individual who applies for a vacant position in any TCSG work unit to include current State of Georgia employees as well as those individuals who do not currently work for the State of Georgia.

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

V. ATTACHMENTS: N/A

VI. PROCEDURE:

A. General Provisions:

1. With the exception of categories of positions identified TCSG procedure governing Recruitment (4.1.1p1.), all other vacant full- and part-time salaried positions, adjunct faculty, and those categories of hourly-paid, part-time/temporary positions encompassing an indefinite period of employment must be announced/posted for a minimum period of five (5) business days.

2. The goal of each selection process is to ensure that the most suitable candidate is selected for the vacant position. Each process should be conducted so that perceptions of unfairness are avoided and the hiring official(s) is/are able to justify the selection.

3. It is the responsibility of the hiring official(s), in conjunction with staff in the System Office or technical college Office of Human Resources, to follow the guidelines addressed in this procedure to better ensure that the goals of objectivity and fairness of the application screening, interviewing and selection process are met. For these reasons, only job-related, non-discriminatory criteria may be used in the application screening, interviewing and selection processes. Additionally, all such criteria must be established prior to beginning the selection process.

4. The use of any test in the applicant screening or interview processes (as differentiated from a demonstration of skills) is not permitted unless approval is first obtained from the TCSG General Counsel or Legal Services Officer. Included are soft skills tests (e.g., a personality test or a test that measures communication skills), tests that measure general intelligence (math, reading or writing) or, other cognitive, physical ability or aptitude test. Any test used in a selection process must be directly job related and reasonably predictive of successful job performance.

5. Whenever possible, the initial screening of applicants using established Minimum and Preferred Qualifications should be accomplished by staff in the System Office or technical college Office of Human Resources. If this determination is made by other college official(s), the list of applicants meeting these qualifications must be reviewed and approved by a designated Office of Human Resources representative before any interviews are scheduled.

6. An individual who does not submit a completed application in accordance with the procedure outline in the job announcement by the established closing date (if applicable) may be excluded from consideration for the position.

7. An applicant who does not meet the established Minimum Qualifications (including any required licensure, certification or other requirement established in state of federal law) shall not be interviewed or considered further for an available position.

B. Applicant Screening

1. Methodology to Establish Criteria to Identify Qualified Candidates:

    a. the position's job description and, if available, the most recent performance plan and/or established performance standards of the previous incumbent should be reviewed to assist the hiring official(s) and, as applicable, human resources staff, in establishing the knowledge, skills, abilities and/or competencies predictive of successful performance.

b. the identified job-related knowledge, skills, abilities and/or competencies may be evaluated by using a combination of the following methods to identify the most qualified candidates to be interviewed. If used, any/all of the following methods should be applied consistently to all qualified candidates:

1. an evaluation of an applicant's knowledge, skills, abilities and/or competencies as demonstrated by related education, training (including military service), and paid or unpaid experience outlined on his/her employment application;

2. an evaluation of an applicant's qualifications obtained in a preliminary screening interview conducted either in person or by telephone. It is permissible to ask each applicant participating in a preliminary screening interview if he/she can perform the essential functions of the position with or without reasonable accommodations.

3. an evaluation of an applicant's qualifications obtained through a job-related questionnaire (e.g., Pre-Employment Questionnaire – P.O.S.T. Certified Law Enforcement Positions);

4. an evaluation and verification of an applicant's qualifications including performance and conduct, obtained from current or previous employer(s), e.g., obtained through a current or previous immediate supervisor; and/or,

5. an evaluation of an applicant's qualifications as demonstrated by the presentation of work samples or a job-related demonstration of skills (e.g., keyboard skills for a position whose primary duty involves the use of a computer). NOTE: this method requires the approval of the System Office or technical college Office of Human Resources before utilization.
   a. as referenced in Paragraph VI.A.4., the use of any test in the applicant screening process must first be approved by the TCSG General Counsel or Legal Services Officer.
   b. all criteria used in the identification of qualified candidates to be interviewed must be documented.
   c. hiring official(s) or human resources staff may require applicants to provide proof of required education credentials, a license, or certification as a screening measure prior to conducting personal interviews. NOTE: all such the materials/documents must be provided prior to the selected candidate beginning employment.

C. Interviewing

1. Interviews may be conducted by a hiring official or an interview panel.

2. If an interview panel is utilized, its composition should reflect the diverse nature of the System Office or technical college workforce. It is permissible that the panel include individuals from other TCSG work units, other areas of the System Office or technical college or, dependent upon the uniqueness of the position, individual(s) not associated with the TCSG or those on governing boards.

3. The same hiring official or interview panel should conduct all interviews for the available position.

4. All interviewer(s) should be knowledgeable of the position, its assigned duties and responsibilities, and measures of successful performance.

5. A series of open-ended interview questions based on relevant, job-related criteria should be developed and asked of all applicants interviewed. Interview questions should be designed to gather in-depth responses with an accompanying description or explanation; Questions that can be answered with a "Yes or NO" response should generally be avoided.

6. It is permissible to ask each applicant interviewed if he/she can perform the essential functions of the position with or without reasonable accommodations.

7. Interviewers have the flexibility to ask follow-up questions, as needed, based on an applicant's initial response.

8. As previously indicated, the use of any test in the interview process must first be approved by the TCSG General Counsel or Legal Services Officer. Any job-related skills demonstration conducted at the interview stage of the selection process must be approved prior to its use by the System Office or technical college Office of Human Resources.

9. It is permissible for the hiring official or an interview team to develop/use a response key to permit responses to be rated in a numerical or non-numerical (e.g., excellent, satisfactory or not acceptable) rating scale/rubric. Any rating scale used during the interviewing process must first be approved by the System Office or technical college's Office of Human Resources, as appropriate.

D. Applicants with Disabilities

1. The TCSG has a legal obligation to provide a qualified applicant with a disability with reasonable accommodation(s) to permit his/her participation in the interview process. For purposes of this procedure, a qualified applicant is one who meets established minimum qualifications, as applicable, preferred qualifications and, who can perform the essential functions of the position with or without accommodations. An example of a requested reasonable accommodation could be arranging for an interpreter for an applicant with a hearing impairment.

2. In the event that a qualified candidate does not disclose a request for a reasonable accommodation until the date of his/her scheduled interview and the hiring official or chair of the interview panel believes that the applicant cannot be reasonably accommodated to participate in the interview process, the hiring official/panel chair should immediately contact the System Office or technical college Office of Human Resources.

E. Reference Checks

1. Reference checks on the selected candidate for employment must be conducted with the individual's current employer (i.e., his/her immediate supervisor), when possible, and at with at least one (1) other former supervisor. Hiring official(s) may extend the scope of the reference checks to other candidates/finalists (e.g., the top three [3] applicants).

2. Reference must be with a current (when possible) or former supervisor and cannot include co-workers. Additionally, family, friends, and other personal acquaintances should not be accepted as professional references.

3. Applicants are to be advised that reference checks will be conducted and all associated questions will be limited to job-related inquiries in an attempt to verify such job-related information as:
    a.name;
    b. employment dates;
    c. job-title held and duties;
    d. beginning and ending salaries;
    e. training completed;
    f. job performance;
    g. disciplinary history;
    h. as applicable, eligibility for re-hire and
    i. as applicable, reason for leaving a past employer.

4. All collected documentation should be maintained confidentially and only released on a "need to know" basis (e.g., to those employees/individuals participating in the selection process) unless any such release is required pursuant to state of federal law.

5. Pursuant to applicable provisions of State Personnel Board Rule 6, the PeopleSoft records of a former State employee to be provided a contingent offer of employment must first be reviewed to ensure that he/she is appropriate for re-hire and to determine whether the individual has ever been dismissed from a State position. A "no-rehire" designation in PeopleSoft will not automatically exclude an individual from employment. In all instances, the information discovered should be reviewed in conjunction with information provided on the individual's employment application.

F. Contingent Offer of Employment

1. All offers of full- or part-time and/or temporary employment will be extended in writing to the selected candidate with notice that the candidate must accept the offer in writing or through e-mail.

2. The contingent offer of employment letter must also reference:
    a. all post-offer requirements which must be successfully completed before a hiring decision is finalized to include a criminal history records check as provided in the TCSG Procedure governing Background Investigations (4.1.9p.);
    b. other relevant information to include the anticipated start date; the accompanying salary, hourly-rate of pay or, for adjunct faculty, the hourly rate or lump sum payment for each course taught; and,
    c. as applicable, the need to produce verification of a required license, certificate, verification and/or college/university transcript, diploma, etc.

3. Other post-offer requirements may include: a pre-employment drug test; a motor vehicle records check; a credit history check; a medical examination; and, a psychological examination.

4. When the selected candidate for employment is a male between the ages of eighteen (18) and twenty-six (26), the Military Selective Service Act stipulates that the applicant present proof of having registered with the Selective Service System or, instead, to present proof of being exempt of such service. Pursuant to this statute, such proof must be presented within fifteen (15) calendar days of the contingent offer of employment.

5. If the selected candidate successfully completes all stipulated conditions of employment, he/she will be notified, in writing, that the hiring decision is finalized.

6. The TCSG has a legal obligation to provide reasonable accommodations in employment for applicants with disabilities who are qualified to perform the essential functions of the position with or without reasonable accommodations. If a System Office or technical college hiring official or representative of the Office of Human Resources believes that a qualified candidate who has participated in the interview process cannot be reasonably accommodated, the official/representative should contact the TCSG General Counsel or Legal Services Officer before finalizing the selection decision.

G. Reasons for Non-Selection

1. Reason(s) for non-selection may not be related to:

   a. race, color, creed, national or ethnic origin, gender, religion, disability, age, political affiliation or belief, genetic information, veteran status, or citizenship status (except in those special circumstances permitted or mandated by law);
   b. a physical or other disability that does not interfere with the applicant's ability to perform the essential functions of the job with or without reasonable accommodations; or,
   c. any other factor that has no bearing on established job-related requirements.

2. In addition to reason(s) referenced in Paragraph VI.G.1., non-selection should not normally be based on the absence of a particular skill or a knowledge that can be learned/acquired during the normal job orientation or training period that regularly follows a new employee assuming the identified position.

3. Reasons for non-selection should, instead, pertain directly to established job requirements and/or an applicant's qualifications.

H. Notification of Non-Selection

1. Each applicant interviewed, but not selected, for an available position should be notified, in writing, of this decision unless the applicant withdrew from consideration or declined an offer of employment.

2. The written notification should not contain the reason(s) for an applicant's non-selection.

VII. Records Retention

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

2. Any written or verbal request for the release of selection-related documents/materials shall be managed pursuant to the provisions of TCSG Procedure 3.3.14p. (the Open Records Act).

POLICY: 4.1.2. (III.B.1.)
Verifying Employment Eligibility

Revised: September 28, 2001
Last Reviewed: June 23, 2005
Adopted: September 28, 2001

POLICY:

The Immigration Reform and Control Act requires the Technical College System of Georgia to verify the identity and employment eligibility of new employees. It is unlawful to knowingly hire or recruit an alien unauthorized to work in the United States or any individual without complying with these identity and employment eligibility verification requirements.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
INS Employment Eligibility Verification Form (I-9)

Procedure: 4.1.2p (III.B.1.)

Verifying Identity and Employment Eligibility

Revised: May 17, 2016; September 28, 2001

Last Reviewed: May 17, 2016

Approved: September 28, 2001

I. PURPOSE:

Pursuant to applicable provisions of the federal Immigration and Nationality Act, the Immigration Reform and Control Act of 1986 (8 U.S.C. 1324 (a), as amended) and the Georgia Immigration Security and Compliance Act (O.C.G.A. §13-10-90 et.seq.) employers (including the Technical College System of Georgia) must verify both the identity and employment eligibility of new employees. It is unlawful to knowingly hire an alien unauthorized to work in the United States or any other individual without complying with the noted identify and employment eligibility verification requirements.

The provisions of this procedure apply only to newly hired employees including those employees who return to State service after a formal break-in-service. These provisions do not apply to promotions, transfers or demotions in a Technical College System of Georgia work unit or an individual's transfer between state agencies provided no break-in-service has occurred.

II. RELATED AUTHORITY:

8 U.S.C. 1324(a) – Immigration Reform and Control Act of 1986, as amended
8 C.F.R. §274(a) – Control of Employment of Aliens Immigration and Nationality Act (INA), as amended
O.C.G.A. §13-10-90 et.seq – Georgia Immigration Security and Compliance Act
State Personnel Board Rule 6 – Recruiting, Interviewing, and Hiring

III. APPILICABILTY:

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

IV. DEFINITIONS:

Break-in-Service: a voluntary or involuntary separation from employment for at least one (1) full business day.

Document Abuse: discriminatory documentary processes related to verifying the employment authorization and identity of employees during the Form I-9 process.

Employee: pursuant to the provisions of 8 U.S.C. §274(a), the term means an individual who provides services or labor for an employer for wages or other remuneration but does not include independent contractors

Public Employer: pursuant to the Georgia Immigration Security and Compliance Act, the term means every department, agency or instrumentality of this state or a political subdivision of this state.

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

Unauthorized Alien: for purposes of this procedure, an alien who has not been lawfully admitted for permanent residence in the United States or who is not authorized to be employed under the provisions of the Immigration Reform and Control Act or by the authority of the Attorney General of the United States.

V. ATTACHMENTS:

Attachment A – INS Employment Eligibility Verification Form (1-9)

VI. PROCEDURE:

A. Verification Process:

1. To establish employment eligibility, a Department of Immigration and Naturalization (INS) Form I-9 (Attachment A) must be completed for each new employee.

2. Each new employee must complete Section One of the Form I-9 no earlier than after a conditional offer of employment has been finalized, in writing, by the employing TCSG work unit and no later than the day he/she begins work. No employee may be allowed to complete his/her first day of work before Section 1 is completed. A System Office or technical college office of human resources representative who has been trained on Form I-9 procedures must verify the accuracy of the referenced information.

3. Any employee who will work for three (3) business days or less may not be allowed to begin work until both Section 1 and Section 2 of the Form I-9 are completed and verified.

4. Each newly hired employee must provide a combination of valid documents establishing his/her identify and authorization to work in the United States within three (3) business days of his/her hire date.

5. Employees may choose which document(s) to provide from the List of Acceptable Documents referenced on the Form I-9. All TCSG work units must accept any document(s) from this List that reasonably appear genuine and relate to the individual presenting it/them.

6. Any new employee who is initially unable to provide the required document(s) must, within three (3) business days, provide the verifying documentation or present a receipt for the application for replacement document(s). If a receipt is provided, the actual document(s) must be provided within ninety (90) calendar days.

NOTE: if the required document(s) or a receipt for the application for replacement document(s) is/are not provided within the established three (3) day time period, the employee must not be allowed to continue to work and remain in pay status. In these instances, the employee may, at the discretion of the Commissioner or his/her designee or a technical college president or his/her designee, be released from employment or placed in a non-pay status for a limited period of time until valid documents are provided and Section 2 of the Form I-9 is completed and subsequently entered in and certified through the E-Verify System.

7. A newly hired employee must be physically present when the document(s) referenced in Paragraph VI.A.5. are examined. A human resources representative will review, certify, and photocopy the documentation verifying identify and employment eligibility and return the originals to the employee. The representative will then complete Section 2 of the Form I-9.

8. Information from the Form I-9 must be submitted to the Social Security Administration (SSA) and the Department of Homeland Security (DHS) via the E-Verify system within three (3) business days of each new employee's hire date/start date. Additionally, the designated human resources representative should monitor E-Verify alerts to ensure that all entries are completed in a timely manner.

9. A TCSG work unit is required to promptly correct any mistakes on the Form I-9 or information entered in the E-Verify system without obscuring any error or concealing that a mistake was made.

B. Minors Under Age 18:

1. If a new employee is under age eighteen (18) and does not have the required documentation to establish identity, the Form I-9 should be completed as follows:

a. a parent or legal guardian must complete Section 1 and write "Individual under age 18" in the space for the employee's signature;

b. a parent or legal guardian must complete the Preparer and/or Translator Certification block;

c. the minor must present documentation from List C on the Lists of Acceptable Documents to verify employment eligibility; and,

d. the human resources representative should write "Individual under age 18" in the space for "Document Title" in Section 2 under List B and record appropriate information regarding the documentation provided to verify employment eligibility in Section 2 under List C.

e. the human resources representative should complete the "Certification" block of Section 2 in the same manner as for all other newly hired employees.

C. Reverification and Rehires:

1. U.S. citizens and noncitizen nationals never need reverification.

2. Reverification is not required for an expired List B document (i.e., an Identify Document), an expired U.S. Passport or passport card, or an Alien Registration Receipt Card/Permanent Resident Card held by a permanent resident (i.e., a Form I-551). NOTE: a Form I-551 may contain no expiration date, a ten (10) year expiration date, or a two (2) year expiration date with conditions on an employee's status. Although a permanent resident w/ conditions can lose his/her status if he/she fails to remove these conditions, USCIS guidance provides that the employee is not subject to re-verification.

3. If required, a human resources representative must re-verify an employee's employment authorization by completing Section 3 of the Form I-9 no later than the date that the employee's employment authorization or employment authorization document expires, whichever is sooner.

4. If Section 3 has previously been completed for this purpose or to update information of the Form I-9, a new Form I-9 should be used by entering the employee's name in Section 2, complete Section 3, and retain the original second page of the new Form I-9 with the original Form I-9. As applicable, a photocopy of the presented document(s) should be attached to the Form I-9.

5. An employee whose immigration status, employment authorization, or employment authorization documents expire should file the necessary application(s) or petition(s) sufficiently in advance of the expiration date to ensure he/she maintains continuous employment authorization or valid employment authorization documents.

6. The employee must present document(s) that reflect his/her current employment authorization. If the employee cannot provide such proof, his/her employment with the TCSG work unit cannot continue.

7. When an individual is re-hired after a break-in-service, identity and employment eligibility must be re-verified as follows:

> a. if re-employed within three (3) years of the date the original Form I-9 was initially completed, fill in the Date of Rehire (Block B) and Signature Block on Section 3 of the original form. If the same documentation is provided to verify identity and employment eligibility, additional photocopies are not necessary; or,
>
> b. a new Form I-9 must be completed if the break-in-service was more than three (3) years in length.

D. Recording Name Changes:

1. In instances of a rehire or a reverification, if an employee has had a legal change of his/her name (e.g., following a marriage), the human resources representative must record the employee's legal change of name in the space provided in Section 3 (Block A) and add his/her signature in the signature block and the date the update was completed.

2. Pursuant to U.S. Citizenship and immigration Services (USCIS) guidance regarding the maintenance of correct information on the Form I-9, if a TCSG work unit learns of a legal change of name of an employee at any time during an active period of employment, the employee's Form I-9 should be updated in the same manner as provided in Paragraph VI.C.8. A

photocopy of the document reflecting the legal name change (e.g., a marriage license, etc.) should be attached to the Form I-9.

E. Form I-9 Access:

1. A completed Form I-9 as well as all attached document(s) may not be accessed or used for any purpose not associated with compliance with the provisions of this procedure and accompanying state and federal law.

F. Inspection:

1. The Immigration and Nationality Act (INA), as amended, specifically authorizes the Department of Homeland Security, the Department of Labor, or the Office of Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice (OSC) to inspect Forms I-9.

2. Each agency/office provides employers a minimum of three (3) days' notice prior to any such inspection.

3. Upon request, a TCSG work unit must make Forms I-9 available at the location designated by DHS, DOL, or OSC.

G. Unlawful Discrimination

1. The anti-discrimination provision of the Immigration and Nationality Act (INA), as amended, prohibits four types of unlawful conduct:

a. Citizenship or immigration status discrimination;

b. National origin discrimination;

c. Unfair documentary practices during Form I-9 process (i.e., document abuse); and,

d. Retaliation.

2. In application, the anti-discrimination provisions referenced in Paragraph VI.G.1. requires all covered employers (including the TCSG) to treat employees equally in recruiting and hiring and when verifying employment authorization and identity during the Form I-9 process. Therefore, practices a TCSG work unit should avoid given that they may constitute illegal document abuse include:

a. establishing different employment eligibility verification standards or requiring that different documents be presented by employees because of their national origin and citizenship status;

b. requesting to see employment eligibility verification documents before an applicant is hired and subsequently completes a Form I-9;

c. refusing to accept a document that reasonably appears to be genuine or refusing to hire an individual because a document has a future expiration date;

d. during reverification, requesting that an employee present a new, unexpired Employment Authorization Document (Form I-766) if he or she presented one during the initial verification; or,

e. requiring that the selected candidate for a given position must be a U.S. citizen unless U.S. citizenship is required for the specific position by law, regulation, executive order, or federal, state, or local government contract.

NOTE: a TCSG work unit may legally select a U.S. citizen or noncitizen national over an equally qualified alien to fill a specific position; however, a TCSG work unit may not adopt a practice of always preferring citizens or a noncitizen nationals over authorized aliens.

VII. Records Retention

1. A completed Form I-9 with accompanying document(s) may be maintained in an employee's official personnel file or, preferable, in a separate file to provide for easy retrieval in the event of a federal agency inspection.

2. Pursuant to the requirements of the Georgia Archives Retention Schedule for State Government Paper and Electronic Records and corresponding federal law, every Form I-9 and photocopied documents shall be maintained for three (3) years after the date of hire or one (1) year after the date of employment ends, whichever is later. NOTE: pursuant to federal law, Forms I-9 may be retained on paper, microform, or electronically.

Instructions for Employment Eligibility Verification

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 03/31/2016

Read all instructions carefully before completing this form.

Anti-Discrimination Notice. It is illegal to discriminate against any work-authorized individual in hiring, discharge, recruitment or referral for a fee, or in the employment eligibility verification (Form I-9 and E-Verify) process based on that individual's citizenship status, immigration status or national origin. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documentation presented has a future expiration date may also constitute illegal discrimination. For more information, call the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) at 1-800-255-7688 (employees), 1-800-255-8155 (employers), or 1-800-237-2515 (TDD), or visit **www.justice.gov/crt/about/osc**.

What Is the Purpose of This Form?

Employers must complete Form I-9 to document verification of the identity and employment authorization of each new employee (both citizen and noncitizen) hired after November 6, 1986, to work in the United States. In the Commonwealth of the Northern Mariana Islands (CNMI), employers must complete Form I-9 to document verification of the identity and employment authorization of each new employee (both citizen and noncitizen) hired after November 27, 2011. Employers should have used Form I-9 CNMI between November 28, 2009 and November 27, 2011.

General Instructions

Employers are responsible for completing and retaining Form I-9. For the purpose of completing this form, the term "employer" means all employers, including those recruiters and referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors.

Form I-9 is made up of three sections. Employers may be fined if the form is not complete. Employers are responsible for retaining completed forms. Do not mail completed forms to U.S. Citizenship and Immigration Services (USCIS) or Immigration and Customs Enforcement (ICE).

Section 1. Employee Information and Attestation

Newly hired employees must complete and sign Section 1 of Form I-9 **no later than the first day of employment**. Section 1 should never be completed before the employee has accepted a job offer.

Provide the following information to complete Section 1:

Name: Provide your full legal last name, first name, and middle initial. Your last name is your family name or surname. If you have two last names or a hyphenated last name, include both names in the last name field. Your first name is your given name. Your middle initial is the first letter of your second given name, or the first letter of your middle name, if any.

Other names used: Provide all other names used, if any (including maiden name). If you have had no other legal names, write "N/A."

Address: Provide the address where you currently live, including Street Number and Name, Apartment Number (if applicable), City, State, and Zip Code. Do not provide a post office box address (P.O. Box). Only border commuters from Canada or Mexico may use an international address in this field.

Date of Birth: Provide your date of birth in the mm/dd/yyyy format. For example, January 23, 1950, should be written as 01/23/1950.

U.S. Social Security Number: Provide your 9-digit Social Security number. Providing your Social Security number is voluntary. However, if your employer participates in E-Verify, you must provide your Social Security number.

E-mail Address and Telephone Number (Optional): You may provide your e-mail address and telephone number. Department of Homeland Security (DHS) may contact you if DHS learns of a potential mismatch between the information provided and the information in DHS or Social Security Administration (SSA) records. You may write "N/A" if you choose not to provide this information.

All employees must attest in Section 1, under penalty of perjury, to their citizenship or immigration status by checking one of the following four boxes provided on the form:

1. **A citizen of the United States**
2. **A noncitizen national of the United States:** Noncitizen nationals of the United States are persons born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.
3. **A lawful permanent resident:** A lawful permanent resident is any person who is not a U.S. citizen and who resides in the United States under legally recognized and lawfully recorded permanent residence as an immigrant. The term "lawful permanent resident" includes conditional residents. If you check this box, write either your Alien Registration Number (A-Number) or USCIS Number in the field next to your selection. At this time, the USCIS Number is the same as the A-Number without the "A" prefix.
4. **An alien authorized to work:** If you are not a citizen or national of the United States or a lawful permanent resident, but are authorized to work in the United States, check this box.

   If you check this box:

   a. Record the date that your employment authorization expires, if any. Aliens whose employment authorization does not expire, such as refugees, asylees, and certain citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau, may write "N/A" on this line.

   b. Next, enter your Alien Registration Number (A-Number)/USCIS Number. At this time, the USCIS Number is the same as your A-Number without the "A" prefix. If you have not received an A-Number/USCIS Number, record your Admission Number. You can find your Admission Number on Form I-94, "Arrival-Departure Record," or as directed by USCIS or U.S. Customs and Border Protection (CBP).

   (1) If you obtained your admission number from CBP in connection with your arrival in the United States, then also record information about the foreign passport you used to enter the United States (number and country of issuance).

   (2) If you obtained your admission number from USCIS *within the United States*, or you entered the United States without a foreign passport, you must write "N/A" in the Foreign Passport Number and Country of Issuance fields.

Sign your name in the "Signature of Employee" block and record the date you completed and signed Section 1. By signing and dating this form, you attest that the citizenship or immigration status you selected is correct and that you are aware that you may be imprisoned and/or fined for making false statements or using false documentation when completing this form. To fully complete this form, you must present to your employer documentation that establishes your identity and employment authorization. Choose which documents to present from the Lists of Acceptable Documents, found on the last page of this form. You must present this documentation no later than the third day after beginning employment, although you may present the required documentation before this date.

Preparer and/or Translator Certification

The Preparer and/or Translator Certification must be completed if the employee requires assistance to complete Section 1 (e.g., the employee needs the instructions or responses translated, someone other than the employee fills out the information blocks, or someone with disabilities needs additional assistance). The employee must still sign Section 1.

Minors and Certain Employees with Disabilities (Special Placement)

Parents or legal guardians assisting minors (individuals under 18) and certain employees with disabilities should review the guidelines in the *Handbook for Employers: Instructions for Completing Form I-9 (M-274)* on **www.uscis.gov/I-9Central** before completing Section 1. These individuals have special procedures for establishing identity if they cannot present an identity document for Form I-9. The special procedures include **(1)** the parent or legal guardian filling out Section 1 and writing "minor under age 18" or "special placement," whichever applies, in the employee signature block; and **(2)** the employer writing "minor under age 18" or "special placement" under List B in Section 2.

Section 2. Employer or Authorized Representative Review and Verification

Before completing Section 2, employers must ensure that Section 1 is completed properly and on time. Employers may not ask an individual to complete Section 1 before he or she has accepted a job offer.

Employers or their authorized representative must complete Section 2 by examining evidence of identity and employment authorization within 3 business days of the employee's first day of employment. For example, if an employee begins employment on Monday, the employer must complete Section 2 by Thursday of that week. However, if an employer hires an individual for less than 3 business days, Section 2 must be completed no later than the first day of employment. An employer may complete Form I-9 before the first day of employment if the employer has offered the individual a job and the individual has accepted.

Employers cannot specify which document(s) employees may present from the Lists of Acceptable Documents, found on the last page of Form I-9, to establish identity and employment authorization. Employees must present one selection from List A **OR** a combination of one selection from List B and one selection from List C. List A contains documents that show both identity and employment authorization. Some List A documents are combination documents. The employee must present combination documents together to be considered a List A document. For example, a foreign passport and a Form I-94 containing an endorsement of the alien's nonimmigrant status must be presented together to be considered a List A document. List B contains documents that show identity only, and List C contains documents that show employment authorization only. If an employee presents a List A document, he or she should **not** present a List B and List C document, and vice versa. If an employer participates in E-Verify, the List B document must include a photograph.

In the field below the Section 2 introduction, employers must enter the last name, first name and middle initial, if any, that the employee entered in Section 1. This will help to identify the pages of the form should they get separated.

Employers or their authorized representative must:

1. Physically examine each original document the employee presents to determine if it reasonably appears to be genuine and to relate to the person presenting it. The person who examines the documents must be the same person who signs Section 2. The examiner of the documents and the employee must both be physically present during the examination of the employee's documents.
2. Record the document title shown on the Lists of Acceptable Documents, issuing authority, document number and expiration date (if any) from the original document(s) the employee presents. You may write "N/A" in any unused fields.

   If the employee is a student or exchange visitor who presented a foreign passport with a Form I-94, the employer should also enter in Section 2:

   a. The student's Form I-20 or DS-2019 number (Student and Exchange Visitor Information System-SEVIS Number); **and** the program end date from Form I-20 or DS-2019.
3. Under Certification, enter the employee's first day of employment. Temporary staffing agencies may enter the first day the employee was placed in a job pool. Recruiters and recruiters for a fee do not enter the employee's first day of employment.
4. Provide the name and title of the person completing Section 2 in the Signature of Employer or Authorized Representative field.
5. Sign and date the attestation on the date Section 2 is completed.
6. Record the employer's business name and address.
7. Return the employee's documentation.

Employers may, but are not required to, photocopy the document(s) presented. If photocopies are made, they should be made for **ALL** new hires or reverifications. Photocopies must be retained and presented with Form I-9 in case of an inspection by DHS or other federal government agency. Employers must always complete Section 2 even if they photocopy an employee's document(s). Making photocopies of an employee's document(s) cannot take the place of completing Form I-9. Employers are still responsible for completing and retaining Form I-9.

Unexpired Documents

Generally, only unexpired, original documentation is acceptable. The only exception is that an employee may present a certified copy of a birth certificate. Additionally, in some instances, a document that appears to be expired may be acceptable if the expiration date shown on the face of the document has been extended, such as for individuals with temporary protected status. Refer to the *Handbook for Employers: Instructions for Completing Form I-9 (M-274)* or I-9 Central (www.uscis.gov/I-9Central) for examples.

Receipts

If an employee is unable to present a required document (or documents), the employee can present an acceptable receipt in lieu of a document from the Lists of Acceptable Documents on the last page of this form. Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment authorization, are not acceptable. Employers cannot accept receipts if employment will last less than 3 days. Receipts are acceptable when completing Form I-9 for a new hire or when reverification is required.

Employees must present receipts within 3 business days of their first day of employment, or in the case of reverification, by the date that reverification is required, and must present valid replacement documents within the time frames described below.

There are three types of acceptable receipts:

1. A receipt showing that the employee has applied to replace a document that was lost, stolen or damaged. The employee must present the actual document within 90 days from the date of hire.
2. The arrival portion of Form I-94/I-94A with a temporary I-551 stamp and a photograph of the individual. The employee must present the actual Permanent Resident Card (Form I-551) by the expiration date of the temporary I-551 stamp, or, if there is no expiration date, within 1 year from the date of issue.
3. The departure portion of Form I-94/I-94A with a refugee admission stamp. The employee must present an unexpired Employment Authorization Document (Form I-766) or a combination of a List B document and an unrestricted Social Security card within 90 days.

When the employee provides an acceptable receipt, the employer should:

1. Record the document title in Section 2 under the sections titled List A, List B, or List C, as applicable.
2. Write the word "receipt" and its document number in the "Document Number" field. Record the last day that the receipt is valid in the "Expiration Date" field.

By the end of the receipt validity period, the employer should:

1. Cross out the word "receipt" and any accompanying document number and expiration date.
2. Record the number and other required document information from the actual document presented.
3. Initial and date the change.

See the *Handbook for Employers: Instructions for Completing Form I-9 (M-274)* at **www.uscis.gov/I-9Central** for more information on receipts.

Section 3. Reverification and Rehires

Employers or their authorized representatives should complete Section 3 when reverifying that an employee is authorized to work. When rehiring an employee within 3 years of the date Form I-9 was originally completed, employers have the option to complete a new Form I-9 or complete Section 3. When completing Section 3 in either a reverification or rehire situation, if the employee's name has changed, record the name change in Block A.

For employees who provide an employment authorization expiration date in Section 1, employers must reverify employment authorization on or before the date provided.

Some employees may write "N/A" in the space provided for the expiration date in Section 1 if they are aliens whose employment authorization does not expire (e.g., asylees, refugees, certain citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau). Reverification does not apply for such employees unless they chose to present evidence of employment authorization in Section 2 that contains an expiration date and requires reverification, such as Form I-766, Employment Authorization Document.

Reverification applies if evidence of employment authorization (List A or List C document) presented in Section 2 expires. However, employers should not reverify:

1. U.S. citizens and noncitizen nationals; or
2. Lawful permanent residents who presented a Permanent Resident Card (Form I-551) for Section 2.

Reverification does not apply to List B documents.

If both Section 1 and Section 2 indicate expiration dates triggering the reverification requirement, the employer should reverify by the earlier date.

For reverification, an employee must present unexpired documentation from either List A or List C showing he or she is still authorized to work. Employers CANNOT require the employee to present a particular document from List A or List C. The employee may choose which document to present.

To complete Section 3, employers should follow these instructions:

1. Complete Block A if an employee's name has changed at the time you complete Section 3.
2. Complete Block B with the date of rehire if you rehire an employee within 3 years of the date this form was originally completed, and the employee is still authorized to be employed on the same basis as previously indicated on this form. Also complete the "Signature of Employer or Authorized Representative" block.
3. Complete Block C if:
   a. The employment authorization or employment authorization document of a current employee is about to expire and requires reverification; or
   b. You rehire an employee within 3 years of the date this form was originally completed and his or her employment authorization or employment authorization document has expired. (Complete Block B for this employee as well.)

   To complete Block C:

   a. Examine either a List A or List C document the employee presents that shows that the employee is currently authorized to work in the United States; and
   b. Record the document title, document number, and expiration date (if any).
4. After completing block A, B or C, complete the "Signature of Employer or Authorized Representative" block, including the date.

   For reverification purposes, employers may either complete Section 3 of a new Form I-9 or Section 3 of the previously completed Form I-9. Any new pages of Form I-9 completed during reverification must be attached to the employee's original Form I-9. If you choose to complete Section 3 of a new Form I-9, you may attach just the page containing Section 3, with the employee's name entered at the top of the page, to the employee's original Form I-9. If there is a more current version of Form I-9 at the time of reverification, you must complete Section 3 of that version of the form.

What Is the Filing Fee?

There is no fee for completing Form I-9. This form is not filed with USCIS or any government agency. Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the **"USCIS Privacy Act Statement"** below.

USCIS Forms and Information

For more detailed information about completing Form I-9, employers and employees should refer to the *Handbook for Employers: Instructions for Completing Form I-9 (M-274)*.

You can also obtain information about Form I-9 from the USCIS Web site at www.uscis.gov/I-9Central, by e-mailing USCIS at I-9Central@dhs.gov, or by calling **1-888-464-4218**. For TDD (hearing impaired), call **1-877-875-6028**.

To obtain USCIS forms or the *Handbook for Employers*, you can download them from the USCIS Web site at www.uscis.gov/forms. You may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by contacting the USCIS National Customer Service Center at **1-800-375-5283**. For TDD (hearing impaired), call **1-800-767-1833**.

Information about E-Verify, a free and voluntary program that allows participating employers to electronically verify the employment eligibility of their newly hired employees, can be obtained from the USCIS Web site at www.dhs.gov/E-Verify, by e-mailing USCIS at I-9Central@dhs.gov or by calling **1-888-464-4218**. For TDD (hearing impaired), call **1-877-875-6028.**

Employees with questions about Form I-9 and/or E-Verify can reach the USCIS employee hotline by calling **1-888-897-7781**. For TDD (hearing impaired), call **1-877-875-6028.**

Photocopying and Retaining Form I-9

A blank Form I-9 may be reproduced, provided all sides are copied. The instructions and Lists of Acceptable Documents must be available to all employees completing this form. Employers must retain each employee's completed Form I-9 for as long as the individual works for the employer. Employers are required to retain the pages of the form on which the employee and employer enter data. If copies of documentation presented by the employee are made, those copies must also be kept with the form. Once the individual's employment ends, the employer must retain this form for either 3 years after the date of hire or 1 year after the date employment ended, whichever is later.

Form I-9 may be signed and retained electronically, in compliance with Department of Homeland Security regulations at 8 CFR 274a.2.

USCIS Privacy Act Statement

AUTHORITIES: The authority for collecting this information is the Immigration Reform and Control Act of 1986, Public Law 99-603 (8 USC 1324a).

PURPOSE: This information is collected by employers to comply with the requirements of the Immigration Reform and Control Act of 1986. This law requires that employers verify the identity and employment authorization of individuals they hire for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

DISCLOSURE: Submission of the information required in this form is voluntary. However, failure of the employer to ensure proper completion of this form for each employee may result in the imposition of civil or criminal penalties. In addition, employing individuals knowing that they are unauthorized to work in the United States may subject the employer to civil and/or criminal penalties.

ROUTINE USES: This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The employer will keep this form and make it available for inspection by authorized officials of the Department of Homeland Security, Department of Labor, and Office of Special Counsel for Immigration-Related Unfair Employment Practices.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 35 minutes per response, including the time for reviewing instructions and completing and retaining the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, DC 20529-2140; OMB No. 1615-0047. **Do not mail your completed Form I-9 to this address.**

Employment Eligibility Verification

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS Form I-9
OMB No. 1615-0047
Expires 03/31/2016

▶START HERE. Read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation *(Employees must complete and sign Section 1 of Form I-9 no later than the **first day of employment**, but not before accepting a job offer.)*

Last Name (*Family Name*)	First Name (*Given Name*)	Middle Initial	Other Names Used (*if any*)

Address (*Street Number and Name*)	Apt. Number	City or Town	State	Zip Code

Date of Birth (*mm/dd/yyyy*)	U.S. Social Security Number	E-mail Address	Telephone Number
	- -		

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

☐ A citizen of the United States

☐ A noncitizen national of the United States *(See instructions)*

☐ A lawful permanent resident (Alien Registration Number/USCIS Number): _____

☐ An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy) _____. Some aliens may write "N/A" in this field. *(See instructions)*

*For aliens authorized to work, provide your Alien Registration Number/USCIS Number **OR** Form I-94 Admission Number:*

1. Alien Registration Number/USCIS Number: _____

OR

2. Form I-94 Admission Number: _____

If you obtained your admission number from CBP in connection with your arrival in the United States, include the following:

Foreign Passport Number: _____

Country of Issuance: _____

Some aliens may write "N/A" on the Foreign Passport Number and Country of Issuance fields. (*See instructions*)

3-D Barcode
Do Not Write in This Space

Signature of Employee:	Date (*mm/dd/yyyy*):

Preparer and/or Translator Certification *(To be completed and signed if Section 1 is prepared by a person other than the employee.)*

I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator:	Date (*mm/dd/yyyy*):

Last Name (*Family Name*)	First Name (*Given Name*)

Address (*Street Number and Name*)	City or Town	State	Zip Code

STOP ***Employer Completes Next Page*** STOP

Section 2. Employer or Authorized Representative Review and Verification

(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR examine a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents" on the next page of this form. For each document you review, record the following information: document title, issuing authority, document number, and expiration date, if any.)

Employee Last Name, First Name and Middle Initial from Section 1:

List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title:		Document Title:		Document Title:
Issuing Authority:		Issuing Authority:		Issuing Authority:
Document Number:		Document Number:		Document Number:
Expiration Date *(if any)(mm/dd/yyyy)*:		Expiration Date *(if any)(mm/dd/yyyy)*:		Expiration Date *(if any)(mm/dd/yyyy)*:
Document Title:				
Issuing Authority:				
Document Number:				
Expiration Date *(if any)(mm/dd/yyyy)*:				
Document Title:				
Issuing Authority:				
Document Number:				
Expiration Date *(if any)(mm/dd/yyyy)*:				

3-D Barcode
Do Not Write in This Space

Certification

I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment *(mm/dd/yyyy)*: _____ *(See instructions for exemptions.)*

Signature of Employer or Authorized Representative	Date *(mm/dd/yyyy)*	Title of Employer or Authorized Representative	
Last Name *(Family Name)*	First Name *(Given Name)*	Employer's Business or Organization Name	
Employer's Business or Organization Address *(Street Number and Name)*	City or Town	State	Zip Code

Section 3. Reverification and Rehires *(To be completed and signed by employer or authorized representative.)*

A. New Name *(if applicable)* Last Name *(Family Name)*	First Name *(Given Name)*	Middle Initial	**B.** Date of Rehire *(if applicable) (mm/dd/yyyy)*:

C. If employee's previous grant of employment authorization has expired, provide the information for the document from List A or List C the employee presented that establishes current employment authorization in the space provided below.

Document Title:	Document Number:	Expiration Date *(if any)(mm/dd/yyyy)*:

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative:	Date *(mm/dd/yyyy)*:	Print Name of Employer or Authorized Representative:

LISTS OF ACCEPTABLE DOCUMENTS
All documents must be UNEXPIRED

Employees may present one selection from List A
or a combination of one selection from List B and one selection from List C.

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Authorization
1. U.S. Passport or U.S. Passport Card		1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		1. A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		2. Certification of Birth Abroad issued by the Department of State (Form FS-545)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa		3. School ID card with a photograph		3. Certification of Report of Birth issued by the Department of State (Form DS-1350)
4. Employment Authorization Document that contains a photograph (Form I-766)		4. Voter's registration card		4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.		5. U.S. Military card or draft record		5. Native American tribal document
		6. Military dependent's ID card		6. U.S. Citizen ID Card (Form I-197)
		7. U.S. Coast Guard Merchant Mariner Card		7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
		8. Native American tribal document		8. Employment authorization document issued by the Department of Homeland Security
		9. Driver's license issued by a Canadian government authority		
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI		**For persons under age 18 who are unable to present a document listed above:**		
		10. School record or report card		
		11. Clinic, doctor, or hospital record		
		12. Day-care or nursery school record		

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274).

Refer to Section 2 of the instructions, titled "Employer or Authorized Representative Review and Verification," for more information about acceptable receipts.

POLICY: 4.1.3. (III.C)
Job Descriptions

Revised: April 23, 2001
Last Reviewed: June 23, 2005
Adopted: April 23, 2001

POLICY:

Each technical college and the System Office shall maintain a current job description for all full-time employees.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board

O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Procedure: 4.1.4p. (III.D.)
Categories of Employment

Revised: September 15, 2015; May 28, 2014; March 27, 2014; March 6, 2012; January 21, 2011
Last Reviewed: September 15, 2015
Adopted: January 21, 2011

I. PURPOSE

With very limited exceptions, employees of the Technical College System of Georgia [TCSG] 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 TCSG, 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; Part-time Hourly-Paid Appointment; Temporary Appointment; Adjunct Faculty Appointment; or, Federal/College Study Student Appointment.

II. RELATED AUTHORITY:

26 CFR Part 31 – Internal Revenue Service/Department of Treasury Regulations
26 CFR Part 31.3121(b)(10), Internal Revenue Code
O.C.G.A. §20-4-5
O.C.G.A. §34-7-1
O.C.G.A. §45-20-1 et seq.
O.C.G.A. §47-2-1 et seq. (Employees' Retirement System of Georgia)

O.C.G.A. §47-3-1 et seq. (Teachers Retirement System of Georgia)
Patient Protection and Affordable Care Act
Social Security Act
State Health Benefit Plan Rules
State Personnel Board Rules (General)
State Personnel Board Rules (Flexible Benefits Program)
TCSG Procedure: 4.3.2p6. Other Employment
Employees' Retirement System of Georgia Plan Guidelines
Teachers Retirement System Board Plan Guidelines

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

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.

Normal Retirement Age: with respect to service with the Technical College System of Georgia and membership in the Employees' Retirement System or the Teachers Retirement System, attaining 30 years of creditable service (regardless of age) or after reaching age 60, having at least 10 years or more of creditable service.

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 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.

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

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:
None

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**:

a. Appointments in this category encompass an indefinite period of employment and are limited to three defined position groups with other established conditions/critiera as follows:
1. an individual may be appointed to a TRS covered, hourly-paid, non-professional support position with a work commitment of no more than nineteen (19) hours each week for an indefinite period;

2. an individual may be appointed to a TRS covered, hourly-paid, non-professional support position with a work commitment of at least twenty (20) but no more than twenty-nine (29) hour per week for an indefinite period provided the TCSG work unit assumes responsibility for the employer's portion of the cost of the employee's TRS membership. Accompanying TRS membership criteria requires an appointment to a one-half time or greater permanent position in which the employee works at least fifty percent (50%) of the hours required of a full-time position with a similar scope of work; or,

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

NOTE: for purposes of implementing the provisions of this Paragraph, the term "non-professional support position" is defined as an administrative/clerical or other support position. The term "indefinite period" is defined as a continuous period of employment of nine (9) or more calendar months inclusive of breaks between academic terms.

b. An individual hired pursuant to the provisions of Paragraph VI.A.3.a.1. or VI.A.3.a.3. 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 of Georgia's (ERS) Georgia Defined Contribution Plan unless otherwise excluded by law.

c. An individual hired pursuant to the provisions of Paragraph VI.A.3.a.2. must participate in TRS as a condition of employment but, is not eligible for other benefits nor does he/she accrue leave.

d. All similarly situated positions in a work unit (i.e,, all positions encompassing the same job title, which perform comparable duties and responsibilities, and which possess a comparable work hours commitment) should be established and maintained using the same employment category option identified in Paragraphs VI.A.3. or VI.A.4.

For example, all hourly-paid child enrichment center worker positions in a TCSG child enrichment center should be assigned to the same employment category (e.g., 19 hours a week for an indefinite period [Paragraph VI.A.3.a.1.]; 20 to 29 hours a week for an indefinite period with TRS membership [Paragraph VI.A.3.a.3.]; or, Temporary Category 1 - Time Limited Appointment [Paragraph VI.A.4.a.].

f. The indefinite period of employment differentiates appointments in Paragraph VI.A.3. from the various types of temporary, hourly-paid appointments referenced in Paragraph VI.A.4.

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., VI.A.4.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 in a part-time, hourly-paid position in a particular sub-category may also simultaneously serve as adjunct faculty. Additionally, no individual employed in a part-time, hourly-paid position 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 forty (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 or 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 Procedure: 4.3.2p6.- Other Employment. 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:

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

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

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

B. Benefits Eligibility and Leave Accruals:

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 consistent with applicable provisions of State Personnel Board Rules and shall be compensated for a state holiday based on the number of scheduled work hours on the day a holiday is observed.

3. **Part-time, Hourly-Paid Employees**: employees appointed pursuant to the provisions of Paragraph VI.A.3.a.1. or VI.A.3.a.3. 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. Employees appointed pursuant to the provisions of Paragraph VI.A.3.a.2. shall, as a condition of employment, become a member of TRS but are not eligible for other benefits nor do they accrue leave.

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 4.9.1. and as provided in O.C.G.A.§ 20-4-25, an employee's decision, once made, is irrevocable during his/her tenure of employment with the Technical College System of Georgia. 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.

2. A regular, part-time employee in a TRS covered position is eligible, upon appointment, to become a member of TRS. NOTE: the employee's decision to elected membership in TRS is irrevocable during the tenure of employment with the Technical College System of Georgia. 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. Hourly-paid employees appointed to a position covered by the provisions of option VI.A.3.a.2. must become a member of TRS as a condition of employment. All other part-

time hourly paid employees as well as temporary employees, and adjunct faculty must, as a condition of employment, before 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. an ERS retiree who returns to employment in a full-time, TRS-covered position with a TCSG work unit (including those individuals who were employed with a TCSG work unit at the time of their retirement) may elect to become a member of TRS.

b. if an ERS retiree elects to become a member of TRS as provided in Paragraph VI.D.1., his/her ERS retirement benefits/allowance will be suspended if he/she works more than 1,040 hours during a calendar year.

c. an individual who retires at or after his/her Normal Retirement Age may not return to work during the calendar month following his/her retirement.

d. an individual who retired under ERS' Early Retirement provisions (i.e., prior to the Normal Retirement Age) is not permitted to return to work for two (2) calendar months after his/her retirement. The TCSG work unit must certify that there is no agreement in place with the employee prior to his/her retirement date to return to employment.

e. Pursuant to the provision of O.C.G.A. §47-2-110(4):

1. it is the responsibility of a retired ERS plan member to notify a TCSG work unit of his/her retirement status prior to accepting a position;

2. any TCSG work unit that employs a ERS retiree must notify the ERS Board of Trustees, in writing, within thirty (30) days after employment is accepted of the name of the retiree and the number of hours the individual is projected to work annually;

3. if a retiree works more than 1,040 hours in any calendar year, the TCSG work unit must notify the ERS Board of Trustees as soon as this information is known;

4. any TCSG work unit that fails to provide the required notification outlined in Paragraph VI.D.e.3. must reimburse ERS for any benefits wrongly paid; and,

5. if the retiree fails to notify a TCSG work unit of his/her retirement status and is subsequently employed and the work unit becomes liable to ERS for the inappropriate payment of retirement benefits, the retiree shall hold the work unit harmless for all liability incurred.

f. If an ERS retiree is rehired in a position with a work obligation that averages thirty (30) or more hours per week for a period of more than three (3) months, he/she must be offered health benefits as an active employee. In this circumstance, State Health Benefit Plan Rules require the employee premium to be taken from the employing TCSG work unit payroll rather than from the retiree's pension. Additionally, the employing TCSG work unit will be responsible for the employer portion of the health insurance premium regardless of whether the employee elects coverage as an active employee.

2. Teacher's Retirement System of Georgia (TRS) Retiree

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

   b. as provided in the TCSG Procedure 4.9.1p. governing Retirement, a TCSG employee who retires on a service retirement with TRS is prohibited by the provisions of O.C.G.A. §47-3-60(m) and corresponding TRS plan guidelines from returning to full-time employment with a TCSG work unit and becoming a member of ERS.

   c. a retiree from another TRS-covered employer may return to work with a TCSG work unit 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.

   d. a TRS retiree may be employed by a TCSG work unit in one of the following capacities:

   1. Part-time Employment

   (a). a retiree may work in a salaried position provided he/she receives no more than 49% of the normal monthly contracted salary/compensation for the position held and works no more than 49% of the full-time status of the position; or,

   (b). a retiree may work in an hourly paid position provided: he/she receives no more than 49% of the salary/compensation that would normally be paid if he/she worked on a full-time basis in the position and, his/her "hours worked" in a given calendar month does not exceed the maximum number of hours threshold for that month as established by TRS.

   2. Temporary Employment

   (a). a retiree may return to temporary employment in a full-time capacity for no more than three (3) months in a fiscal year provided the retiree is paid at the normal salary/compensation for the position held. NOTE: the three (3) months do not have to be worked consecutively.

   3.Adjunct Faculty

   (a). pursuant to TRS plan guidelines, a retiree may serve as adjunct faculty (e.g., an adjunct instructor) at the historical rate of pay for the academic area of assignment and, as applicable, consistent with the utilization restrictions outlined in the TRS Procedure governing Institutional Staff Work Assignments (TCSG Procedure 4.1.8p.).

   e. as provided in Paragraph VI.D.2.a., TRS retirees must have a break-in-service of at least one (1) calendar month before returning to employment with a TRS-covered employer. If a TCSG work unit employs a retiree during the calendar month immediately following the individual's retirement, the work unit must reimburse TRS for that month's benefit; however, if the retiree fails to notify the TCSG work unit of the effective date of

his/her retirement, the retiree will be required to reimburse the work unit for these monies.

f. if a retiree is appointed to a TRS-covered position with a TCSG work unit and works one-half time or more (with the limited exception outlined in Paragraph VI.D.2.d.2), his/her TRS pension will cease. If a retirement benefit is stopped, the retiree can elect to suspend or terminate his/her retirement benefit as provided in TRS plan guidelines. If the retiree does not elect to suspend or terminate his/her benefit, termination of the retirement benefit by TRS is the default position taken.

VII. RECORD RETENTION:

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

POLICY: 4.1.5. (III.E)
Verification of Employment

Revised: September 2, 2001
Last Reviewed: September 2, 2001
Adopted: September 2, 2001

POLICY:

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

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 4.1.6. (III.F.)
Employment Contracts

Revised: September 1, 1994; January 10, 1994;
Last Reviewed: September 1, 1994
Adopted: April 2, 1987

POLICY:

The Commissioner may issue employment contracts for technical college Presidents. The Presidents may issue employment contracts to their vice presidents, faculty and other professional staff.

Job duties and responsibilities associated with contract positions are judged to be such that the System reserves the right to renew or not renew these contracts when such contracts expire. As used in this policy, the term "non-renewal" means the discretionary non-renewal of a contract, as opposed to employee termination or dismissal for cause.

Contracts for presidents, staff and full-time faculty are normally written for a one (1) year term beginning and ending with the fiscal year. However, shorter contract periods are permissible. The benefits, terms, and conditions of employment of contract employees shall be governed by State Board policy and procedures. This includes the right to terminate or otherwise discipline such employees for cause during the term of their contracts. During the term of the contract period, an employee's job duties or job title may be changed at the discretion of the Commissioner or technical college President.

If the Commissioner or technical college President decides not to renew an employee's contract, then such employee shall be notified in writing no later than May 31st of the preceding academic year. Probationary or short-term contracts may specify other notice provisions as long as an employee is given at least two weeks (14 calendar days) written notice. Extending the date of a contract's scheduled expiration in order to give the required notice will satisfy these notice periods.

The System shall authorize standard employment contracts.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

ATTACHMENTS:
Attachment: 4.1.6.a1. Employment Contract for Presidents
Attachment: 4.1.6.a2. Employment Contract for Faculty
Attachment: 4.1.6.a3. Employment Contract for Professional Staff
Attachment: 4.1.6.a4. Standard Non-Renewal Letter

Attachment: 4.1.6.a1.

Contract of Employment for Presidents

This agreement is made and entered into this _____ day of _____ by and between the Technical College System of Georgia (hereinafter "Employer") and

(name)

(address)

(social security number)

(hereinafter "Employee") for employment as President of _____ _____.

WHEREAS, Employer is responsible for the oversight and operations of postsecondary technical schools, public libraries, adult literacy programs, the "Quick Start" program and other programs and services pursuant to the Official Code of Georgia Annotated (O.C.G.A.) § 20-4-14 et. seq.; and

WHEREAS, _____ is a state postsecondary educational institution subject to the authority of Employer pursuant to O.C.G.A. § 20-4-14(b);

NOW THEREFORE, FOR AND IN CONSIDERATION of the mutual promises, covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Employer and Employee agree as follows:

I. Employment: The Employer has offered employment and the Employee has accepted employment as President of _____ (hereinafter "School") of _____ County, Georgia beginning _____ and ending _____ at an annual salary of _____.

II. Salary: The annual salary specified in section I above shall be paid subject to adjustment according to the Policies of the State Board of the Technical College System of Georgia applicable to the classification and type of service to which the Employee has been assigned, without obligation by the Employer to make up any deficit beyond such sum as shall become uniformly applicable to all employees of the same group, classification, type, and length of service, as determined by any state or federal laws or regulations now or hereinafter in operation regarding the financing of public technical and adult education. The salary shall be subject to an adjustment on a pro rata basis for the number of days the Employee does not work during the term of the contract due to late employment, resignation, or Employee's absence when there is no accumulated and approved leave to cover such absence.

III. Scope of Contract: This contract covers the normal full-time workload for the President as defined by the Employer as of the execution date of this contract.

IV. Employee Obligations and Responsibilities:

A. Employee agrees to observe and obey such standards, policies, rules and regulations as may be put in force, from time to time, by appropriate lawful actions of either the School or the

Employer. Employee acknowledges that he/she has read the policies of the Technical College System of Georgia, that he/she understands such policies, and that he/she agrees to be bound by the terms of such policies. Employee further agrees to execute and subscribe to such oath or affirmation of allegiance to the Governments and Constitutions of the United States and the State of Georgia as may be required or permitted by law.

B. Employee agrees to furnish to the Employer in writing and under oath such information (including medical information) as the Employer may reasonably and legally request from time to time pertaining to the Employee's competence and fitness to perform his or her assigned duties. If specific medical information is requested by Employer, Employee shall have the option to be examined by a physician of his or her own choice, approved in advance by Employer, or by a physician selected by Employer. In the event that the physician selected by Employee is not approved by Employer, then Employer shall select a physician. Employer shall pay the costs of such medical examination if such costs have been approved by Employer prior to their being incurred.

V. Termination of Contract

A. Termination Due to Lack of Funds: Notwithstanding any other provision of this contract, in the event any of the sources of funding for this contract (including, but not limited to, federal and/or state appropriations) is reduced or discontinued, Employer shall have the option, in its sole discretion, to terminate its obligations under this contract in whole or in part, such termination to be effective as of the date specified in the notice to the Employee.

B. Termination by Employer: This contract shall not be modified or terminated by Employer except as provided for by the policies of the State Board of the Technical College System of Georgia, as amended from time to time, which are incorporated by reference into this contract as if fully written herein.

C. Termination by Employee: This contract shall not be terminated by Employee without the written consent of Employer. In the event Employee does terminate this contract, whether by formal notice or by willful failure or refusal to continue duties without written consent, the Employer may pursue all legal and equitable remedies for breach of contract including but not limited to actual damages for failure to perform. Actual damages include, but are not limited to, cost of hiring replacement employee(s), advertising costs, court costs, and attorney's fees. In addition, Employer may bar Employee's eligibility for future employment at another technical college, at the Department's System Office, or at any other State agency.

VI. Employee Certification: Employee hereby certifies that he or she is not under contract to any local board of education, Technical College, college or university of this or any other state. Employee further certifies that he or she is not under contract to the Technical College System of Georgia to be employed at any other Technical College, nor will he or she be employed by any other state agency during this contract period.

VII. Work for Hire Acknowledgment Without limiting in any way the effect of the work for hire provisions of the United States Copyright Act, 17 U.S.C. §§ 101, et seq., the parties to this Agreement hereby acknowledge that all works prepared by or contributed to by Employee by reason of or in connection with this Agreement, whether or not such works are provided by Employee to Employer, and all copies and versions thereof (hereinafter "Works"), will be prepared by or contributed to by Employee for, at the instigation and under the direction of Employer, and as an "employee" of "employer" within the "scope of employment" of Employee, and are to be considered by both parties as "works for hire." As used in this acknowledgment, all quoted terms are used as they are in the United States Copyright Act, 17 U.S.C. §§ 101, et seq., and as they have been interpreted by the courts of the United States. As a result, Employer, as the author of all

such works, owns full and exclusive rights to the works in all media now in existence and all media now known or hereinafter created.

VIII. Assignment Without curtailing or limiting the aforesaid acknowledgment, Employee hereby assigns, grants and delivers (and agrees further to assign, grant and deliver) exclusively unto Employer all rights, titles and interests of every kind and nature whatsoever in and to all Works, including, but not limited to, all copyrights therein and thereto and all renewals thereof. Employee further agrees to execute and deliver to Employer, its successors and assigns, such other and further instruments and documents as Employer reasonably may request for the purpose of establishing, evidencing and enforcing or defending its complete, exclusive, perpetual and worldwide ownership of all rights, titles and interests of every kind and nature whatsoever, including all copyrights, in and to the Works, and Employee hereby constitutes and appoints Employer, as Employee's agent and attorney-in-fact, with full power of substitution, to execute and deliver such documents or instruments as Employee may fail or refuse to execute and deliver, this power and agency being coupled with an interest and being irrevocable.

IX. Miscellaneous:

A. Entire Agreement: This Contract, together with any documents incorporated herein, constitutes the entire agreement between the parties with respect to the subject matter hereof and supercedes all prior negotiations, representations or contracts.

B. Severability: Any section, subsection, paragraph, term, condition or provision or other part of this Contract which is judged, held, found or declared to be voidable, void, invalid, illegal or otherwise not fully enforceable shall not affect any other part of this Contract, and the remainder of this Contract shall continue to be of full force and effect as set out herein.

C. Waiver: The waiver by Employer of any breach of any provision contained in this Contract shall not be deemed to be a waiver of such provision on any subsequent breach of the same or of any other provision contained in this Contract, and shall not establish a course of performance between the parties contradictory to the terms hereof.

D. Amendments: No amendment of this Contract, or any of the terms or provisions hereof, shall be binding upon either party except by a writing executed by both parties.

IN WITNESS WHEREOF, the parties have executed this Contract of Employment in duplicate as of the day and year written above.

Technical College System of Georgia

School: (name)

(city, state)

By: _____

Employee: (name)

_____

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Attachment: 4.1.6.a2.

Contract of Employment for Faculty

This agreement is made and entered into this _____ day of _____ by and between the _____ Technical College (hereinafter "Employer" or "College") and _____ (hereinafter "Employee") for employment as a member of the College faculty. WHEREAS, Employer is responsible for providing technical training to its students;

WHEREAS, the College is a unit of the Technical College System of Georgia (hereinafter the "System") and pursuant to Georgia law and State Board of the Technical College System of Georgia policy has the authority to hire College faculty;

NOW THEREFORE, FOR AND IN CONSIDERATION of the mutual promises, covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledges, Employer and Employee agree as follows:

I. **Employment:** The Employer has offered employment and the Employee has accepted employment for a _____ month period beginning _____ and ending _____ at an annual salary of _____. This salary shall be paid monthly or semi-monthly at a rate of $_____ for the period _____, 200_ through December 31, 200_. Provided monies have been appropriated for a performance-based/general salary increase for state employees and the Employee has met or exceeded established performance expectations and/or other accompanying eligibility criteria, the Employee's salary shall be adjusted to $_____ for the period January 1, 200_ through June 30,
200_. Employee understands and agrees that there is no claim for future employment beyond the life of this contract.

II. Salary: The annual salary specified in Section I above shall be subject to adjustment pursuant to State Board policies applicable to the classification and type of service to which the Employee has been assigned without obligation by the Employer to make up any deficit beyond such sum as shall be uniformly applicable to all employees in the same group, classification, type, and length of service, as determined by any state or federal law or rule or regulations now or thereinafter in operation regarding the financing of public technical or adult education. Said salary shall be subject to adjustment on a pro rata basis for the number of scheduled work hour(s)/day(s) the Employee does not work during the contract period when: the Employee is absent and his/her leave balance(s) is/are exhausted; the Employee is absent and has not sought permission to use accrued leave or permission was sought and denied for legitimate business reasons; or, the Employee requests placement on leave without pay during the contract period. Said salary shall be subject to adjustment on a pro-rata basis for the number of scheduled hour(s)/day(s) the Employee does not work due to his/her resignation prior to the end of the contract period or in the event the Employee is released from employment during the contract period pursuant to applicable State Board policies.

III. Scope of Contract: This contract covers full-time instructional staff work assignments, including teaching wherever and whenever assigned. During the term of this contract, the College President may determine that it is in the best interest of the College to change the Employee's job title and/or job description. Employee understands and agrees that any such change that does not result in a change in compensation shall be permissible under the terms of this contract.

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IV. Employee Obligations and Responsibilities:

A. Employee agrees to observe the curriculum and standards promulgated by the State Board. Employee further agrees to abide by all state and federal laws. Also, Employee agrees to obey such standards, policies, rules and regulations as may be put in force, from time to time, by appropriate lawful actions of the College, the System or the State Board. Employee acknowledges that he or she has read the policies of the Technical College System of Georgia, that he/she understands such policies, and that he/she agrees to be bound by the terms of such policies. Employee further agrees to execute and subscribe to such oath or affirmation of allegiance to the Governments and Constitutions of the United States and the State of Georgia as may be required or permitted by law. Employee further acknowledges that he or she is aware that Employer is a Drug-Free Workplace and Drug-Free Campus.

B. Employee agrees to furnish to the Employer in writing and under oath such information (including medical information) as the Employer may reasonably and legally request from time to time pertaining to the Employee's competence and fitness to perform his or her assigned duties. If Employer requests specific medical information, then Employee shall have the option to be examined by a health care professional of his or her own choice, approved in advance by Employer, or by a health care professional selected by Employer. In the event that the health care professional selected by Employee is not approved by Employer, then Employer shall select a health care professional. Employer shall pay the costs of such medical examination if such costs have been approved by Employer prior to their being incurred.

V. Termination of Contract

A. Termination Due to Lack of Funds: Notwithstanding any other provision of this contract, in the event any of the sources of funding for this contract (including, but not limited to, federal and/or state appropriations or grants) is reduced or discontinued, Employer shall have the option, in its sole discretion, to terminate its obligations under this contract in whole or in part, such termination to be effective as of the date specified in written notice to the Employee.

B. Termination by Employer: This contract shall not be modified or terminated by Employer except as provided for by the policies of the State Board, as amended from time to time, which are incorporated by reference into this contract as if fully written herein.

C. Termination by Employee: This contract shall not be terminated by Employee without the written consent of Employer. In the event Employee does terminate this contract, whether by formal notice or by willful failure or refusal to continue duties without written consent, the Employer may pursue all legal and equitable remedies for breach of contract including but not limited to actual damages for failure to perform. Actual damages include, but are not limited to, cost of hiring replacement employee(s), advertising costs, court costs, and attorney’s fees. In addition, Employer may bar Employee’s eligibility for future employment at another technical college, at the Department’s System Office, or at any other State agency.

VI. Employee Certification: Employee hereby certifies that he or she is not under contract to any local board of education, technical college, college or university of this or any other state. Employee further certifies that he or she is not under contract to the Technical College System of Georgia to be employed at any other technical college, nor will he or she be employed by any other state agency during this contract period. Employee further certifies that he or she is not employed privately in any capacity that conflicts with his or her duties to the College. Exceptions to this provision may be approved by the College President in accordance with authority delegated by the Commissioner and as provided by Georgia law, O.C.G.A. Section 45-10-25 (a)(8).

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VII. Work for Hire Acknowledgment Without limiting in any way the effect of the work for hire provisions of the United States Copyright Act, 17 U.S.C. §§ 101, et seq., the parties to this Agreement hereby acknowledge that all works prepared by or contributed to by Employee by reason of or in connection with this Agreement, whether or not such works are provided by Employee to Employer, and all copies and versions thereof (hereinafter "Works"), will be prepared by or contributed to by Employee for, at the instigation and under the direction of Employer, and as an "employee" of "employer" within the "scope of employment" of Employee, and are to be considered by both parties as "works for hire." As used in this acknowledgment, all quoted terms are used as they are in the United States Copyright Act, 17 U.S.C. §§ 101, et seq., and as they have been interpreted by the courts of the United States. As a result, Employer, as the author of all such works, owns full and exclusive rights to the works in all media now in existence and all media now known or hereinafter created.

VIII. Assignment Without curtailing or limiting the aforesaid acknowledgment, Employee hereby assigns, grants and delivers (and agrees further to assign, grant and deliver) exclusively unto Employer all rights, titles and interests of every kind and nature whatsoever in and to all Works, including, but not limited to, all copyrights therein and thereto and all renewals thereof. Employee further agrees to execute and deliver to Employer, its successors and assigns, such other and further instruments and documents as Employer reasonably may request for the purpose of establishing, evidencing and enforcing or defending its complete, exclusive, perpetual and worldwide ownership of all rights, titles and interests of every kind and nature whatsoever, including all copyrights, in and to the Works, and Employee hereby constitutes and appoints Employer, as Employee's agent and attorney-in-fact, with full power of substitution, to execute and deliver such documents or instruments as Employee may fail or refuse to execute and deliver, this power and agency being coupled with an interest and being irrevocable.

IX. Miscellaneous:

A. Entire Agreement: This Contract, together with any documents incorporated herein, constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior negotiations, representations or contracts.

B. Severability: Any section, subsection, paragraph, term, condition or provision or other part of this Contract which is judged, held, found or declared to be voidable, void, invalid, illegal or otherwise not fully enforceable shall not affect any other part of this Contract, and the remainder of this Contract shall continue to be of full force and effect as set out herein.

C. Waiver: The waiver by Employer of any breach of any provision contained in this Contract shall not be deemed to be a waiver of such provision on any subsequent breach of the same or of any other provision contained in this Contract, and shall not establish a course of performance between the parties contradictory to the terms hereof.

D. Amendments: No amendment of this Contract, or any of the terms or provisions hereof, shall be binding upon either party except by a writing executed by both parties.

E. Governing Law: This contract shall be governed by the laws of the State of Georgia.

IN WITNESS WHEREOF, the parties have executed this Contract of Employment in duplicate as of the day and year written above.
Employee's name (printed) _____
Employee's signature: _____
Employee's home address_____
_____

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_____ TECHNICAL COLLEGE

By: _____

College President

Attachment: 4.1.6.a3.

Contract of Employment for Professional Staff

This agreement is made and entered into this _____ day of_____ by and between the _____ Technical College (hereinafter "Employer" or "College") and _____ (hereinafter "Employee") for employment as a professional staff member of the College.

WHEREAS, Employer is responsible for providing technical training to its students;

WHEREAS, the College is a unit of the Technical College System of Georgia (hereinafter the "System") and pursuant to Georgia law and State Board of the Technical College System of Georgia policy has the authority to hire College employees;

NOW THEREFORE, FOR AND IN CONSIDERATION of the mutual promises, covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Employer and Employee agree as follows:

I. Employment: The Employer has offered employment and the Employee has accepted employment for a _____ month period beginning _____ and ending _____ at an annual salary of _____. This salary shall be paid monthly or semi-monthly at a rate of $_____ for the period _____, 200_ through December 31, 200_. Provided monies have been appropriated for a performance-based/general salary increase for state employees and the Employee has met or exceeded established performance expectations and/or other accompanying eligibility criteria, the Employee's salary shall be adjusted to $_____ for the period January 1, 200_ through June 30, 200_. Employee understands and agrees that there is no claim for future employment beyond the life of this contract.

II. Salary: The annual salary specified in Section I above shall be subject to adjustment pursuant to State Board policies applicable to the classification and type of service to which the Employee has been assigned without obligation by the Employer to make up any deficit beyond such sum as shall be uniformly applicable to all employees in the same group, classification, type, and length of service, as determined by any state or federal law or rule or regulations now or thereinafter in operation regarding the financing of public technical or adult education. Said salary shall be subject to adjustment on a pro rata basis for the number of scheduled work hours/day(s) the Employee does not work during the contract period when: the Employee is absent and his/her leave balance(s) is/are exhausted; the Employee is absent and has not sought permission to use accrued leave or permission was sought and denied for legitimate business reasons; or, the Employee requests placement on leave without pay during the contract period. Said salary shall be subject to adjustment on a pro-rata basis for the number of scheduled hours/day(s) the Employee does not work due to his/her resignation prior to the end of the contract period or in the event the Employee is released from employment during the contract period pursuant to applicable State Board policies.

III. Scope of Contract:
This contract covers full-time professional staff work assignments. During the term of this contract, the College President may determine that it is in the best interest of the College to change the Employee's job title, job description and/or work hours. Employee understands and agrees that any

such change that does not result in a change in compensation shall be permissible under the terms of this contract.

IV. Employee Obligations and Responsibilities:

A. Employee further agrees to abide by all state and federal laws. Employee further agrees to obey such standards, policies, rules and regulations as may be put in force, from time to time, by appropriate lawful actions of the College, the System or the State Board. Employee acknowledges that he or she has read the policies of the Technical College System of Georgia, that he/she understands such policies, and that he/she agrees to be bound by the terms of such policies. Employee further agrees to execute and subscribe to such oath or affirmation of allegiance to the Governments and Constitutions of the United States and the State of Georgia as may be required or permitted by law. Employee further acknowledges that he or she is aware that Employer is a Drug-Free Workplace and Drug-Free Campus.

B. Employee agrees to furnish to the Employer in writing and under oath such information (including medical information) as the Employer may reasonably and legally request from time to time pertaining to the Employee's competence and fitness to perform his or her assigned duties. If Employer requests specific medical information, then Employee shall have the option to be examined by a health care professional of his or her own choice, approved in advance by Employer, or by a health care professional selected by Employer. In the event that the health care professional selected by Employee is not approved by Employer, then Employer shall select a health care professional. Employer shall pay the costs of such medical examination if such costs have been approved by Employer prior to their being incurred.

V. Termination of Contract

A. Termination Due to Lack of Funds: Notwithstanding any other provision of this contract, in the event any of the sources of funding for this contract (including, but not limited to, federal and/or state appropriations or grants) is reduced or discontinued, Employer shall have the option, in its sole discretion, to terminate its obligations under this contract in whole or in part, such termination to be effective as of the date specified in written notice to the Employee.

B. Termination by Employer: This contract shall not be modified or terminated by Employer except as provided for by the policies of the State Board, as amended from time to time, which are incorporated by reference into this contract as if fully written herein.

C. Termination by Employee: This contract shall not be terminated by Employee without the written consent of Employer. In the event Employee does terminate this contract, whether by formal notice or by willful failure or refusal to continue duties without written consent, the Employer may pursue all legal and equitable remedies for breach of contract including but not limited to actual damages for failure to perform. Actual damages include, but are not limited to, cost of hiring replacement employee(s), advertising costs, court costs, and attorney's fees. In addition, Employer may bar Employee's eligibility for future employment at another technical college, at the Department's System Office, or at any other State agency.

VI. Employee Certification: Employee hereby certifies that he or she is not under contract to any local board of education, technical college, college or university of this or any other state. Employee further certifies that he or she is not under contract to the Technical College System of Georgia to be employed at any other technical college, nor will he or she be employed by any other state agency during this contract period. Employee further certifies that he or she is not employed privately in any capacity that conflicts with his or her duties to the College. Exceptions to this provision may be approved by the College President in accordance with authority delegated by the Commissioner and as provided by Georgia law, O.C.G.A. Section 45-10-25 (a)(8).

VII. Work for Hire Acknowledgment Without limiting in any way the effect of the work for hire provisions of the United States Copyright Act, 17 U.S.C. §§ 101, et seq., the parties to this Agreement hereby acknowledge that all works prepared by or contributed to by Employee by reason of or in connection with this Agreement, whether or not such works are provided by Employee to Employer, and all copies and versions thereof (hereinafter "Works"), will be prepared by or contributed to by Employee for, at the instigation and under the direction of Employer, and as an "employee" of "employer" within the "scope of employment" of Employee, and are to be considered by both parties as "works for hire." As used in this acknowledgment, all quoted terms are used as they are in the United States Copyright Act, 17 U.S.C. §§ 101, et seq., and as they have been interpreted by the courts of the United States. As a result, Employer, as the author of all such works, owns full and exclusive rights to the works in all media now in existence and all media now known or hereinafter created.

VIII. Assignment Without curtailing or limiting the aforesaid acknowledgment, Employee hereby assigns, grants and delivers (and agrees further to assign, grant and deliver) exclusively unto Employer all rights, titles and interests of every kind and nature whatsoever in and to all Works, including, but not limited to, all copyrights therein and thereto and all renewals thereof. Employee further agrees to execute and deliver to Employer, its successors and assigns, such other and further instruments and documents as Employer reasonably may request for the purpose of establishing, evidencing and enforcing or defending its complete, exclusive, perpetual and worldwide ownership of all rights, titles and interests of every kind and nature whatsoever, including all copyrights, in and to the Works, and Employee hereby constitutes and appoints Employer, as Employee's agent and attorney-in-fact, with full power of substitution, to execute and deliver such documents or instruments as Employee may fail or refuse to execute and deliver, this power and agency being coupled with an interest and being irrevocable.

IX. Miscellaneous:

A. Entire Agreement: This Contract, together with any documents incorporated herein, constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior negotiations, representations or contracts.

B. Severability: Any section, subsection, paragraph, term, condition or provision or other part of this Contract which is judged, held, found or declared to be voidable, void, invalid, illegal or otherwise not fully enforceable shall not affect any other part of this Contract, and the remainder of this Contract shall continue to be of full force and effect as set out herein.

C. Waiver: The waiver by Employer of any breach of any provision contained in this Contract shall not be deemed to be a waiver of such provision on any subsequent breach of the same or of any other provision contained in this Contract, and shall not establish a course of performance between the parties contradictory to the terms hereof.

D. Amendments: No amendment of this Contract, or any of the terms or provisions hereof, shall be binding upon either party except by a writing executed by both parties.

E. Governing Law: This contract shall be governed by the laws of the State of Georgia.

IN WITNESS WHEREOF, the parties have executed this Contract of Employment in duplicate as of the day and year written above.

Employee's name (printed) _____

Employee's signature: _____

Employee's home address_____

Back

_____

_____ TECHNICAL COLLEGE

By: _____
College President

Back

Attachment: 4.1.6.a4.

Standard Non-Renewal Letter

(Date)

CERTIFIED MAIL, RETURN RECEIPT REQUESTED,
OR HAND DELIVERY BEFORE MAY 31st.

(Name of Employee)
(Home Address
of Employee)

Dear (Name of Employee):

As you are aware from our recent conversation, _____ Technical College will not be issuing you a contract for next fiscal year that begins [DATE]. Your employment at the college will accordingly end on [DATE].

Coverage for your health insurance will expire on [DATE]. The state health benefit office will contact you about continuing your health insurance under COBRA. Coverage for other insurance that you may have, such as dental, life, accidental death and dismemberment (AD&D) or dependent life, will also expire on [DATE]. Please call the Flexible Benefit Plan at 404-656-6405 if you are interested in COBRA for your dental insurance. If you are interested in converting your life or AD & D insurance, you may call UNUM Insurance Company directly at 1-800-313-5406.

If you are eligible to withdraw your retirement contributions and would like to do so, please complete and return the enclosed Refund of Retirement Contributions form to _____. If you have any questions regarding this refund or other retirement issues, you may call the Employees Retirement System at 404-352-6400 or the Teachers Retirement System at 404-352-6500.

(The last paragraph should say something nice about the employee's contribution at the college. An example is given.) Thank you for the contributions you have made to the college and to our students in the _____ program. If I can ever be of any assistance to you, please do not hesitate to contact me.

Sincerely,

(Name of President)
President

Enclosure: Refund of Retirement Contributions form

POLICY: 4.1.7. (III.N)
Personnel Files

Revised: September 28, 2001
Last Reviewed: June 23, 2005
Adopted: July 2, 1987

POLICY:

An official personnel file shall be maintained on all System employees. A custodian shall be designated for official personnel files. The Technical College System of Georgia shall comply with Georgia's Open Records Law and other state laws concerning the maintenance, viewing and inspection of official personnel files.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure: 4.1.7p. Official Personnel Files
Georgia's Open Records Law: O.C.G.A. § 50-18-70 et seq.

Procedure: 4.1.7p. (III.N)

Official Personnel Files

Revised: September 28, 2001
Last Reviewed: June 23, 2005
Adopted: September 28, 2001

I. PUPROSE:
The System Office shall maintain an official personnel file on all System Office employees. Each technical college shall maintain an official personnel file on its employees.

II. RELATED AUTHORITY
State Board POLICY: 4.1.7. Personnel Files
Georgia's Open Records Law: O.C.G.A. § 50-18-70 et seq.

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

IV. DEFINITIONS: n/a

V. ATTACHMENTS:
Attachment: 4.1.7p.a1. Documents to be Retained in Official Personnel Files
Attachment: 4.1.7p.a2. Documents to be Maintained Separately from Official Personnel Files
Attachment: 4.1.7p.a3. Notification of Purged Records

VI. PROCEDURE:

Filing Guidelines
Documents that should be placed and retained in official personnel files include, but are not limited to: appointment packet material, performance-related documents and requests for personnel/payroll actions. A more inclusive list is provided in Documents to be Retained in Official Personnel Files.

Documents that should be maintained **SEPARATELY** from official personnel files include, but are not limited to: medical information, criminal history records investigations, garnishments and employee grievances. A more inclusive list is provided in Documents to be Maintained Separately from Official Personnel Files.

Questions regarding documents to be placed in official personnel files should be directed to the appropriate authority of each technical college and/or System Office staff.

Custodians
Custodians of official personnel files include the TCSG's Director of Human Resources or designees and technical college representatives or designees.

Access to Information
Any employee may review his or her own personnel file and shall be allowed to do so within a reasonable time of such a request.

The Georgia Open Records Act provides that all System records are public and accessible unless specifically exempted for reasons such as an order by a Georgia Court or by law.

Some personal employee information that is maintained in official personnel files is confidential and not subject to disclosure under the Georgia Open Records Act. Insurance and medical information and social security numbers are not subject to disclosure, but all other documents are generally accessible under the Georgia Open Records Act.

Confidential personal information is accessible only under the following circumstances:

1) The custodians have access to the information for maintenance purposes.
2) Employees may have access to their own personal information.
3) Employees' legal representatives may have access to the information, if they have written authorization from the employees.
4) Vice Presidents, Commissioners, Presidents, Facility Administrators, designees and employees' supervisors may have access to the information when necessary for employment-related purposes or on a need-to-know basis.
5) The Georgia Bureau of Investigation and other law enforcement officials may have access to the information for purposes of investigating employment-related misconduct or for other legal reasons.
6) Information must be disclosed if required by subpoena issued by a court of competent jurisdiction or if otherwise required by law.

Custodians are to ensure that confidential information is removed prior to allowing access to official personnel files, unless one or more of the above conditions exists.

Subpoenas and other legal requests for information maintained in official personnel files are to be immediately forwarded to the appropriate authority or designee.

Access, to official personnel files that has been authorized, shall be permitted during regular business hours (i.e., Monday through Friday, 8:00 a.m. through 5:00 p.m., excluding holidays and non-work days). Normally this is in sight of the custodian.

Individuals requesting access to official personnel files should give advance notice. Identification is required prior to authorizing access to confidential employee information.

Individuals requesting copies from official personnel files may be charged a fee per copy.

Transfer of Official Personnel Files
Official personnel files of employees who transfer within the System must be forwarded to the appropriate technical college or office in a timely manner.

Official personnel files of System employees who transfer to other state agencies must be forwarded to the appropriate agency's Human Resource/Personnel Office in a timely manner.

Purged Files
Official personnel files may be purged as a result of settlement agreements made with employees in accordance with State law. (O.C.G.A. § 45-1-5)

1) In such cases, the official personnel files and any associated work history must be clearly designated with a notation that records have been partially or totally purged of the termination document, as a condition of legal settlement agreement (See Notification of Purged Records).

Note: Termination settlement agreements and requests for data change are to be forwarded to the appropriate designee or authority where notations regarding purged records are to be entered into terminated employee's computer-based work histories.

2) Notations regarding purged records shall be disclosed to any governmental entity requesting information on former employee's work histories for the sole purpose of making hiring decisions.

VII. RECORD RETENTION:

Custodians are responsible for official personnel files of inactive employees and their distribution in accordance with the approved Records Retention Schedule.

Attachment: 4.1.7p.a1.

Documents to be Retained in Official Personnel Files

This list is not all-inclusive, but provides guidance regarding the types of documents to be placed and retained in official personnel files.

Requests for Personnel/Payroll Action and supporting documentation, including:

- Changes to payroll deductions (e.g., flexible benefits, taxes, credit union, etc.)
- Documents confirming appointments, promotions, transfers, demotions, etc. (Documents must include at a minimum the effective date, salary, and classified/unclassified status)
- Family and medical leave requests and approvals (not containing medical information)
- Documents requesting and approving leave of absences without pay
- Correspondence regarding military leave, jury duty, kidney donation leave, disaster volunteer leave, etc.
- Suspensions without pay
- Notice of resignation or retirement

Appointment Packet material, including:

- Applications for Employment
- Security Questionnaire/Loyalty Oath forms
- Employment Eligibility Verification (INS Form I-9)
- Tax Forms
- Designations for Outstanding Wage Payments
- Acknowledgments of Workers' Compensation Treatment
- Health Insurance forms
- Flexible Benefits documents, including beneficiary forms
- Deferred Compensation enrollment forms and related material
- Retirement forms
- Understanding Concerning the Use of FLSA Compensatory Time
- Drug-Free Workplace Notices
- Proof of Selective Service Registration (if applicable)
- Acknowledgments of Unclassified Position (if applicable)
- Employee Handbook Acknowledgment form

Performance-related documents

- Performance evaluations
- Letters of commendation
- Written reprimands
- Adverse actions
- Separation letters and Separation Notices (Form DOL-800)

Other Documents

- Licenses/Certificates/Registrations and proof of renewals
- Special Requests for Other Employment and approvals/denials

Created: September 28, 2001

Attachment: 4.1.7p.a2.

Documents to be Maintained Separately from Official Personnel Files

This list is not all-inclusive, but provides guidance regarding the types of documents to be maintained separately from official personnel files.

- System Employee Grievances (unless employees specifically request in writing that grievance materials be placed in their official personnel file)
- Unlawful Discrimination Complaints filed through any of the following:
    - System Unlawful Discrimination Complaint Procedure
    - Georgia Commission on Equal Opportunity
    - Equal Employment Opportunity Commission
- Medical Information
    - ADA related information
    - Alcohol/Drug Testing laboratory results
    - Family and Medical Leave material containing medical information
    - Medical and Physical Examination Program forms
- Investigative reports from the Office of Audits
- Peer Committee review reports
- Internal security reports
- Confirmation of oral reprimands
- Garnishments, bankruptcies, levies
- Information received as a result of criminal history records investigation
- Leave donation records

Created: September 28, 2001

Back

Attachment: 4.1.7p.a3.

Notification of Purged Records

EMPLOYEE NAME: _____
SOCIAL SECURITY #: _____
TCSG ORGANIZATIONAL UNIT:_____

In accordance with Georgia State Law (O.C.G.A. §45-1-5), the official personnel file and all associated work history records of the above-named employee have been purged _____ partially _____ totally based on a settlement agreement, dated _____.

VERIFIED BY:

_____
(Signature)

_____
(Print Name)

_____
(Job Title)

cc: Technical College System of Georgia Legal Director
Official Personnel File
Other Relevant Purged Files

Created: September 28, 2001

POLICY: 4.1.8. (III.R)

Instructional Staff Work Assignments

Revised: March 6, 2014, August 2010, December 7, 2006, October 2005, April 2003

Last Reviewed: October 14, 2016

Adopted: September 1, 1988

POLICY:

Each technical college shall develop an institutional faculty teaching/workload and overload compensation policy/procedure within the parameters set forth herein. College procedures must be established and administered in compliance with applicable state and federal laws, rules and regulations pertaining to compensation, employee benefits, as well as any standards set forth by accrediting bodies; said procedures shall not create an employment contract between the employee and the technical colleges or the Technical College System of Georgia. Exceptions to the college procedure for faculty teaching/workload and overload compensation must be approved by the President or designee and documented and explained.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
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

Procedure: 4.1.8p. (III.R.1)
Instructional Staff Work Assignments

Revised: October 29, 2014, May 2, 2014, June 2010, December 7, 2006, October 2005, April 2003

Last Reviewed: October 14, 2016

Adopted: September 1, 1988

PURPOSE:

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. 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: 4.1.8. Instructional Staff Work Assignments

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

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: 4.1.4p., governing Categories of Employment. 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. RECORD RETENTION:

All records associated with instructional staff work assignments (e.g., faculty workload) shall be maintained for three (3) years.

POLICY: 4.1.9. (III.W.)
Background Investigations

Revised: December 6, 2012; March 1, 2012
Last Reviewed: April 23, 2015
Adopted: April 3, 2008

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, a thorough background investigation, including a criminal history records check, shall be conducted on the recommended candidate for any full- or part-time position with the TCSG System Office, or any associated technical college before a hiring decision is finalized.

The successful completion of a criminal history records check/investigation 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. Individuals with a documented record of criminal conviction(s), as well as those on active, reporting probation or with outstanding criminal charges or active arrest warrants may be ineligible for employment. The Commissioner shall establish a standardized procedure for background investigations and eligibility for employment which shall be followed by all technical colleges and the System Office.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
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
Rules of the Georgia Crime Information Center Council
15 U.S.C. 1681

Procedure: 4.1.9p. (III.W.1)
Background Investigations

Revised:	November 15, 2016, April 23, 2015, July 17, 2013, September 27, 2012, March 1, 2012
Last Reviewed:	November 15, 2016
Adopted:	April 3, 2008

PUPROSE:

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.

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 background check for the recommended candidate for a full- or part-time salaried or hourly paid position serving in a technical college's child care learning center shall also include a post-offer check of the Georgia Child Abuse Registry, the National Sex Offender Registry and, if the individual has lived in a state other than Georgia and/or a U.S. Territory and/or tribal land within the five (5) year period prior to his/her application for employment, a state fingerprint-based criminal history check and child abuse registry check for each of these state(s), territory(ies) or tribal land(s). These checks shall be undertaken by the Georgia Department of Early Care and Learning.

All required background checks must be successfully completed before a hiring decision is finalized.

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 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.

As provided in this procedure and absent a hiring decision made in response to an individualized assessment, an applicant subject to a post-offer criminal history records check and, as applicable, a fingerprint records check shall be ineligible for employment if he/she possesses a record of criminal conviction(s) for certain identified offenses or is on probation or parole for these same offenses or, if his/her criminal history reflects one or more pending (non-adjudicated) criminal charge(s) or one or more active arrest warrant(s).

II. RELATED AUTHORITY:
Governor Deal's February 23, 2015 Executive Order
Child Care and Development Block Grant of 2014
O.C.G.A. Title 16, Chapter 6
O.C.G.A. § 16-11-5
O.C.G.A. § 16-12.1.1
O.C.G.A. Title 17, Criminal Procedures
O.C.G.A. § 17-10-6.1 (Serious Violent Felonies)
O.C.G.A. § 20-1A-30, et seq.
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
Rules of the Georgia Crime Information Center Council 15 U.S.C.§ 1681
State Personnel Board Medical and Physical Examination Program
Rules of the Department of Early Care and Learning

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

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.

Comprehensive Background Check: as mandated by federal law, the Rules of the Georgia Department of Early Care and Learning require that any individual whose job duties include having personal contact with a child in a licensed child care learning program must satisfactorily

complete all of the following before such service can begin: a national fingerprint-based criminal history record check; a state fingerprint-based criminal history check for every U.S. Territory, tribal land or state (other than Georgia) in which he/she has lived during the past five (5) years; a check of the Georgia Child Abuse Registry, a check of the National Sex Offender Registry; and, as applicable, the child abuse registry for every U.S. Territory, tribal land, or state (other than Georgia) in which he/she has lived in the past five (5) years..

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 there from 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.

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. The defendant shall be discharged without court adjudication of guilt 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 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.

Material (Falsification): refers to an applicant's submission of false or misleading information that directly influences and/or impacts a hiring decision. A material falsification can be found in an employment application and/or associated hiring documents/forms, submitted records (e.g., past criminal history information), credentials (e.g., educational, professional, licensure, and certificates), current and past work experience (including disciplinary history, periods of employment, reason(s) for leaving an employer, etc.) and/or other qualifications or service (e.g., military service, volunteer service, etc.).

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 comprehensive background records check was performed, was found to have no criminal record and whose name did not appear on a registry which would preclude employment in a TCSG child care learning center.

Unsatisfactory Determination: a written declaration by the Georgia Department of Early Care and Learning that the individual for whom a comprehensive background records check was performed was found to have a criminal record and/or whose name did appear on a registry which would preclude employment in a TCSG child care learning center.

V. ATTACHMENTS:

Attachment: 4.7.2p.a5. Driver's History Consent Form
Attachment: 4.1.9p.a1. Criminal History Information Release Form (Technical College)
Attachment: 4.1.9p.a2. DSI/State of Georgia Background Request Form
Attachment: 4.1.9p.a3. Fair Credit Reporting Act Guidelines
Attachment: 4.1.9p.a4. Credit Information Release Form and Fair Credit Reporting Act Disclosure
Attachment: 4.1.9p.5. GCIC Awareness Statement
Attachment: 4.1.9p.a6. Pre-Employment Questionnaire – P.O.S.T. Certified Law Enforcement Positions
Attachment: 4.1.9p.a7. Authorization to Release Personal Information Form
Attachment: 4.1.9p.a8. Medical and Physical Examination Program Acknowledgement Form (POST)
Attachment: 4.1.9p.a9. Cogent Systems/Georgia Applicant Processing Systems Acknowledgement Form
Attachment: 4.1.9p.a10. Glossary of Criminal History Report/Record Terms and Conditions
Attachment: 4.1.9p.a11. Summary of Rights Under the Fair Credit Reporting Act
Attachment: 4.1.9p.a12. Governor Deal's February 23, 2015 Executive Order

VI. PROCEDURE:

A. General Provisions:

1. All applicants 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 (e.g., an applicant's employment history, education history, and, military service history). Additionally, 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 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. A material falsification or misrepresentation of information on these documents or any other hiring document 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 also 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 which communicates that the offer is contingent upon the candidate successfully completing the referenced criminal history records check and, dependent upon the position sought, one or more of the following: 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: additional screening requirements governing a prospective employee of a technical college's child care learning center are outlined in Paragraph VI.A.3. The correspondence/memorandum must advise the applicant or current employee that he/she may be determined to be ineligible for employment or, as applicable, separated from employment on the basis of information received on the criminal history records check or, as applicable, a fingerprint records check. Similarly, the conditional offer of employment may be withdrawn and/or a current employee made subject to disciplinary action based on the results of other required check(s)/screening(s), e.g., a positive drug test result. NOTE: the selection process is not complete and no candidate may be formally hired and begin work until all such check(s)/screening(s) have been completed and the candidate has successfully met all established hiring standards.

3. Child Care Learning Center Positions:

   a. The Rules of the Georgia Department of Early Care and Learning (DECAL) stipulate that before a new employee can be present at a child care learning center while children are present for care, he/she must have first received a satisfactory comprehensive background check determination from DECAL Included among the positions subject to this screening are those in an instructional, administrative, administrative support, food service and, as applicable, a custodial or maintenance capacity.

   b. For purposes of this procedure, an applicant provided a conditional offer of employment for a full- or part-time position in a technical college child care learning center must first successfully complete the TCSG-mandated criminal history records check. Provided the results are satisfactory, the individual must then undergo DECAL's comprehensive background check.

   c. Before employment can commence, a prospective employee and the director of the college's child care learning center must be in receipt of a satisfactory comprehensive background check determination letter from DECAL .

d. All employees of a technical college child care learning center (including those encumbering identified custodial and maintenance positions) who were appointed prior to January 1, 2017 after undergoing a national fingerprint-based criminal history records check and receiving a Satisfactory Determination Letter from DECAL must undergo DECAL's comprehensive background check prior to October 1, 2017 as follows:

1. Employees who have resided only in Georgia for the past five (5) years must undergo a check of the Georgia Child Abuse Registry and the National Sex Offender Registry;

2. Employees who have resided in a state other than Georgia, a U.S. Territory or a tribal land during the past five (5) years must undergo a check of the Georgia Child Abuse Registry, a check of the National Sex Offender Registry and, a check of the child abuse registry and a fingerprint-based criminal history for each of these state(s), territory(ies) or tribal land(s); and,

3. All employees must provide DECAL with written consent before these record checks can be administered.

e. Pursuant to DECAL Rules, all child care learning center employees referenced above must undergo a comprehensive background record check and receive a satisfactory determination from DECAL every five (5) years thereafter.

f. Any applicant provided a conditional offer of employment who refuses to complete a Cogent Systems/Georgia Applicant Processing Services Acknowledgement Form (Attachment 4.1.9p.a5.) and other Cogent registration requirements and/or who refuses to undergo a national fingerprint records check or who refuses to provide written consent for a check of the Georgia Child Abuse Registry, the National Sex Offender Registry or, as applicable, a state fingerprint-based criminal records check for each state, U.S. Territory or tribal land in which he/she has lived in the past five (5) years shall have his/her conditional offer of employment withdrawn.

g. Any current employee who refuses to undergo a comprehensive background check as outlined in Paragraphs VI.A.d. and VI.A.e., or who possesses a criminal record or placement on a referenced registry that would otherwise disqualify him/her from working in a TCSG child care learning center will be released from employment pursuant to applicable State Board Policies and TCSG Procedures.

h. The employing technical college is responsible for all costs associated with the required comprehensive background checks for both prospective and current employees.

4. P.O.S.T. Certified Law Enforcement Positions:

a. Applicants to be interviewed for a full- or part-time P.O.S.T. certified law enforcement position serving in a technical college's campus police department (e.g. a Law Enforcement Worker, Campus Police Officer, Assistant Campus Police Chief, or a Campus Police Chief) shall complete a TCSG Pre-Employment Questionnaire (Attachment:4.1.9p.a6.) in conjunction with the interview portion of the selection process. The Questionnaire is considered a pre-offer activity.

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 compliment a technical college's written selection process.

c. As referenced in Paragraph VI.A.1., the recommended candidate for a full- or part-time law enforcement position must successfully complete a criminal history records check. The candidate for a full-time position must undergo a medical examination (as referenced in Paragraph VI.A.4.d.) and a pre-employment drug screening. As provided in a technical college's written selection process, the candidate may also be required to undergo/successfully complete a credit history records check, a motor vehicle records check, and a psychological screening. Similarly, the selected candidate for a part-time law enforcement position may be required to undergo a pre-employment drug screening if such testing is mandated by the employing technical college and other referenced screenings.

d. The recommended candidate for a full-time P.O.S.T. certified law enforcement position must complete Attachment 4.1.9p.a8. (Medical and Physical Examination Program Acknowledgement Form) in conjunction with the required medical examination. The examination is considered a post-offer activity and no applicant may commence employment unless he/she undergoes a medical examination and is determined by a medical practitioner to have met established State of Georgia medical standards for service in this capacity.

e. With the exception noted in Paragraph VI.A.4.f., 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. Pursuant to the provisions of Paragraph VI.B.1., a recommended candidate who has been convicted of certain misdemeanor or felony offense(s) is subject to being disqualified from employment for a period of five (5) years The five (5) year period begins on the date of the most recent conviction, plea of nolo contendere, or release from incarceration, probation, or parole, whichever is later. NOTE: for a serious violent felony of an egregious nature, the period of disqualification may be extended beyond five (5) years.

8. A formal discharge under the provisions of O.C.G.A.§ 42-8-60, et seq., (Probation of First Offenders), 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. However, the provisions of O.C.G.A. 42-8-63.1 provide an exception with respect to an offender 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.

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. Pursuant to Governor Deal's February 23, 2015 Executive Order (Attachment: 4.1.9p.a12.) no employment application utilized by the System Office or a technical college may require an applicant to disclose past conviction(s) for criminal or traffic offense(s).

13. If an applicant provided a conditional offer of employment is initially determined to be ineligible for employment (i.e., a targeted exclusion) on the basis of his/her documented criminal history, the System Office or technical college human resources director/coordinator must complete an individualized assessment before finalizing the decision. In response to this decision, the applicant must be provided with a pre-adverse action notice pursuant to the Fair Credit Reporting Act or, as applicable, the Rules of the Georgia Crime Information Center (GCIC) to include a copy of his/her consumer report or, as applicable, the GCIC criminal history information which led to the decision.

14. As provided in Paragraph VI.G. and VI.H., an individual who would otherwise be disqualified from employment on the basis of his/her criminal history may, nonetheless, be recommended for appointment following completion of an individualized assessment. Any such recommendation must be submitted, in writing, to the Commissioner by the technical college president or, as applicable, a System Office hiring official. No hiring decision can be finalized until the Commissioner and/or his/her designee has reviewed the submitted information and, if appropriate, authorized the appointment in writing.

B. Employment Restrictions:

1. Absent a hiring exception made in response to an individualized assessment as provided in Paragraphs VI.G and VI.H., 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:

   <u>Felony Conviction(s)</u>

   a. Offense(s) designated as a serious violent felony 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, as well as other felony offenses involving violent behavior, such as 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, Chapter 6 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. Pursuant to the provisions of O.C.G.A.§ 20-1A-30 et seq., O.C.G.A.§ 16-12.1.1, or as referenced in other, corresponding statutes, an applicant pursuing a position in a technical college's child enrichment center/group day care home who has been convicted of or has entered a plea of nolo contendere to or, as applicable, has been adjudicated a delinquent for certain misdemeanor offenses when the victim is a minor. These offenses include simple battery, simple assault, or family violence battery; cruelty to children; criminal attempt (when the victim is a minor); and, contributing to the delinquency, unruliness or deprivation of a minor.

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. G and VI. H. 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. Pursuant to the provision of the Drug-free Public Workforce Act of 1990, the following minimum sanctions are to be imposed on applicants who have been convicted of a criminal drug offense. Note: for purposes of administration, a "conviction" includes the acceptance of a guilty plea by the court:

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 Arrest Warrant(s) or Pending Criminal Charge(s):

a. An applicant cannot commence employment if:

i. He/she has an active arrest warrant for any felony or misdemeanor offense referenced in Paragraph VI.B.1 or a drug-related offense referenced in Paragraph VI.B.2.; or,

ii. He/she has a pending, non-adjudicated charge for any felony or misdemeanor offense referenced in Paragraph VI.B.1 or a drug-related offense referenced in Paragraph VI.B.2. .

b. The disqualification will apply until such time as the applicant has successfully cleared an outstanding arrest warrant or a, pending, non-adjudicated charge referenced above 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 TCSG procedure governing Driver Qualifications, an applicant provided a conditional offer of employment for any full- or part-time position that would require the incumbent to drive a state, rental, or personal vehicle on State of Georgia business must, as a condition of employment: possess a valid driver's license, consent to a Motor Vehicle Records (MVR) Search/Check to ensure that his/her driving history records are consistent with established driving standards; and, complete the accompanying Driver's History Consent Form (Attachment:4.7.2p.a5.).

   NOTE: if the applicant refuses to sign the Driver's History Consent Form his/her conditional offer of employment will be withdrawn.

2. An applicant shall not be considered for a position meeting the above referenced driving requirements if he/she possesses a suspended or revoked Driver's License.

3. An applicant 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 must, as a condition of employment:

a. complete a driver safety video offered by or through the Georgia Department of Administrative Services (DOAS) or a similar organization; and,

b. successfully complete 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; or,

c. in response to a DUI or DWI conviction or plea of nolo contendere, successfully complete 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. NOTE: any newly hired employee who fails to meet these conditions within the established time period shall be dismissed from employment.

4. An applicant 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.

5. Any current employee in a position not subject to the requirements of the Driver Qualification Procedure who subsequently receives a conditional offer of employment for a position subject to the provisions of this procedure must have his/her driving history records reviewed. 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, an applicant provided a conditional offer of employment for a position requiring an incumbent to use a Purchasing Card (i.e., P-Card) must, as a condition of employment, undergo both a criminal history records check and a credit history records check.

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 these activities. Care must be taken to ensure that the investigation and any subsequent employment-related decision is made consistent with applicable provisions of the Fair Credit Reporting Act (FCRA), the Consumer Credit Protection Act, and the Bankruptcy Reform Act.

3. As referenced in Paragraph VI.A.4.b., an applicant provided a conditional offer of employment for a full- or part-time P.O.S.T. certified law enforcement position serving in a technical college's campus police department (e.g., Law Enforcement

Worker, Campus Police Officer, Assistant Campus Police Chief, or a Campus Police Chief) may be required to undergo a credit history investigation as a condition of employment. Any such requirement shall be consistently applied as provided in a technical college's written selection process.

4. In conjunction with these requirements, the applicant shall complete a Credit Information Release/Fair Credit Reporting Act Disclosure Form (Attachment: 4.1.9p.a4.) and be provided a copy of Attachment: 4.1.9p.a11. (Summary of Rights Under the Fair Credit Reporting Act).

5. If the applicant refuses to sign the Credit Information Release/Fair Credit Report Act Disclosure Form, his/her conditional offer of employment will be withdrawn.

E. Notification and Authorization Requirements:

1. All vacancy announcements/notices shall incorporate a statement advising potential applicants of the background investigation requirements for the designated position.

2. During the selection process, each applicant to be interviewed for a given position, shall be notified of the specific background investigation requirements for the position sought and that successful completion of each screening activity is considered a condition of employment.

3. An applicant provided a conditional offer of employment must provide written authorization to permit the System Office or the employing technical college to conduct a criminal history records check (attachment: 4.1.9p.a1.) and, as applicable, a motor vehicle records check,(attachment 4.7.2p.a5.) a credit history records check (attachment: 4.1.9p.a2.), a fingerprint records check, or a medical examination (attachment: 4.1.9p.a8.).

4. Any applicant who refuses to provide the required written authorization(s) or who refuses to undergo one or more of the required screening activities will have his/her conditional offer of employment withdrawn.

5. Any current employee who fails to comply with the requirement of this paragraph will have his/her conditional offer of employment withdrawn and may be subject to disciplinary action.

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 from employment as provided in the State Board policy governing Positive Discipline or, as applicable, the TCSG procedure governing Adverse Employment Actions.

G. Individualized Assessment:

1. In response to preliminary decision to exclude an applicant from employment on the basis of his/her documented criminal history (i.e., a targeted exclusion based on the hiring parameters in this procedure), the System Office or technical college human resources director/coordinator must complete a three-step individualized assessment to include:
2. formal written notice provided to the applicant indicating that he/she may be excluded from employment because of past criminal conduct. This pre-adverse action notice shall be initiated pursuant to Fair Credit Reporting Act (FCRA) guidelines (for the System Office and those technical colleges using the State of Georgia's contract consumer reporting agency to generate consumer reports) or, as applicable, the Rules of the Georgia Crime Information Center (for those colleges with a campus police department who possess the authority to access criminal history information directly from the Georgia Crime Information Center through a GCIC terminal). NOTE: FRCA guidelines require that a copy of the consumer report obtained from the State of Georgia's contract consumer reporting agency and a summary of the consumer's rights under the FCRA (Attachment: 4.1.9p.a11.) be attached to the pre-adverse action notice.
3. the applicant must be provided an opportunity to demonstrate that the decision/exclusion does not properly apply to him/her, e.g., that he/she was not properly identified in the conviction record or that the conviction records are otherwise inaccurate. NOTE: the applicant should be provided a reasonable amount of time (e.g., 5 business days) to identify any inconsistencies or inaccuracies in the report and begin the process to correct his/her record; and,
4. the applicant must be provided an opportunity to submit additional information that reflects that the parameters of the procedure and his/her exclusion is not job-related and consistent with business necessity. The supporting information may include:
   a. the specific circumstances surrounding the offense/conduct;
   b. the number of offenses for which the applicant was convicted;
   c. the applicant's age at the time of the conviction or, as applicable, at his/her release from incarceration;
   d. any evidence that the applicant has held similar employment since the conviction/incarceration without engaging in further criminal conduct;
   e. the length and consistency of the applicant's employment history before and after the criminal offense;
   f. the success of rehabilitation efforts to include education and training;
   g. employment or character references provided by the applicant or other information regarding his/her fitness for the position; and, as applicable,
   h. whether the individual is bonded under a federal, state, or local bonding program.
5. If an applicant fails to provide additional information in response to the pre-adverse action notice, the System Office or technical college may proceed to finalize the

employment decision without such information and disqualify the applicant from employment consistent with the provisions of this procedure.

6. If an applicant does respond to the pre-adverse action notice and provide information for consideration as noted in Paragraph VI.G.1.b. or VI.G.1.c., all submitted information should be considered before a final eligibility determination is made. The analysis should also include a further review of such factors as the nature and gravity of the offense or conduct, the passage of time since the offense/conduct and/or the completion of the sentence; and the nature of the job sought (e.g., the nature of the assigned job duties, the identification of the job's essential functions; and, the circumstances under which the job is performed to include the level of supervision, oversight, contact with others, and the workplace environment). The human resources director/coordinator may elect to meet with the applicant/employee to discuss these matters.

H. Authorization to Employ an Applicant with a Disqualifying Criminal History:

1. If, after completion of the individualized assessment, it is determined that an exception to the hiring prohibitions outlined in this procedure should be pursued, any such recommendation must be submitted, in writing, to the Commissioner by the technical college president or, as applicable, a System Office hiring official. The request should include a synopsis of the applicant's past criminal history and the accompanying rationale,

2. 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.

3. A request for a hiring exception shall not be approved if such a decision would conflict with an existing statutory hiring exclusion.

I. Notification of Adverse Hiring Decision

1. If an applicant is subsequently denied employment due to his/her criminal history/conduct, he/she must be notified of this decision in writing.
2. In instances in which an adverse action notice is based on a consumer report generated by the State of Georgia's contract consumer reporting agency, the notice must include a description of the action taken; the name, address and toll-free telephone number of the consumer reporting agency providing the report; a statement that the consumer reporting agency did not make the decision to take the adverse employment action and is unable to provide the applicant the specific reasons why the action was taken; notice of the applicant's right to obtain a free copy of the report from the consumer reporting agency within sixty (60) days of the notice; and, notice of the applicant's right to dispute the accuracy and/or completeness of any information contained in the report with the consumer reporting agency.
3. In instances in which an adverse action notice is based on criminal history information obtained directly from the Georgia Crime Information Center, the applicant must be informed of all information pertinent to the decision to include the contents of the record and the effect the record had on the decision. Additionally, the applicant should be provided with a copy of the criminal history record used in making the determination. NOTE: if, after reviewing the information, an applicant believes that his/her record is incorrect or incomplete in any respect and desires that

changes, corrections or updating of the alleged deficiency be made, she/she should make application directly to the agency which contributed the questioned information.

4. Any disciplinary action imposed on a current employee on the basis of an arrest and/or one or more subsequent convictions(s), pleas(s) of nolo contendere, etc. for one or more criminal offense(s) must follow applicable provisions of the State Board policy governing Positive Discipline and/or, as applicable, the TCSG procedure governing Adverse Employment Actions.

J. Maintenance of Criminal History Records

1. All records pertaining to a candidate's or an employee's criminal history must be maintained separately and stored in a locked cabinet.

2. 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.

K. 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 or processes a request for GCIC criminal history records/investigation reports must sign a GCIC Awareness Statement (Attachment: 4.1.9p.a11.). The Rules of the GCIC 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. <u>RECORD RETENTION:</u>

Criminal history records must be retained for seven (7) years.

NOTE: Pursuant to statute and the accompanying Rules 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 a 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.

Back

Attachment: 4.1.9p.a1.

Technical College System of Georgia/_____Technical College
Notice to Applicants/Authorization to Release Background Information

I _____ (PRINT NAME) understand that I am being considered for employment with TCSG/Technical College and that an investigation of my background will be conducted as part of the selection process. Dependent upon the position I have applied for, the background investigation may include, but is not limited to, a review and/or verification of my criminal history records, motor vehicle/driver's history records, employment history, education records, references, consumer credit reports, and information contained in my employment application, resume, and State of Georgia Security Questionnaire/Loyalty Oath. I understand that I am required to disclose on the State of Georgia Security Questionnaire/Loyal Oath any conviction or **plea of nolo contendere** for any crime, including drug-related offenses and traffic offenses (e.g., driving under the influence) where the fine was greater than $35.00.

I understand that the information obtained will not be used in violation of any federal or state law, rule, or regulation, and that before any adverse employment action is taken based upon a review/the results of any consumer credit report and/or investigative consumer report, I will be provided with a copy of the report, as well as a summary of the accompanying consumer's rights. I understand that any information obtained during the investigation, including the falsification and/or misrepresentation of any statement of material fact on my resume, employment application, or other required state forms, may remove me from further consideration for the position for which I applied; may result in the withdrawal of an employment offer previously extended; or, may result in termination if employed prior to completion of this process.

I understand that my consent for a background investigation is voluntary; however, I also acknowledge that my refusal to provide such authorization will remove me from further consideration for the position for which I applied. In recognition of this requirement, I hereby, authorize TCSG/Technical College to obtain any criminal history information (including motor vehicle/driver's history) that may be maintained on me by any federal, state, or local criminal justice agency. I further permit TCSG/Technical College to obtain information pertaining to my education, prior employment history, etc. as noted above.

I fully release TCSG/Technical College and its employees, my current and/or former employer(s), and all other contributing parties or sources from whom any information is obtained, from any and all claims, actions, or liability related to this or any subsequent investigation of my background. If employed, I understand that this authorization shall remain in effect throughout my employment with the Technical College System of Georgia or any of its associated technical colleges and shall permit the TCSG/Technical College to obtain information pertaining to my criminal history and/or driver's history records at any time for valid business reasons, including but not limited to a prospective promotion, transfer, or other change in the terms and conditions of my employment.

If employed, I understand that I am required to report all arrest(s) and the subsequent disposition of such arrest(s), e.g., dismissal¸ convictions, etc., to my immediate supervisor and/or reviewing manager within forty-eight (48) hours of, or two (2) business days following the date of the arrest and/or final disposition.

Personal Data

Print Full Name: _____
Last First Middle (Maiden)

Other Names Used in the Past: _____

Address (Street and/or P.O. Box): _____

City: _____ State: _____ ZIP: _____

Social Security Number: _____ - _____ - _____ Date of Birth (mm/dd/yyyy): _____ / _____ / _____

Gender: ☐ Male ☐ Female Place of Birth: _____

Race: ☐ White ☐ Black ☐ Hispanic ☐ American Indian ☐ Other:

Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____

Applicant's Signature: _____ **Date:** _____

HR Representative: _____ **Date:** _____

Sworn and Subscribed Before Me:
This _____ day of _____ 20_____

My Commission Expires:_____ _____
Notary Public Signature and Seal

Back

Attachment: 4.1.9p.a2.

DATABASE SYSTEMS INTERNATIONAL

State of Georgia

BACKGROUND REQUEST FORM

(CONFIDENTIAL)

I, _____am giving Database Systems permission to perform a consumer report (to include, but not limited to, credit, MVR, or **criminal background** check) on my past history, now, and on future dates or an investigation consumer report may be made and forwarded to The State of Georgia**.** I understand that by signing this release does not in any way constitute automatic employment with The State of Georgia. All questions must be filled out completely and accurately. Incomplete or inaccurate information may lead to rejection of your application for a background search. Information found to be false can also lead to rejection of your application.

Applicant Name: _____

(First) (Middle) (Last) (Maiden)

Additional name(s) used: _____, _____, _____

Address: _____

City: _____State:_____Zip:_____

Please list your current county of residence. If you have not lived in your current county for the past seven years, also, list the other county (s) you have lived in during the last seven years along with your current one. Please be advised, there will be additional fees incurred if more than one county listed

1) Current County:_____State_____2) Previous County_____State _____

Drivers License #:_____State: _____

Social Security Number: _____

Date of Birth:_____Race:_____ Sex: M / F

Applicant's Signature_____**Date**_____

****For HR Use Only****Please select service(s) needed for this applicant:**

☐ **State Criminal Search (7 years) Please list States:_____, _____, _____, _____**

☐ **County Criminal Search (7 years) List Counties_____/_____**

☐ ***National Criminal record search (*note: does not pick up all counties in each state)**

☐ **Federal Criminal search (7 years) ☐Social Security Trace ☐Sexual Predator Search**

☐ **MVR-Driver Record –List State(s)_____ ☐ Credit Report ☐Address History**

☐ **Employment verification ☐Education Verification ☐Citizenship Right to work**

☐ **Professional Licensure or Certification ☐Personal and Professional References**

REQUESTOR INFORMATION: **Please fill-out this form in its entirety. Form will not be processed unless all fields are completed.** A cover sheet is not needed when faxing this form. Please double-check to ensure that every line is **COMPLETED** by you and the applicant and that it is **LEGIBLE** before sending.

Requestor's Name: _____Date:_____

State Agency: _____

Address:_____City_____State:GA Zip_____

Phone Number: _____Fax # or Email_____

FAX OR EMAIL COMPLETED FORM TO DATABASE SYSTEMS INTERNATIONAL
Fax: (1-866) 760-1878 or sales@dsiinc.net Phone: 1-866-773-3675 or 770-760-1866
www.dsiinc.net

Attachment: 4.1.9p.a3.

Fair Credit Reporting Act Guidelines Pertaining to Background Investigations/Criminal History/Credit History Records Checks

The Fair Credit Reporting Act (FCRA) defines screening companies as "consumer reporting agencies" and the background investigation/screening reports they prepare/generate are considered "consumer reports". Employers are the "end users" of the reports and are subject to the FCRA's compliance requirements.

To legally access criminal background/credit history information for employment purposes, an employer must:

- make a clear and conspicuous written disclosure to the applicant or employee that a consumer report may be obtained. The disclosure must be made before the report is obtained or caused to be obtained. The disclosure should be a separate document and not incorporated into an employment application; and,

- obtain the written authorization prior to requesting the report.

If an adverse employment decision is to be taken/made based in whole or in part upon the report, the employer must provide two (2) notices to the individual – both before and upon actually taking the adverse action. In the context of the FCRA, an adverse employment action is a denial of employment or any decision for employment purposes that adversely affects any current or prospective employee (e.g., separation after employment began, but before the consumer report was received and analyzed).

Before taking any action, an employer must provide the applicant/employee with:

- a copy of the consumer report obtained from the consumer reporting agency; and,

- a summary of the consumer's rights under the FCRA.

After complying with the notification requirements, the employer should then wait a reasonable period of time (e.g., 5 days) before taking action. The waiting period is necessary to permit the consumer to identify any inconsistencies or inaccuracies in the report.

Upon taking action, the employer must provide the applicant/employee (consumer) with all of the following:

- notice of the adverse employment action taken;

- the name, address, and toll-free number of the consumer reporting agency that provided the report;

- a statement that the consumer reporting agency did not make the decision to take the adverse employment action and is unable to provide the consumer the specific reasons why the action was taken;

- notice of the consumer's right to obtain a free copy of the report from the consumer reporting agency within sixty (60) days of the notice; and,

- notice of the consumer's right to dispute the accuracy and/or completeness of any information contained in the report with the consumer reporting agency.

Other Information Pertaining to Criminal History Information

Although a consumer reporting agency can report arrest information on a consumer for the preceding seven (7) year period, there are no such restrictions governing the report of criminal convictions.

We should only request information pertaining to convictions consistent with the disclosure requirements of the State of Georgia Security Questionnaire/Loyalty Oath and accepted practice.

Conviction records are, by definition, adjudications of guilt. Therefore, the offense in question has been objectively confirmed and can be considered when making employment decisions. Conversely, arrest records have been determined to be unreliable as a method of determining employability.

The EEOC holds the position that an employer should be able to articulate a justifying business necessity when making an adverse employment decision in response to the results of a criminal history records investigation. Factors to consider include:

- the nature and severity of the offense(s);

- the time that has passed since the conviction(s) and/or completion of the related sentence; and,

- the position and associated job responsibilities the individual would encumber if employed.

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Attachment 4.1.9p.a4.

Technical College System of Georgia

Credit Information Release and Fair Credit Reporting Act Disclosure Form

This authorization provides my consent for a full and complete disclosure of my credit history as it pertains to possible employment with the Technical College System of Georgia's (TCSG) System Office or _____ Technical College. I understand that if subsequently employed, this authorization will remain in effect throughout my employment with any work unit or technical college associated with the Technical College System of Georgia. I further understand that additional report(s) may be requested at any time for any valid business reason including, but not limited to a promotion, transfer or, for any other change in the terms and conditions of employment, or as otherwise required by law. **Please print full name and all requested personal information.**

_____ _____ _____
Last Name First Name Middle Name

Other/Former Name(s):_____

_____ _____ _____ _____
Street Address City State Zip Code

_____ _____ _____
Years in Residence Social Security Number Date of Birth

Previous Address: _____

_____ _____ _____
City State Zip Code

I understand that the TCSG System Office or _____ Technical College will evaluate the findings of the report(s) in terms of the business necessities of the position and/or their relationship to the duties of the position sought. Before any adverse employment decision is made in response to information in a consumer report, I will be provided with a copy of the report and a summary of my rights under the Fair Credit Reporting Act so that I may contact the reporting agency if I wish.

_____ _____
Signature Date

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Fair Credit Reporting Act Disclosure

The following information is required by law to be disclosed upon an employer obtaining investigative/consumer/credit reports. These reports may include local and/or national criminal background checks and credit history checks.

The Fair Credit Reporting Act, 15 U.S.C.§ 1681 (FCRA), permits an employer to obtain a consumer report from a consumer reporting agency regarding an applicant for employment or a current employee to assist (the employer) in making employment-related decisions. The consumer report may include information regarding an individual's credit worthiness, credit standing, credit capacity, general reputation, personal characteristics, mode of living and/or criminal history. The employer must first secure the prospective or current employee's written authorization before it may request a consumer report.

If a consumer reporting agency seeks information regarding an individual's character, general reputation, personal characteristics and mode of living though personal interviews with neighbors, friends or associates (i.e., an investigative consumer report), the applicant (i.e., candidate for employment) or employee upon whom the information is sought may request a complete disclosure by the employer of the nature and scope of the investigation. This disclosure must be made in writing to the applicant/candidate for employment or employee no later than five (5) days after the receipt of the disclosure request or from the date the employer requested the report (whichever is later).

If an employer subsequently decides to take an adverse employment action against a prospective or current employee based, in whole or in part, on a consumer report, the employer must provide the applicant/candidate for employment or employee a copy of the consumer report or investigative consumer report and a summary of their rights under the FCRA. **NOTE: The Technical College System of Georgia does not utilize consumer reporting agencies to conduct investigative consumer reports on applicants/candidates for employment or current employees.**

I acknowledge my rights under the FCRA and receipt of FCRA Disclosure Statement.

_____ _____

Printed Name Signature

_____

Date

NOTE: A copy should be provided to the applicant/candidate/employee and the original placed in the official personnel file or, as applicant, the selection file.

July 2013

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Attachment: 4.1.9p.a5.

GEORGIA CRIME INFORMATION CENTER
AWARENESS STATEMENT

Access to Criminal Justice Information, as defined in GCIC Council Rule 140-1-.02 (amended), and dissemination of such information is governed by state and federal laws and GCIC Council Rules. Criminal Justice Information cannot be accessed or disseminated by any employee except as directed by superiors and as authorized by approved standard operating procedures which are based on controlling state and federal laws, relevant federal regulations, and the Rules of the GCIC Council.

O.C.G.A. 35-3-38 establishes criminal penalties for specific offenses involving obtaining, using or disseminating criminal history record information except as permitted by law. The same statute establishes criminal penalties for disclosing or attempting to disclose techniques or methods employed to ensure the security and privacy of information or data contained in Georgia criminal justice information systems.

The Georgia Computer Systems Protection Act (O.C.G.A. 16-9-90 et seq) provides for the protection of public and private sector computer systems, including communications links to such computer systems. The Act establishes four criminal offenses, all major felonies, for violations of the Act: Computer Theft, Computer Trespass, Computer Invasion of Privacy, and Computer Forgery. The criminal penalties for each offense carries maximum sentences of fifteen (15) years in prison and/or fines up to $50,000.00 as well as possible civil ramifications. The Act also establishes Computer Password Disclosure as a criminal offense with penalties of one (1) year in prison and/or a $5000.00 fine.

The Georgia Criminal Justice Information System Network is operated by the Georgia Crime Information Center in compliance with O.C.G.A. 35-3-31. All data bases accessible via CJIS Network terminals are protected by the Computer Systems Protection Act. Similar communications and computer systems operated by municipal/county governments are also protected by the Act.

By my signature below, I acknowledge that I have read and understand this Awareness Statement.

_____
Print Name:

_____ _____
Signed: Date:

_____ _____
Witnessed: Date:

Back

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Attachment 4.1.9p.a6.

Pre-Employment Questionnaire
Law Enforcement Positions
Applicant Information

Date:_____ Position Applied For:_____

Technical College: _____

Is the Position: Full-time_____ or Part-Time_____

Name: _____
Last First Middle

Date of Birth: _____
Month Day Year

Home Mailing Address: _____
Street Address
_____
City
_____
State and Zip Code

Home Telephone Number: _____

Cell Phone Number: _____

E-Mail Address: _____

Name of Current/Last Employer: _____

Work Address: _____
Street Address
_____
City
_____
State and Zip Code

Supervisor's Name: _____

Supervisor's Phone Number: _____

If Applicable, Reason for Leaving: _____

Instructions

To ensure that the questionnaire can be properly evaluated, it is critically important that all requested information and all referenced questions are answered accurately and completely. Further, both the Criminal History Information Release Form and the Authorization to Release Personal Information Form must be completed, signed and, as applicable, notarized.

Any question(s) that do not apply or to which the answer is unknown should be answered with a "N/A" for non-applicable or "Unknown". Any question or spaces left blank or unanswered may result in disqualification from further consideration for the position applied for. If there is not enough room on any portion of this questionnaire for the requested information to be adequately addressed, please attach additional sheet's as necessary.

Additionally, the Statement of Completion on the last page must be signed and dated.

Education

Colleges, Universities, Technical or Vocational Schools Attended:

Name	Degree Earned (Yes/No)	Major	Minor	Degree

High School(s):

Name	Location (City/State)	Graduate? (Yes/No)

GED:

Equivalency Diploma Awarded?: Yes_____ No_____ N/A_____

If Yes, Date Test Was Administered: _____

Name and Address of State Authority Issuing the Diploma: _____

_____

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Places of Residency within the Past Ten (10) Years

Address	City	County	State	Zip Code
Address	City	County	State	Zip Code
Address	City	County	State	Zip Code
Address	City	County	State	Zip Code
Address	City	County	State	Zip Code
Address	City	County	State	Zip Code
Address	City	County	State	Zip Code

Personal References

Please include a minimum of three (3) personal references which do not include family members or previous employers (Please Print)

Last Name	First Name	Middle Name	Years Known
Address		Home Phone	Cell Phone

Last Name	First Name	Middle Name	Years Known
Address		Home Phone	Cell Phone

Last Name	First Name	Middle Name	Years Known
Address		Home Phone	Cell Phone

Technical College System of Georgia

Criminal History Information Release Form

As it pertains to potential employment with _____ Technical College, this authorization provides my consent for a full and complete disclosure of my criminal history to include, as applicable, a fingerprint records check. I understand that if subsequently employed, this authorization will remain in effect throughout my employment with any work unit or technical college associated with the Technical College System of Georgia. I further understand that additional report(s) may be requested for any valid business reason including, but not limited to, a prospective promotion, transfer or, for any other change in the terms and conditions of employment.

NOTE: this Form must be completed fully. <u>Please print full name and all requested personal information</u>.

_____ _____ _____
Last Name *First Name* *Middle Name*

Former Name(s): _____

_____ _____ _____ _____ _____
Social Security Number *Height* *Weight* *Eye Color* *Hair Color*

_____ _____ _____
Date of Birth *Sex* *Race*

_____ _____ _____ _____
Street Address *City* *State* *Zip Code*

I do hereby authorize the Office of Human Resources of _____ Technical College to obtain my full and complete criminal history records from the GCIC and, as applicable, NCIC database(s) and I further agree to undergo a fingerprint records check if required for the position sought.

_____ _____
Signature Date

Technical College System of Georgia

Authorization to Release Personal Information Form

I understand that in order to determine my suitability for employment as a _____ with the System Office or _____ Technical College, the System Office/College must make a thorough investigation of my personal history and background.

I do hereby authorize the release of all records pertaining to my personal history, background and employment history to any authorized agent of the System Office/ _____ Technical College, whether the records are of a public, private, or confidential nature. I understand that my consent may involve areas of moral character, professional reputation, credit history, employment history (including but not limited to performance appraisals, grievances, complaints, and disciplinary history), military history, and education history.

I understand that the information obtained through a personal history background investigation developed directly or indirectly, in whole or in part, upon this release authorization will be considered in determining my suitability for employment. I understand that I will not receive a copy of the information obtained through this investigation. Further I am not entitled to know its content and waive any and all rights to the inspection or review of any information compiled in reference to my application for employment.

I hereby give my consent to the System Office or _____ Technical College to solicit, obtain, inspect and copy (as necessary) any and all information, records, and documents needed to complete a background investigation relative to my possible employment. I also authorize and request every person, previous employer, firm, corporation, agency, court, association, or institution having control of any requested document(s), record(s), or other information pertaining to me to furnish them to the TCSG System Office or the requesting Technical College.

I hereby release and forever discharge every previous employer, person, firm, corporation, agency, court, association or institution furnishing such factual information from any and all liability arising out of providing these materials, documents, or information to the TCSG System Office or the identified technical college.

I hereby release and forever discharge the State Board of the Technical College System of Georgia, its members individually and the officials, agents and employees of the Technical College System of Georgia (to include the System Office and all associated technical colleges) from any and all claims, demands, rights, and causes of action of whatever kind arising from or by reason of any injury, damage or the consequences thereof, resulting form or in any way connected with the background investigation conducted in regard to my possible future employment.

I understand that the acceptance of this Release, Waiver of Liability and covenant Not to Sue by the State Board of the Technical College System of Georgia shall not constitute a waiver, in whole or in part, of sovereign immunity by said Board, its members, officers, agents and employees of the Technical College System of Georgia's System Office or its technical colleges.

A photocopy of this release form shall be considered valid, just as an original.

I hereby certify that I am at least 18 years of age and suffering under no legal disability and that I have read and understood the above.

_____	_____	_____
Signature of Applicant	Printed name	Date

State of _____
County of _____

Sworn to and Subscribed before me this _____ day of _____, 20____.

_____
Notary Public

_____
Expiration Date

Please answer all of the following questions accurately and completely. Failure to do so may result in your removal from consideration for the position for which you applied.

General

1. Are you willing to work day or evening shift and, if needed, weekends and holidays?

   Yes_____ No_____

2. Are you willing to interact with individuals of different cultural, ethnic, and socioeconomic backgrounds in a higher education setting?

   Yes_____ No_____

3. Are you willing to tolerate verbal abuse and insults and not let them interfere with your ability to carry out your assigned duties and responsibilities?

   Yes_____ No_____

4. Are you willing to physically intervene, if necessary, to stop arguments and fights even if the situation could potentially involve a risk of harm to you or others?

   Yes_____ No_____

5. Are you willing to complete detailed written reports of incidents that occur on campus?

   Yes_____ No_____

6. Have you ever been disciplined by your current or any former employer because of behavior, conduct or attendance concerns to include a suspension without pay, demotion, or salary reduction? Have you ever been dismissed from employment or asked to resign by an employer? If you answer Yes to either question, please provide the details.

   Yes_____ No_____

   _____

   _____

   _____

   _____

7. The Rules of the Peace Officer Standards and Training Council require each person appointed as a peace officer to qualify annually with his/her firearm. Are you willing to maintain the required level of proficiency even if this involves practicing on your own time to include purchasing your practice ammunition and range time?

   Yes_____ No_____

8. Are you currently or have you ever been placed under investigation by the Georgia P.O.S.T. Council for alleged misconduct or for any other reason? If Yes, please provide the details and the outcome.

   Yes_____ No_____

   _____

   _____

   _____

   _____

9. Do you understand that falsifying a response to any question in this Questionnaire or omitting any pertinent information to any of these questions may result in your disqualification from the selection process?

   Yes_____ No_____

Background Investigation Requirements

1. Are you willing to undergo a thorough background investigation as a part of the selection process for a campus police position to include a review of your employment history, the questioning of your identified personal references and, as applicable, your military history?

   Yes_____ No_____

2. Are you willing to undergo a criminal history records check, a fingerprint records check, and a driver's history records check?

   Yes_____ No_____

3. Are you willing to undergo a pre-employment drug test and, if subsequently employed, be subject to random drug testing?

   Yes_____ No_____

4. As a condition of employment, are you willing to undergo a psychological examination to include a written assessment and personal interview?

   Yes_____ No_____

5. As a condition of employment, are you willing to undergo a State of Georgia required medical examination at your own expense if the position you seek is considered full-time?

   Yes_____ No_____

Military History

1. Have you previously served in the military or are you currently in active duty status? If NO, please skip to the next section

   Yes_____ No_____

NOTE: Questions 2 through 6 are applicable only to Veterans to include current members of the National Guard or other military reserve unit.

What was/is your branch of service, what was/is the highest rank held, and how many years did you serve?

Branch of Service: _____

Highest Rank Held: _____

Total Years of Military Service: _____

2. As applicable, were your Honorably Discharged?

   Yes_____ No_____

If you were discharged from military service for any reason other than an Honorable Discharge, please explain.

_____

_____

_____

_____

3. Were you ever court-martialed, tried on charges or, the subject of a summary court, deck court, company punishment, or any other form of disciplinary action while a member of the armed forces? If Yes, please provide an explanation below.

   Yes_____ No_____

   _____

   _____

   _____

   _____

4. If you are presently a member of the National Guard or any military reserve unit, what is the name of your unit, its location and briefly describe your responsibilities?

   Name of Unit: _____

   Location of Unit: _____

   Major Responsibilities:_____

   _____

   _____

   _____

5. If you are a member of the National Guard or any military reserve unit, list and describe any disciplinary action(s) taken against you. If no such actions have been taken, please enter a "N/A" below.

   _____

   _____

Use of Alcohol or Drugs

1. Have you ever consumed any alcoholic beverage or used any form of illegal drug while working? If Yes, please provide the details.

   Yes_____ No_____

   _____

   _____

   _____

   _____

2. Have you ever used marijuana? If Yes, please provide the details including the most recent date used.

   Yes_____ No_____

   _____

   _____

   _____

   _____

3. Have you ever used any other type of illegal drug including, but not limited to, cocaine, crack, opiates, or heroin. If Yes, please provide the details including the most recent date used.

   Yes_____ No_____

   _____

   _____

   _____

   _____

4. Have you ever used any prescription drug prescribed to another person? If Yes, please provide the details.

   Yes_____ No_____

   _____

   _____

   _____

   _____

5. Have you ever been involved in the sale, distribution or manufacture of any illegal drug? If Yes, please provide the details.

   Yes_____ No_____

   _____

   _____

   _____

   _____

Criminal History

1. Have you ever been convicted of any felony offense to include a plea of nolo contendere? If Yes, please provide the details.

   Yes_____ No_____

   _____

   _____

   _____

   _____

2. Have you ever been convicted of any misdemeanor offense to include a plea of nolo contendere? If Yes, please provide the details.

   Yes_____ No_____

   _____

   _____

   _____

   _____

3. Have your ever been convicted of a Domestic/Family Violence offense to include a plea of nolo contendere? If Yes, please provide the details.

   Yes_____ No_____

   _____

   _____

   _____

   _____

4. Do you currently have a pending criminal charge for a Domestic/Family Violence offense? If Yes, please provide the details.

   Yes_____ No_____

   _____

   _____

   _____

   _____

5. Do you currently have any other pending criminal charge against you to include a DUI or DWI? If Yes, please provide the details.

   Yes_____ No_____

   _____

   _____

   _____

6. Have you ever had a Domestic Violence Protection Order issued against you? If Yes, please provide the following information:

   Yes_____ No_____

   Date of Issuance: _____

   County of Issuance: _____

   State of Issuance: _____

   Name of Plaintiff: _____

   Date of Expiration: _____

7. Have you been convicted of a DUI or DWI in the past five (5) years to include a plea of nolo contendere? If Yes, please provide the details.

   Yes_____ No_____

   _____

   _____

   _____

   _____

Driver's History

1. Do you currently possess a valid driver's license issued by the State of Georgia? If Yes, please provide the following information:

   Yes_____ No_____

   License Class: _____

   Expiration Date: _____

   Driver's License Number: _____

2. Do you currently possess a valid driver's license issued by a state other than Georgia? If Yes, please provide the following information:

   Yes_____ No_____

   State of Issuance: _____

   License Class: _____

   Expiration Date: _____

   Driver's License Number: _____

3. Has your driver's license ever been suspended or revoked for any reason? If Yes, please provide the details.

   Yes_____ No_____

   _____

   _____

   _____

   _____

4. Have your driving privileges ever been restricted? If Yes, please provide the details.

   Yes_____ No_____

   _____

   _____

   _____

   _____

5. Do you have any outstanding traffic citations at this time? If Yes, please provide the details.

   Yes_____ No_____

   _____

   _____

   _____

   _____

6. How many violation points currently appear on your driver's history?

   _____

7. How many "at fault" motor vehicle accidents have you been involved in during the past five (5) years?

   _____

Statement of Completion

Certification and Authorization

I acknowledge that I have read and understand each question on this questionnaire. I hereby certify that each and every statement made on this questionnaire is true and complete to the best of my knowledge and that all responses have been made in good faith. I further understand that making a false or misleading statement on this document; any failure to answer a question truthfully; or, an omission of information or material fact may result in my disqualification for further consideration for the position applied for.

I further understand that the information provided by me on this questionnaire and the information concerning me which is obtained during a background investigation may be subject to public disclosure pursuant to applicable provisions of the Georgia Open Records Act, O.C.G.A.§ 50-18-70 et. seq.

_____ _____

Print Name Signature

_____

Date

Attachment: 4.1.9p.a7.

Technical College System of Georgia

Authorization to Release Personal Information Form

I understand that in order to determine my suitability for employment as a _____ with the System Office or _____ Technical College, the System Office/College must make a thorough investigation of my personal history and background.

I do hereby authorize the release of all records pertaining to my personal history, background and employment history to any authorized agent of the System Office/ _____ Technical College, whether the records are of a public, private, or confidential nature. I understand that my consent may involve areas of moral character, professional reputation, credit history, employment history (including but not limited to performance appraisals, grievances, complaints, and disciplinary history), military history, and education history.

I understand that the information obtained through a personal history background investigation developed directly or indirectly, in whole or in part, upon this release authorization will be considered in determining my suitability for employment. I understand that I will not receive a copy of the information obtained through this investigation. Further I am not entitled to know its content and waive any and all rights to the inspection or review of any information compiled in reference to my application for employment.

I hereby give my consent to the System Office or _____ Technical College to solicit, obtain, inspect and copy (as necessary) any and all information, records, and documents needed to complete a background investigation relative to my possible employment. I also authorize and request every person, previous employer, firm, corporation, agency, court, association, or institution having control of any requested document(s), record(s), or other information pertaining to me to furnish them to the TCSG System Office or the requesting Technical College.

I hereby release and forever discharge every previous employer, person, firm, corporation, agency, court, association or institution furnishing such factual information from any and all liability arising out of providing these materials, documents, or information to the TCSG System Office or the identified technical college.

I hereby release and forever discharge the State Board of the Technical College System of Georgia, its members individually and the officials, agents and employees of the Technical College System of Georgia (to include the System Office and all associated technical colleges) from any and all claims, demands, rights, and causes of action of whatever kind arising from or by reason of any injury, damage or the consequences thereof, resulting form or in any way connected with the background investigation conducted in regard to my possible future employment.

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I understand that the acceptance of this Release, Waiver of Liability and covenant Not to Sue by the State Board of the Technical College System of Georgia shall not constitute a waiver, in whole or in part, of sovereign immunity by said Board, its members, officers, agents and employees of the Technical College System of Georgia's System Office or its technical colleges.

A photocopy of this release form shall be considered valid, just as an original.

I hereby certify that I am at least 18 years of age and suffering under no legal disability and that I have read and understood the above.

_____	_____	_____
Signature of Applicant	Printed name	Date

_____

State of _____
County of _____

Sworn to and Subscribed before me this _____ day of _____, 20____.

_____
Notary Public

_____
Expiration Date

Attachment: 4.1.9p.a8.

Background Investigations Procedure
Medical and Physical Examination Program Requirements
Acknowledgment Form

As a candidate for a full-time, P.O.S.T. certified campus police officer position with _____ Technical College, I,_____ (Print Name), understand that if I am provided a conditional offer of employment, I must undergo a medical examination and meet the physical requirements established in the General Medical Guidelines of the State of Georgia Medical and Physical Examination Program, to include the specialized physical standards established for law enforcement positions.

I understand that I may, at my own expense, select a licensed medical practitioner to perform the examination.

I also understand that _____ Technical College may stipulate that I be examined by a licensed medical practitioner selected by the College. I further understand that I shall be fully responsible for all costs associated with the examination unless the College agrees to assume these costs.

I acknowledge that I have received a copy of the specialized medical guidelines, as well as all other required forms for review/completion by the medical practitioner.

_____ _____
Signature Date

<u>Medical and Physical Examination Program (MAPEP)</u>
<u>Specialized Medical Guidelines</u>

Candidates for "Category 5" law enforcement positions must meet the requirements set forth in the General medical Guidelines as well as the following specific standards:

A. General:
Height and weight should not interfere with specific job activities/tasks.

B. Vision:
Distant Vision: minimum vision of 20/40 in each eye, corrected (with glasses or contact lenses) and at least 20/100 in each eye uncorrected (without glasses or contacts);

Near Vision: minimum of 20/40, corrected or uncorrected in each eye;

Adequate Depth Perception and the ability to distinguish colors; and,

Peripheral vision: at least 70 degrees in each eye.

C. Hearing:

Hearing loss no greater than 24dB (decibels) for the average of frequencies 500Hz, 1000Hz, 2000Hz, and 3000Hz in the better ear, unaided (without a hearing aid) or aided (with a hearing aid).

Normal Hearing is hearing loss no greater than 24 dB at 250Hz, 500Hz, 1000Hz, 2000Hz, 3000Hz, 4000Hz, 6000Hz, 8000Hz, in both the right and left ears, unaided.

An Otoscipic examination is required prior to the air conduction and audiogram.

A complete pure tone or warble tone air conduction audiogram is required and results recorded for all candidates. **The audiogram must be completed at all frequencies listed on Form MS 10-56 on both the right and left ears.** The pure tone air conduction audiogram is to be used as the baseline audiogram.

If testing indicates air conduction thresholds to be within the stated hearing guidelines for employment, no further hearing testing is necessary; however, if any single air conduction threshold is obtained outside the normal, 0-24dB range (i.e., if hearing is not within “normal limits”), the results of the test are explained to the candidate and the recommendation is made to obtain a complete audiological evaluation at the candidate’s expense for his/her own hearing healthcare benefits.

If the testing indicates air conduction thresholds to be outside the stated hearing guidelines for employment, the results of the test are explained to the candidate and a complete audiological evaluation is recommended, at the candidates expense, for his/her own healthcare benefit.

In addition to the pure tone air conduction testing, warble sound field testing is required and the results must be recorded for all candidates who wear a hearing aid and do not meet the guidelines on the air conduction test, to verify if an individual meets the guidelines for employment with the use of a hearing aid. If the site does not have the personnel or equipment to satisfy this requirement, then a referral is indicated.

A qualified individual should administer the audiometric testing and perform the otoscopic examination. Qualified individuals include licensed audiologists, otolaryngtologists, physicians trained in hearing conservation, technicians who are certified by the Counsel for Accreditation of Occupational Hearing Conversation, or technicians trained by such an audiologist, otolaryngologist, or physician.

All tests should be performed in an acoustic environment which meets current ANSI standards.

All audiometric equipment should be calibrated annually to meet current ANSI standards.

D. ENT (Eyes, Ears, Nose and Throat):

There should be adequately free nasal breathing. The mouth should be free from deformities or conditions that significantly interfere with distinct speech.

E. Cardiovascular:
Rheumatic and congenital heart disease should be thoroughly evaluated by the examining physician and commented on in the examination report. Atherosclerotic (arteriosclerotic) heart disease, myocardial infarction, coronary insufficiency, angina pectorisis, and hypertension above 140/90 must be evaluated on an individual basis and must not be of sufficient severity to interfere with the performance of all assigned duties.

F. Respiratory:
Free of infectious diseases or other pulmonary processes that would interfere with the physical demands of the position.

G. Gastrointestinal:
Must be free of any major pathological conditions that will interfere with the performance of the physical requirements of the position.

H. Rectum and Anus:
Major hemorrhoidal conditions and symptomatic pilonidal cysts must not be of sufficient severity to interfere with the job.

I. Hernia:
Hernia [E] which might interfere with the performance of the assigned duties would require surgical repair with clearance from the operating surgeon prior to employment.

J. Genital/Urinary:
Large varicocele or hydrocele, which might interfere with the performance of assigned duties, should be repaired with clearance from the operating surgeon prior to employment.

K. Back and Neck:
History of significant injury, deformity, surgical procedure, or other spinal pathology should be thoroughly evaluated by the examining physician and commented on the examination report.

L. Extremities:
NOTE: if prosthesis or orthosis is used, such prosthesis or orthosis must not interfere with the performance of assigned duties:

1. Upper Extremities – both hands must have at least the index, middle, and one other finger and must not interfere with the performance of assigned duties; both thumbs must be functional (see Note above):
2. Lower Extremities – both lower extremities must be free from limitation of any joint motion which would interfere with the performance of assigned duties; both great toes must be functionally normal (see NOTE above).

M. Nervous System:
Central and peripheral nervous system disorders must be evaluated by the medical examiner. Applicants with seizures must be thoroughly evaluated by the examining physician and all findings included in the examination report. Special attention must be given to any history of seizure activity.

N. Emotional Stability:
Any history of significant emotional instability or mental illness should be thoroughly evaluated by the examining physician and specifically referenced in the examination report.

O. Laboratory Analysis:
Items 1 through 4 below are not required unless the candidate's medical history or physical examination results indicate that such test(s) are needed to adequately assess the candidate's physical status.

1. Urinalysis (Multi-test Stick): Abnormalities in the sugar and albumin tests must be evaluated further. If Glycosuria is significant, must have Glucose Tolerance Test and if albuminuria must have the cause identified.
2. Hemoglobin or Hematocrit
3. Chest x-ray
4. Resting Electrocardiogram

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Attachment: 4.1.9p.a9.

GAPS COGENT SYSTEMS Georgia Applicant Processing Services

Acknowledgment

I authorize Cogent Systems, Inc. to conduct a fingerprint based criminal history record check of me.

I understand that Cogent Systems, Inc. will send my fingerprints to the Georgia Crime Information Center for a search of criminal history information in its files and to the Federal Bureau of Investigation for a search of its files when a federal record check is so authorized.

I understand that the electronic results of this fingerprint check will be received by Cogent Systems, Inc. and forwarded to the agency responsible for determining my suitability for the position for which I have applied.

I further understand that Cogent Systems, Inc. will not maintain a copy of my record and that Cogent Systems, Inc. meets all confidentiality and security requirements for handling and dissemination of state and federal criminal history record information.

By: _____

Date: _____

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Attachment: 4.1.9p.a10. (revised: March 2015)

Technical College System of Georgia
Background Investigation Procedure
Glossary of Criminal History Report/Record Terms and Definitions

Acquittal/ Acquitted: A not-guilty verdict absolving an accused party of guilt.

Adjudication: The legal process in which a case or claim is settled or finalized.

Adjudication Deferred (Withheld): The court of record defers/withholds a decision until a future date. Such action often involves a term of probation, community service, and/or placement of the defendant in a treatment program. If the defendant complies with the terms and conditions, the case may be dismissed and no permanent record of the charge/crime will be made. If the case is not dismissed, the disposition remains "adjudication deferred/withheld. If the defendant does not successfully complete all associated terms and conditions, the disposition may be modified and he/she can be found guilty.

Arrest: The taking of an individual into custody by law enforcement personnel for the purpose of charging them with a crime/illegal act.

Arrest Record: A cumulative record of all instances in which a person has been arrested.

Cause of Action: One or more related charges which are combined and made against a defendant accused of multiple crimes.

Concurrent Sentence: Upon conviction for multiple crimes, the sentences for multiple counts are combined into a single time period to be served (i.e., generally the longest of the separate sentences).

Conditional Discharge: Following a conviction and sentencing, the court issues a discharge from incarceration and requires/may require the defendant to comply with other conditions. The guilty verdict stands and may not generally be expunged.

Conditional Discharge (Non Conviction): The defendant has no finding of guilt and the court discharges the defendant and requires him/her to comply with court-ordered conditions that must be followed. If such conditions are not followed, the discharge may be revoked and the defendant found guilty.

Conditional Release: The release from a correctional facility before the full sentence is served. The release is generally accompanied by court-imposed conditions which must be followed. The individual may be returned to the facility if all ordered conditions are not met.

Consecutive Sentence: Upon conviction for multiple crimes, the sentence for each count must be served one after the other.

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.

Cumulative Sentence: A sentence that takes affect after a prior sentence is completed for one or more crimes tried under the same cause of action.

Dead Docket: A case that never went to trial. The case can be reopened if new evidence is obtained.

Default Judgment: A judgment rendered in response to a defendant's failure to appear in court to address the pending charge(s).

Deferred Discharge: A charge is dismissed and is not considered a conviction.

Deferred Probation: A judge does not make a finding of guilt; instead, he/she directs the defendant to serve a term of probation. If the probation is successfully completed, the pending charges may be dismissed.

Degree (First, Second, or Third): Classification for the purpose of determining punishment. First degree is considered the most serious. Additionally, degrees may be assigned to an actual crime (e.g., arson in the first degree) or a class of crimes (i.e., felony or misdemeanor).

Dismissal: the final disposition of a case without further consideration. For criminal matters, this is generally related to a decision by a prosecutor not to proceed further or in response to a failure to produce sufficient evidence to proceed with prosecution.

Dismissal Without Prejudice: A judge's decision to end a case; however, a prosecutor is permitted to renew the case later.

Disposition: the final outcome or resolution of a criminal charge.

Diversion Program: A court's decision to set aside judgment; instead, the court may direct the defendant to perform ordered community service, make restitution for damages resulting from the crime(s) in question, obtain treatment for alcohol or drug problems; or, for required counseling for anger management, etc. If the defendant cooperates and completes the required activities, the charge(s) may be dismissed. Generally placement in a diversion program is limited to first time offenders not involved in serious violent crimes.

Expunge: To seal or purge records relating to criminal charges/information (e.g., arrest information) in depositories that hold such records. After expungement, the records cannot often be accessed for employment purposes to include (with certain limitations) certification, registration, and licensure matters. State laws often differ as to the scope of the expungement and what records can be later accessed.

Felony: The most serious of criminal offenses which generally carries a minimum sentence/term of one (1) year or more in a correctional facility. NOTE: Felonies are often classified into categories such as 1st, 2nd, or 3rd degree with 1st degree being the most serious.

First Offender Act (Georgia): As provided in O.C.G.A. §42-8-60, a discharge without court adjudication of guilt except (as applicable) for registration requirements under the state Sex Offender Registry and as otherwise provided in O.C.G.A. §42-8-63.1. The defendant shall be discharged without court adjudication of guilt 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 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.

Guilty: Having been convicted of a crime or having admitted the commission of a crime. A defendant may also be found guilty by a judge after a plea of “nolo contendere” or “no contest”.

Misdemeanor: A crime, less serious than a felony, which is punishable by no more than one (1) year in a correctional facility. NOTE: Misdemeanors may be classified by level of seriousness with differing levels of sentences (i.e., misdemeanors in the 1st, 2nd, or 3rd degree).

No Bill: A decision by a grand jury that it will not bring an indictment against the accused on the basis of the allegations and evidence presented by a prosecutor.

Nolo Contendere (No Contest): 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.

Open Charge/Pending Charge: The case is proceeding through the court of record, but does not yet have a final disposition.

Prayer for Judgment (North Carolina): in criminal matters, a petition to the court for leniency. No finding of guilt is rendered by the court as this is considered a deferred prosecution. Similar in nature to a deferred adjudication.

Sentence: A judgment of punishment for a criminal act.

Sentence Withheld: A court decision to postpone the execution of a sentence and, instead, discharges the defendant conditionally upon good behavior.

Stet Docket – Non-Conviction: a decision by a prosecutor not to proceed with a case. The matter may be re-opened within one year if the defendant commits a subsequent violation during this time period. After the one year period has elapsed and provided that no further offense has been committed, the case cannot be re-opened and is considered closed.

Suspended Sentence: the full sentence for the conviction is held in abeyance by the court and the defendant is, instead, placed on probation for a pre-determined period. If the defendant later violates the accompanying terms and conditions, the judge may order the sentence to be carried out as it was originally imposed.

True Bill: A decision by a grand jury that it will bring an indictment against the accused on the basis of the allegations and evidence presented by a prosecutor.

Unconditional Discharge: A sentence in which the court is authorized to release a defendant without fine, imprisonment, or probation supervision if the court believes that no proper purpose would be served by imposing any condition on the defendant’s release.

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Para información en espanol, visite www.ftc.gov/credit o escribe a la FTC Consumer Response Center, Room 130-A 600 Pennsylvania Ave. N.W., Washington, DC 20580.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to www.ftc.gov/credit or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, DC 20580.**

• **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address and phone number of the agency that provided the information.

• **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your "file disclosure"). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:

- A person has taken adverse action against you because of information in your credit report;
- You are the victim of identify theft and place a fraud alert in your file;
- Your file contains inaccurate information as a result of fraud;
- You are on public assistance;
- You are unemployed but expect to apply for employment within 60 days.

In addition, by September 2005 all consumers will be entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.ftc.gov/credit for additional information.

• **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.

• **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.ftc.gov/credit for an explanation of dispute procedures.

• **Consumer reporting agencies must correct or delete inaccurate, incomplete or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

• **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.

• **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need - usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.

• **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.ftc.gov/credit.

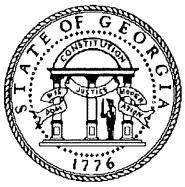
• **You may limit "prescreened" offers of credit and insurance you get based on information in your credit report.** Unsolicited "prescreened" offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-567-8688.

• **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.

• **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.ftc.gov/credit.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. Federal enforcers are:

TYPE OF BUSINESS:	CONTACT:
Consumer reporting agencies, creditors and others not listed below	**Federal Trade Commission: Consumer Response Center - FCRA** Washington, DC 20580 1-877-382-4357
National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name)	**Office of the Comptroller of the Currency** Compliance Management Mail Stop 6-6 Washington, DC 20219 1-800-613-6743
Federal Reserve System member banks (except national banks and federal branches/agencies of foreign banks)	**Federal Reserve Board Division of Consumer & Community Affairs** Washington, DC 20551 202-452-3693
Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)	**Office of Thrift Supervision** Consumer Complaints Washington, DC 20552 800-842-6929
Federal credit unions (words "Federal Credit Union" appear in institution's name)	**National Credit Union Administration** 1775 Duke Street Alexandria, VA 22314 703-519-4600
State-chartered banks that are not members of the Federal Reserve System	**Federal Deposit Insurance Corporation** Consumer Response Center 2345 Grand Avenue, Suite 100 Kansas City, Missouri 64108-2638 1-877-275-3342
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	**Department of Transportation** Office of Financial Management Washington, DC 20590 202-366-1306
Activities subject to the Packers and Stockyards Act of 1921	**Department of Agriculture** Office of Deputy Administrator - GIPSA Washington, DC 20250 202-720-7051



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

WHEREAS: People with criminal records suffer from pervasive discrimination in many areas of life including employment, housing, education, and eligibility for many forms of social service benefits; and

WHEREAS: Approximately 97% of those sentenced to prison will eventually return to society, and currently over 1,300 offenders reenter into our communities every month without employment; and

WHEREAS: In their January 2014 Report to the General Assembly, the Special Council on Criminal Justice Reform for Georgians recognized that requiring prospective employees of the State of Georgia to disclose convictions on the initial employment application creates a barrier to employment. The Council appropriately recommended the implementation of "Ban the Box" hiring policies; and

WHEREAS: "Ban the Box" is a policy intended to improve public safety, enhance workforce development, and provide increased state employment opportunities for applicants with criminal convictions on their records by removing the criminal history related questions from the initial stage of the state employment application process. Such policies allow returning citizens an opportunity to explain their unique circumstances in person to a potential employer; and

WHEREAS: "Ban the Box" hiring policies enhance Georgia's reputation as the number one place in which to do business by increasing qualified applicant pools and improving the likelihood that the employer will identify the best candidate for the position; and

WHEREAS: Georgia is positioned to enhance its reputation as regional leader by becoming the first state in the South to implement a fair hiring policy for applicants with criminal records, joining thirteen others including, New Mexico, New Jersey and Minnesota.

Bac

NOW, THEREFORE, BY VIRTUE OF THE POWER VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That government entities of the State of Georgia shall implement a hiring policy intended to encourage the full participation of motivated and qualified persons with criminal histories in the workforce, reduce recidivism, and assure public safety. The "Ban the Box" policy should establish practices that:

1. Prohibit the use of a criminal record as an automatic bar to employment.

2. Prevent the use of an application form that inappropriately excludes and discriminates against qualified job applicants.

3. Promote the accurate use and interpretation of a criminal record.

4. Provide qualified applicants with the opportunity to discuss any inaccuracies, contest the content and relevance of a criminal record, and provide information that demonstrates rehabilitation.

5. Shall not affect applications for sensitive governmental positions in which a criminal history would be an immediate disqualification and initial disclosure on such applications shall still be required.

This the 23rd day of February, 2015.

Nathan Deal

GOVERNOR

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POLICY: 4.1.10. (III.J.)
Reduction in Force

Revised:	May 5, 2016; September 6, 2012; August 29, 2001; January 1994
Last Reviewed:	May 5, 2016
Adopted:	September 1991

POLICY:

§ 20-4-35. Reduction in force policy

The State Board of the Technical College System of Georgia shall develop and implement a policy which provides for an orderly and fair process to be used in the event any reduction in force becomes necessary. The reduction in force policy shall provide that:

(1) Presidents of state technical institutes shall devise a plan for a reduction in force for their respective institutions;
(2) Any reduction in force within an institution shall be limited to that institution;
(3) The institute president shall decide the competitive area and competitive group to which any reduction in force is applicable;
(4) All individuals within a competitive group will participate in the reduction in force process, regardless of whether they are in the classified or unclassified service, tenured or nontenured;
(5) The State Board of the Technical College System of Georgia shall prescribe the basis for determining retention credits which shall be uniform among all state technical institutes;
(6) Plans describing the process by which a reduction in force would be conducted within each state technical institute shall be approved by the State Board of the Technical College System of Georgia; and
(7) Any employee of a state technical institute who believes the approved plan for that institution was not followed shall have the right to appeal to the State Board of the Technical College System of Georgia, and the decision of the board shall be final.

In accordance with the above statute (**§ 20-4-35), i**t is the policy of the State Board of the Technical College System of Georgia [TCSG] 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 TCSG 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.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. § 20-4-35 (2015)

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Procedure: 4.1.10p (III.J.)
Reduction in Force

Revised:	May 17, 2016; September 6, 2012; August 29, 2001; January 1994
Last Reviewed:	May 17, 2016
Adopted:	September 1991

I.PURPOSE:
It is the policy of the State Board of the Technical College System of Georgia [TCSG] 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.

II. RELATED AUTHORITY:
State Personnel Board Rule 24
O.C.G.A. § 20-4-35
TCSG Procedure: 4.1.4p. Categories of Employment
TCSG Procedure: 4.4.2p. Adverse Employment Actions
State Board POLICY: 4.4.1. Positive Discipline

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

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 or 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:

Attachment: 4.4.5p.a1. Reduction-in-Force Assessment Matrix Guidelines
Attachment: 4.4.5p.a2. Reduction-in-Force Assessment Matrix Definitions
Attachment: 4.4.5p.a3. Reduction-in-Force Assessment Matrix – Technical College
Attachment: 4.4.5p.a4. Reduction-in-Force Assessment Matrix – System Office
Attachment: 4.1.5p.a5. Technical College Special Case Exception Form
Attachment: 4.4.5p.a6. System Office Special Case Exception Form

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 4.4.1. shall be carried out pursuant to the provisions of the Adverse Employment Actions policy 4.4.2.

2. Temporary employees and adjunct faculty are not covered by the provisions of the Reduction-in-Force policy 4.4.5. 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 4.4.2p.

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:
    1. Step 1 - performance ratings/evaluations;
    2. Step 2 - whether an employee is on an active step of discipline consistent with the provisions of the Positive Discipline Policy 4.4.1.;
    3. Step 3 - an assessment of an employee's knowledge, skills, abilities, and exhibited competencies; and,
    4. 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:

    Does Not Meet Expectations = 0 points
    Needs Improvement = 1 point
    Met Expectations = 2 points
    Exceeds Expectations = 3 points
    Far Exceeds Expectations = 4 points

    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 4.4.5p.a1. and 4.4.5p.a2.

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 TCSG will be retained.

10. As referenced in Attachment 4.4.5p.a2., such service shall include all years an employee worked in a postsecondary technical school operated by a local board of education immediately prior to TCSG 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 TCSG'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 4.4.5p.a5. or 4.4.5p.a6.). 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 4.4.5p.a4.) which shall be completed following the methodology referenced in the Reduction-in-Force Assessment Matrix Guidelines (Attachment 4.4.5p.a1) and the Assessment Matrix Definitions (Attachment 4.4.5p.a2.). .

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 4.4.5p.a4.) which shall be completed following the methodology referenced in the Reduction-in-Force Assessment Matrix Guidelines (Attachment 4.4.5p.a1.) and the Assessment Matrix Definitions (Attachment 4.4.5p.a2.).

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.

Attachment: 4.1.10p.a1.

Assessment Matrix Guidelines

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 Commission 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 4.1.10p.a2.

Reduction-in-Force – Assessment Matrix Definitions

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 worked 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.

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Attachment: 4.1.10p.a3.

Technical College Reduction-In-Force Assessment Matrix

Technical College _____ Work Unit _____

Job/Function _____ Initiating Manager/Supervisor: _____

Name	Performance Results	Performance Competencies	Criticality of Skills	Breadth & Depth of Skills	*Total

**In the event of a tie of total scores, indicate the employee with the most years of continuous, unbroken service with the TCSG (as defined in Attachment – Assessment Matrix Definition) by inserting an "a" next to his/her total and the next longest by "b", and so on.*

I acknowledge that I have completed this Reduction-In-Force Assessment Matrix to the best of my ability and without consideration of any prohibited factors referenced in the accompanying guidelines.

Completed by _____ Date _____
Initiating Manager/Supervisor

Reviewed by _____ Date _____
Human Resources Director/Coordinator

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Attachment: 4.1.10p.a4.

TCSG System Office Reduction-In-Force Assessment Matrix

Work Unit _____

Job/Function _____ Initiating Manager/Supervisor: _____

Name	Performance Results	Performance Competencies	Criticality of Skills	Breadth & Depth of Skills	*Total

**In the event of a tie of total scores, indicate the employee with the most years of continuous, unbroken service with the TCSG (as defined in Attachment – Assessment Matrix Definitions) by inserting an "a" next to his/her total and the next longest by "b", and so on.*

I acknowledge that I have completed this Reduction-In-Force Assessment Matrix to the best of my ability and without consideration of any prohibited factors referenced in the accompanying guidelines.

Completed by _____ Date _____

Initiating Manager/Supervisor

Reviewed by _____ Date _____

Director, Office of Human Resources

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Attachment: 4.1.10p.a5.

Technical College Special Case Exception Form

Instructions: Complete the Special Case Exception Form in any circumstance in which an employee identified to be impacted by a reduction-in-force is to be retained over another employee in the same Competitive Group who was ranked lower on the Reduction-in-Force Assessment Matrix.

Employee(s) initially identified to be impacted by a Reduction-in-Force:

_____
_____
_____

Employee(s) who will be impacted by a Reduction-in-Force:

_____
_____
_____

Rationale for retaining employee(s) who was/were ranked lower on the Reduction-in-Force Assessment Matrix:

_____
_____
_____
_____
_____
_____

_____ _____

Technical College President Date

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Attachment: 4.1.10p.a6.

TCSG System Office - Special Case Exception Form

Instructions: Complete the Special Case Exception Form in any circumstance in which an employee identified to be impacted by a reduction-in-force is to be retained over another employee in the same Competitive Group who was ranked lower on the Reduction-in-Force Assessment Matrix.

Employee(s) initially identified to be impacted by a Reduction-in-Force:

_____
_____
_____

Employee(s) who will be impacted by a Reduction-in-Force:

_____
_____
_____

Rationale for retaining employee(s) who was/were ranked lower on the Reduction-in-Force Assessment Matrix:

_____
_____
_____
_____
_____
_____

_____ _____

Deputy Commissioner or Assistant Commissioner Date

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 4.2
Work Hours and Schedules

4.2.1 ..... POLICY - Working Hours, Overtime and Compensatory Time
4.2.1p ..... Procedure - Working Hours, Overtime and Compensatory Time
4.2.1p.a1 ..... Overtime Exemption Information - FLSA
4.2.1p.a2 ..... Understanding Concerning FLSA Compensatory Time
4.2.1p.a3 ..... Overtime Request Form
4.2.2 ..... POLICY - Official Business Hours and Work Schedules
4.2.2p1 ..... Procedure - Official Business Hours and Work Schedules
4.2.2p1.a1 ..... 9 hr - 4 day Work Schedule Example
4.2.2p1.a2 ..... 9 hr - 4 day Work Schedule Agreement
4.2.2p1.a3 ..... 10 hr - 4 day Work Schedule Agreement
4.2.2.p2 ..... Procedure - Work Away
4.2.2p2.a1 ..... Teleworking Agreement
4.2.2p2.a2 ..... Teleworking Self-Assessment
4.2.2p2.a3 ..... Teleworking Self-Certification
4.2.2p2.a4 ..... Teleworking Selection Criteria
4.2.2p2.a5 ..... Executive Order - Perdue - 2003

POLICY: 4.2.1. (III.U.3)

Working Hours, Overtime, and Compensatory Time

Revised: December 6, 2012; October 2, 2001
Last Reviewed: December 6, 2012
Adopted: July 1, 1987

POLICY:

All employees of the Technical College System of Georgia are covered by the Wage and Hour provisions of the Fair Labor Standards Act ("FLSA") unless specifically exempted. The Fair Labor Standards Act of 1938, as amended, establishes minimum wage rates, maximum work hours, overtime pay requirements, equal pay standards, and child labor restrictions for employees covered by its provisions.

Pursuant to State of Georgia policy, non-exempt, salaried employees shall receive FLSA Compensatory Time for all overtime hours worked unless approval is granted by the Office of Planning and Budget (OPB) or as otherwise provided in the OPB policy governing Working Hours, Payment of Overtime, and the Granting of Compensatory Time.

The Commissioner shall establish procedures for System Office staff and technical colleges which shall ensure compliance with the FLSA and State of Georgia policies.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure: 4.2.1p. Working Hours, Overtime, and Compensatory Time
Fair Labor Standards Act of 1938, as amended
Office of Planning and Budget (OPB) Policy Governing Working Hours, Payment of Overtime, and the Granting of Compensatory Time

Procedure: 4.2.1p. (III.U.3.A.) Working Hours, Overtime, and Compensatory Time

Revised:	September 14, 2016; March 16, 2016; December 5, 2012; September 27, 2012; October 2, 2001
Last Reviewed:	September 14, 2016
Adopted:	July 1, 1987

I.PURPOSE:

All employees of the Technical College System of Georgia are covered by the Wage and Hour provisions of the Fair Labor Standards Act unless specifically exempted. The Fair Labor Standards Act (FLSA or Act) of 1938, as amended, establishes minimum wage rates, maximum work hours, overtime pay requirements, equal pay standards, and child labor restrictions for employees covered by its provisions. Included are guidelines governing required record keeping for non-exempt employees.

Pursuant to State of Georgia policy, non-exempt, salaried employees shall receive FLSA Compensatory Time for all overtime hours worked.

In those unique circumstances in which the delivery of FLSA Compensatory Time is not a viable consideration, a TCSG work unit may request authorization from the TCSG Budget Office to deliver overtime payment(s) in cash. If the TCSG Budget office concurs, a written request shall be submitted to the Office of Planning and Budget (OPB) for review. Cash payment(s) for overtime hours worked shall not be initiated by a TCSG work unit unless formal OPB approval has first been obtained.

II.RELATED AUTHORITY:

- Fair Labor Standards Act of 1938, as amended
- Office of Planning and Budget (OPB) Policy Governing Working Hours, Payment of Overtime, and the Granting of Compensatory Time

III. APPLICABILITY:

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

IV.DEFINITIONS:

Exempt Employees: Employees who, because of their job duties, are not subject to the minimum wage, overtime and recordkeeping provisions of the Fair Labor Standards Act. Exemptions from the Act are narrowly defined and an employer must prove that the exemption rules apply.

Hours Worked: Generally, all time spent on an employer's premises or at a designated work place is considered "hours worked" when an employee is required or permitted to perform services of benefit to the employer, except for meal periods of at least thirty (30) minutes (in length) or other periods when the employee is entirely free from duty. Also included as "hours worked" is any work which the employee performs for the employer's benefit outside of established work hours on or off the employer's premises (i.e., time spent before, after, or between regular working hours). Unrecorded hours worked during a work week/work period by an employee on or off the employer's premises must be counted as "hours worked" if the employer knows or has reason to believe that the work is taking place and whether or not the work is performed with the employer's approval.

Non-Exempt Employees: Employees who are covered by or subject to the minimum wage, overtime and recordkeeping provisions of the Fair Labor Standards Act.

Regular Rate: The hourly rate used to calculate overtime payments. If an employee is paid solely at one hourly rate of pay (i.e., for hourly-paid staff in the System Office or technical college), this is the individual's "regular rate". The regular rate of a salaried employee is calculated by dividing the individual's total compensation (including annual salary and any additional salary supplements, shift differentials, etc.) by 2,080 hours. The regular rate for a P.O.S.T. certified law enforcement officer working a 207(k) schedule shall be determined pursuant to applicable provisions of the Office of Planning and Budget Rules, Regulations and Procedures Governing Working Hours, the Payment of Overtime and the Granting of Compensatory Time. *NOTE*: if an hourly-paid employee receives additional compensation, these monies are also factored into the calculating of his/her "regular rate".

TCSG Work Unit: the TCSG System Office, Quick Start headquarters, Quick Start regional offices or training centers, or an associated technical college.

V. ATTACHMENTS:

- Attachment 4.2.1p.a1. Exemption Information Pertaining to Executive, Administrative, Professional and Computer Employees Under the FLSA
- Attachment 4.2.1p.a2. Understanding Concerning FLSA Compensatory Time
- Attachment 4.2.1p.a3. Sample Time Sheet

VI.PROVISIONS:

A. Categories of Employees:

1. Non-Exempt: those employees who are covered by or subject to the minimum wage, overtime and recordkeeping provisions of the Fair Labor Standards Act.

2. Exempt: those employees who, because of their assigned job duties, are not subject to the FLSA's minimum wage, overtime and recordkeeping provisions. Employees meeting the Act's criteria for executive, professional, administrative, computer and other defined exemptions are exempt from overtime compensation although their employment must comply with the record-keeping and equal pay requirements of the Act. Attachment 4.2.1p.a1. provides the guidelines to be

followed in determining those employees who are exempt from the overtime provisions of the Fair Labor Standards Act.

3. The designation of a position's exempt and non-exempt status shall be based on criteria established by and through the Regulations of the Fair Labor Standards Act to include a thoughtful analysis of each position's assigned duties and responsibilities. These exemptions are narrowly defined and if questions arise, the TCSG work unit must prove that the exemption rules apply. *NOTE*: a position's job title is not a factor in determining whether the position is determined to be exempt from the FLSA.

4. As a condition of employment, all newly hired employees must complete Attachment 4.2.1p.a2. (Understanding Concerning FLSA Compensatory Time).

B. General Overtime Provisions of the FLSA and/or OPB Policy for State of Georgia Employees:

1. Other than the exemption outlined below in Paragraph VI.B.2. all non-exempt employees must receive overtime compensation for all hours worked over forty (40) in a work week/work period.

2. A partial overtime exemption from the FLSA, [i.e., Section 7(k) is available to public agency employers utilizing law enforcement, fire protection, hospital, and nursing home employees. Overtime compensation is not required until the employee works more than the maximum number of hours in his/her designated work period.

3. Unless the provisions of Paragraph VI.O apply, overtime compensation for non-exempt, salaried employees shall be provided in FLSA compensatory time at a rate of one and one-half (1 ½) hours for each overtime hour worked. Overtime will be earned and compensated for in five (5) minute increments. As such, employee beginning and ending time should be rounded to the nearest five (5) minutes.

4. Time off for state holidays, paid leave (to include compensatory time off) is not counted as hours worked for the purpose of calculating overtime payments.

5. Overtime earnings, including FLSA compensatory time, must be calculated for each work week/work period. Hours cannot be averaged over two or more work weeks/work periods.

6. It is both permissible and recommended that a work schedule adjustment (i.e. equivalent time off) be provided during a work week/work period in which a non-exempt employee works the maximum hours prior to the end of the work period/work week. This alternative will ensure that overtime hours will not be worked and will avoid the necessity for delivery overtime compensation.

C. Work Periods:

1. Each TCSG work unit must establish a permanent work period for each employee. For purposes of this procedure, the standard work period for all non-law enforcement employees is a fixed period of seven (7) consecutive calendar days. These seven (7) days need not coincide with the calendar week and may begin on any day and at any time.

2. The work period for all P.O.S.T. certified law enforcement employees serving in a technical college police department shall be established as a fixed period ranging from seven (7) calendar days to twenty-eight (28) calendar days. These employees may have an established maximum hours worked ranging from 43 hours [for a seven (7) day work period] to 171 hours [for a twenty-eight (28) day work period].

3. An established work period may be modified if the change is intended to be permanent and is not adopted to evade the overtime pay requirements of the FLSA. Employees in the same TCSG work unit may have different work weeks/work periods, provided there is a business-related justification.

4. A fixed work period must be established in writing for all employees to include the day and time the work period begins and ends. This information must be maintained in the TCSG work unit's Office of Human Resources. *NOTE*: if the same work period is used for all non-law enforcement employees, a single statement may be developed.

D. Hours Worked:

1. With respect to non-exempt employees, work not requested but "suffered or permitted" is considered work time. This general rule also applies to work performed away from an employee's regular work place to include his/her home. If a TCSG work unit official has reason to believe that work is being performed, the hours must be counted.

2. In all instances, it is the responsibility of management to exercise its control and to ensure that work is not performed (by non-exempt employee) if it does not want the work performed.

3. As noted, non-exempt employees must be compensated for all work performed for which a manager, supervisor, or other work unit official knows or has sufficient reason to believe it was performed. Non-exempt employees who work additional hours without authorization are subject to disciplinary action consistent with the provisions of the State Board policy on Positive Discipline.

4. Non-exempt employees are required to report and document all hours worked – specifically hours worked each day and the total hours worked each work week/work period.

E. Meal Periods:

1. Although not mandated by the regulations of the Fair Labor Standards Act, and with the exception noted below, all full-time employees will be provided with an unpaid meal period as a part of their established work day.

2. The president (or his/her designee) of a technical college operating a campus police department may elect to waive the requirements of adding an unpaid meal period to the established work day for P.O.S.T. certified law enforcement employees.

3. Meal periods are not considered as “hours worked” provided a non-exempt employee does not perform any work. A meal period must be a minimum of thirty (30) minutes in length but may be longer at the discretion of management.

4. Meal periods should be scheduled in a manner that does not negatively impact work unit operations.

5. To limit the likelihood of a non-exempt employee performing work during his/her meal period, the employee should not be permitted to occupy his/her work station during the meal period.

F. Breaks:

1. Employees may be provided up to two (2) fifteen (15) minute breaks per work day. Breaks are considered as “hours worked” for compensation purposes.

2. If the use of formal breaks has been authorized, this time may not be used to lengthen a meal period, report late to work, or leave work early by working through a break period.

3. Given that break periods are a privilege for which an employee is compensated, no overtime or compensatory time is earned by an employee is required to work through one or more break period(s).

G. Break Time for Nursing Mothers:

1. A non-exempt employee must be provided a reasonable amount of time to express breast milk for her nursing child, as needed, throughout the work day. Break(s) for this purpose must be provided for a period of one (1) year after a child’s birth.

2. For purposes of this policy, an exempt employee shall be provided the same opportunity to express breast milk as a non-exempt employee.

3. The TCSG work unit must provide adequate space, other than a bathroom, for this activity. The space must be shielded from view and free from intrusion from coworkers and the public.

4. A non-exempt employee is not entitled to compensation for breaks taken to express breast milk; however, if a work unit is currently providing or elects to provide compensated breaks, a non-exempt employee who uses her break time to express milk must be compensated in the same manner as other employees.

H. Meetings or Training:

1. Time spent by non-exempt employees attending meetings, work-related training and/or similar activities is compensable (i.e., considered “hours worked”) unless each of the following conditions are met:

    a. The attendance is outside of the employee’s regular working hours;
    b. Attendance is voluntary;
    c. The meeting, training, etc., is not directly related to the employee’s current position and his/her assigned duties and responsibilities; and,
    d. The employee does not perform any productive work related to his/her position while in attendance.

I. On Call Time:

1. Time spent “on call” is not considered “hours worked” unless an employee:

    a. Is required to remain on the work premises; or,
    b. Is so restricted that he/she cannot use his/her “idle time” effectively for his/her own benefit.

2. An employee who is merely required to carry a cell phone or other electronic device or provide his/her supervisor with contact information where he/she can be reached is not considered to be “at work” during the “on call” time period.

3. All time a non-exempt employee spends actually working while “on call” is considered as “hours worked” and must be recorded on his/her time records for the work week/work period in which these activities occur.

J. Travel Time:

1. Normal commuting time to and from work is generally not compensable and is not considered as “hours worked”.

2. Travel between a “normal” workplace, such as an office, and another place of assignment is usually considered as “hours worked”.

3. Travel between one assignment and another during a work day is compensable and is considered “hours worked”.

4. If travel time between a non-exempt employee’s home and the place of assignment on a one-day trip to another city (by an employee who normally has a fixed place of work) exceeds the time spent in the employee’s normal commute between home and work, all such excess time is compensable and is considered as “hours worked”.

5. If an employee leaves from his/her normal place of work rather than from home on a one-day trip to another city, the travel between home and the normal place of work is not considered “hours worked”.

6. Generally, overnight, out-of-town travel as a passenger (in a state vehicle, bus, airplane, or train) outside normal working hours does not have to be counted as

"hours worked"; however, it is the policy of the Technical College System of Georgia that such bona fide travel time of non-exempt employees will be considered "hours worked".

7. If a non-exempt employee is required to drive a state or personal vehicle on an overnight, out-of-town trip, all time spent driving the vehicle on work-related business will be considered "hours worked".

8. If a non-exempt employee is required to attend a meal or an associated activity event outside of his/her normal work hours, all such time will be considered "hours worked" and must be recorded on his/her time records for the work week/work period in which these activities occur.

9. For those occasions which require a non-exempt employee to stay overnight for one or more business days, all time spent outside of regular work hours is not compensable unless: the employee is performing work; required to attend a meal or event; or, the employee is unable to use his/her idle time for his/her own benefit due to restrictions placed on the employee.

K. Management of Work Hours

1. Supervisors are responsible for monitoring the arrival and departure times of non-exempt employees and periodically reviewing time records during each established work period/work week in an effort to minimize unplanned and/or unauthorized overtime hours. At the conclusion of each work period/work week, the employee's immediate supervisor must sign/authorize the time sheet or electronically approve the time record.

2. All non-exempt employees must accurately record all hours worked, meal periods and leave taken on their designated time sheet or with a time clock or other time management system each work day. Hours worked outside scheduled work hours, including time spent on work-related telephone calls, must be recorded.

3. As provided in Paragraph VI.B.6.and when possible, the work schedule of a non-exempt employee should be adjusted during the work period to avoid overtime.

4. Falsification of time records, including the omission of hours worked, may result in disciplinary action.

5. Generally, supervisors should obtain approval from their reviewing manager of other management official before permitting a non-exempt employee to work overtime, absent an emergency situation. In such instances, the supervisor should notify his/her manager as soon as possible and thoroughly document the reasons for the overtime.

L. FLSA Compensatory Time Accumulation and Recordkeeping:

1. Non-exempt employees will be provided one and one-half (1 ½) hours of FLSA Compensatory Time for each overtime hour worked and may accumulate up to a maximum of two hundred and forty (240) hours. Any FLSA Compensatory Time.

Time accumulated in excess of this threshold must be delivered as a cash payment.

2. Non-exempt law enforcement officers may accumulate up to a maximum of four hundred and eighty (480) hours. Any FLSA Compensatory Time accumulated in excess of this threshold must be delivered as cash payment.

3. All accumulated FLSA Compensatory Time shall be recorded in the PeopleSoft HCM

4. Pursuant to FLSA regulations, the following records must be maintained regarding FLSA Compensatory Time:

   a. The number of hours of compensatory time earned each work week/work period by each employee;
   b. The number of compensatory time hours used each work week/work period by each employee;
   c. The number of hours of compensatory time compensated in cash, the total amount paid and the date of the payment; and,
   d. The written understanding or agreement regarding the earning and using of compensatory time off (Attachment 4.2.1p.a2)

M. Use of FLSA Compensatory Time

1. In lieu of using accrued annual leave for an authorized absence, a non-exempt employee must use his/her FLSA Compensatory Time unless he/she would forfeit annual leave as a result of this requirement. This is the only instance in which a non-exempt employee will be permitted to use accrued annual leave in lieu of accumulated FLSA Compensatory Time.

2. Non-exempt employees may request to use FLSA Compensatory Time in lieu of sick leave or personal leave; however, employees may not be required to use FLSA Compensatory Time in lieu of sick leave.

3. Non-exempt employees must be permitted to use accumulated FLSA Compensatory time within a reasonable period after making a request for time off from work if granting the request will not unduly disrupt the operations of the work unit.

4. If/when approved, an absence using accumulated FLSA Compensatory Time will be deducted from the employee's PeopleSoft balance in the same manner as any other leave deduction.

N. Payment for Accumulated FLSA Compensatory Time:

1. FLSA Compensatory Time cannot be transferred between state agencies/entities, TCSG colleges, or colleges and the System Office. In addition, a compensatory time balance cannot be retained by a non-exempt employee who accepts an exempt position in the same TCSG work unit (e.g. a promotion).

In these circumstances, the non-exempt employee shall be paid at the time of his/her transfer/reclassification for all accumulated, but unused, FLSA Compensatory Time. NOTE: The organizational unit from which the employee is transferring is fully responsible for the payment.

2. An employee ending his/her state employment through resignation, separation or retirement shall be paid for all accumulated, but unused, FSLA Compensatory Time.

3. The payment shall be delivered for each hour of accumulated, but unused, FLSA Compensatory Time at the higher of the following rates:

    a. The average regular rate received by the employee during the last three (3) years of employment; or,
    b. The final regular rate received by the employee

4. As needed and based on the availability of funds, the FLSA Compensatory Time balance of a non-exempt employee may be reduced or "cashed out" completely at any time as determined by the Commissioner, a technical college president, or his/her designee.

O. Monetary Payment of Overtime:

1. The cash payment of overtime to a non-exempt employee (either salaried or hourly-paid) may only be delivered after approval of the TCSG's Budget Office and the Office of Planning and Budget in the manner outline in Paragraph I of this procedure.

2. In those instances in which a continuing need for overtime has been identified, itemized funds for overtime payments must be requested and included in the Technical College System of Georgia's Annual Operating Budget.

P. State Compensatory Time:

1. State compensatory time may be granted to a non-exempt employee who remains in pay status for more than forty (40) hours in his/her established seven (7) day work period, but did not actually work more than forty (40) hours. State Compensatory Time apply to a non-exempt, P.O.S.T. certified law enforcement officer who remains in pay status but who did not work for more than the maximum number of hours in his/her work period. As an alternative, the TCSG work unit manager may elect to adjust the amount of leave to be charged to the employee during the work period, if such an adjustment will not result in the employee forfeiting leave or losing personal leave.

2. If authorized, State compensatory time shall be provided on an "hour for hour", straight time basis and an employee may not accumulate more than two hundred forty (240) hours.

3. Employees should be scheduled to use accumulated State compensatory time within sixty (60) calendar days if at all possible.

4. Any State compensatory time hours not used within one (1) year from the date earned will be lost. Additionally, an employee is not entitled to be paid for such hours.

5. State compensatory time cannot be transferred between state agencies or between TCSG work units.

6. State compensatory time should be tracked in the PeopleSoft HCM System and pursuant to OPB Policy, records regarding the accumulation and use of State Compensatory Time shall be managed in the same manner as FLSA Compensatory Time.

Q. General Record-keeping Requirements Under the FLSA:

1. All non-exempt employees must record, by time sheet, time clock, or other time management system, all hours worked each work day and each established work period/work week. NOTE: an employee's falsification of time records and/or the failure to record all hours worked in one or more work periods/work weeks may result in disciplinary action up to and including separation.

2. The FLSA required that all basic employment and earning records (including time records) must be maintained for at least two (2) years and that payroll records must be maintained for three (3) years. Additionally, each public agency must maintain records indicating the exemption status for each employee and documentation justifying each exemption decision. NOTE: specific State of Georgia recordkeeping requirements which exceed the noted federal requirements are outlined in the Georgia Archives' Retention Schedule for State Government Paper and Electronic Records

VII.RECORD RETENTION:

All employment-related documents generated or collected pursuant to this procedure shall be maintained in a manner consistent with the Georgia Archives' Retention Schedule for State Government Paper and Electronic Records

Attachment: 4.2.1p.a1.- Overtime Exemption Information

EXEMPTION OF EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, AND COMPUTER EMPLOYEES UNDER THE FLSA

The exempt or non-exempt status of any particular employee must be determined on the basis of whether duties, responsibilities and salary meet the requirements for exemption. The employee's title or classification is of no significance in determining whether the tests are met.

It is the responsibility of the Agency Head, or their designee, to determine whether any exemption is applicable to particular employees.

Following is an outline of the terms and conditions to be followed in determining those employees exempt from the overtime provisions of the Fair Labor Standards Act.

Executive Employees

An employee is exempt as an executive, if he meets all these conditions:

- primary duty is management of an agency, institution or school, or a customarily recognized department or subdivision (i.e. a unit of permanent status and function thereof)
- customarily and regularly directs the work of two or more full-time employees or their equivalent (80 hours total)
- has authority to hire or fire, or his suggestions on hiring, firing, promotions or changes of employees' status carry particular weight
- exercises discretion and independent judgment in significant matters in carrying out the position's responsibilities
- is paid on salary basis at a rate of at least $455 a week ($23,660 annually), exclusive of board, lodging or other facilities

Primary Duty and Management – The policy requires that the primary duty of an executive employee must be management.

"Primary duty" means the principal, main or most important duty or responsibility of the employee.

Managerial duties take into consideration the frequency of the employee's use of discretion and relative freedom from supervision.

These are some of the functions that come within the scope of management: Interviewing, selecting and training of employees; setting and adjusting rates of pay and hours of work; directing work; maintaining production records for use in supervision or control; appraising productivity and efficiency for recommending promotions or other changes in status; handling complaints; disciplining employees; planning work; determining work techniques, controlling the flow and distribution of materials and supplies; and providing for the safety of workers and property.

If the executive employee is in charge of a division, rather than of the entire department, the division must be formally established, not simply a group of employees signed to a job. Usually, the division has a title, like "Shipping Division," or "Accounting Division."

Supervision of Other Workers – An executive employee must direct the work of two or more employees, that is, he must direct at least two full-time workers or the equivalent. For example, the test would be met if the employee directs (a) one full--time and two part-time workers, if total is 80 hours, one of whom works mornings and the other afternoons, or (b) four part-time workers two of whom work mornings and the others afternoons.

Attachment: 4.2.1p.a1.- Overtime Exemption Information

The workers who are supervised must be employed in the department or sub-division that the executive employee is managing.

Moreover, an executive employee must be directly concerned either with the hiring or the firing and other change of status of the employees under this supervision, whether by direct action or by recommendation to those delegated to hire and fire.

Salary Requirement – Salaries paid monthly or semi-monthly that are equivalent to $455 a week ($23,660) are within the requirement. However, the shortest period of payment that will meet the requirement of pay on a salary basis is a week. Employees paid by the hour are not included in this exemption regardless of the fact that the amount paid them weekly far exceeds $455; they are not paid on a salary basis. But a guarantee of $455 a week in any week in which any work is performed may meet the salary requirement even though additional wages are paid on an hourly basis.

Salary Basis – Executive employees have to be paid on a salary basis to be exempt. The meaning of salary basis is most important. Salary basis means that the employee regularly receives each pay period on a weekly, or less frequent basis, a predetermined amount constituting all or part of his compensation and the amount is not subject to reduction because of variations in the number of hours work in the workweek or in the quality or quantity of the work performed.

Work which tends to destroy the executive exemption is work which is not directly and closely related to his management duties. For example, although in a plant not large enough to employ a timekeeper or in which the timekeeping function has been decentralized, the supervisor of each department can keep basic time records of his own subordinates and count the work as management. The preparation of a payroll by a supervisor – even of the employees under his supervision would be non-management work because the preparation of a payroll does not aid the supervision of employees or the management of the department.

An executive employee may operate a machine for the purpose of instructing new employees without losing the exemption. Such work is considered a part of the supervisory duties and is exempt. But if he operates a machine to fill in time between supervisory duties or to assist other employees, such work is non-management work and could affect the issue of whether management is the employee's primary duty.

Administrative Employees

An employee is exempt as an administrative employee, if he meets all these conditions:

- primary duty consists of performing office or non-manual work directly related to management or general business operations of the employer or its customers
- the primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

- is paid on salary or fee basis of at least $455 a week ($23,660 annually), exclusive of board, lodging, or other facilities

In general terms, administrative employees are sometimes referred to as staff (administration) rather than line (production) employees. "General business operations" refers to functional areas such as tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations, government relations; computer network, internet and database administration; legal and regulatory compliance; and similar activities. Examples of administrative employees may include credit managers, purchasing agents, buyers, safety directors, personnel directors, and labor relations directors.

Attachment: 4.2.1p.a1.- Overtime Exemption Information

Remember that a title alone is of little or no assistance in determining an employee's exempt or non-exempt status. The status of the employee should be determined on the basis of whether his duties, responsibilities and salary meet all the requirements of the regulations.

Primary Duty – To qualify for exemption as an administrative employee, an employee must have as his primary duty office or non-manual work directly related to management or general business operations of his employer or his employer's customers. This condition is met by employees who participate in the formulation of management policies or in the operation of the business as a whole. It applies to those employees whose work affects business operations to a substantial degree even though their assignments are only for a particular segment of the business.

Discretion and Independent Judgment – These terms are interpreted to mean the authority to make an independent choice, free from immediate supervision, in significant matters. They should not be confused with the use of skill in applying techniques, procedures, or specific standards.

Matters of significance – refers to the level of importance or consequence of the work performed. An employee does not exercise discretion and independence with respect to matters of significance simply because improper performance of the employee's duties may cause serious financial loss to the agency.

Example 1: Inspectors normally do specialized work along standardized lines involving well-established techniques and procedures that may have been catalogued and described in manuals or other services. These inspectors use skill rather than discretion and judgment.

Example 2: A shipping clerk is normally permitted to decide the method of packing and the mode of shipment of small orders, and a bookkeeper may decide whether he will post first to one ledger rather than another. These decisions do not deal with significant matters.

Decisions by an employee need not have a finality that goes with unlimited authority and a complete absence of review. It is alright for the decisions to consist of recommendations for action or to be subject to review.

Salary Requirement – The $455 weekly ($23,660 annually) salary requirement for administrative exemption is met if the employee is compensated bi-weekly on a salary basis of $910, semi-monthly on a salary basis of $985.83 or monthly on a salary basis of $1971.66.

<u>Professional Employees</u>

An employee is exempt as a professional employee, if he meets all these conditions:

- primary duty is work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment.
- the advanced knowledge must be in a field of science or learning, customarily acquired by prolonged specialized instruction, as distinguished from general academic education (doctors, lawyers, engineers, chemists, nurses, etc.). As an alternative to the above, the primary duty may be (a) work that is creative and original (artists, writers, musicians, actors, certain radio and television announcers, etc.) or (b) work as a teacher in an educational establishment with a primary duty of teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge.
- is paid on salary or fee basis of not less than $455 a week ($23,660 annually). (This salary or fee requirement does not apply to an employee who is holder of valid license or certificate permitting practice of law or medicine, or in the case of interns or resident physicians, or employees employed and engaged as teachers in activities referred to in (b) above)

Attachment: 4.2.1p.a1.- Overtime Exemption Information

Learned Profession – The learned professions are described as those requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction.

These points should be noted:

1. The phrase ``customarily acquired by a prolonged course of specialized intellectual instruction'' restricts the exemption to professions where specialized academic training is a standard prerequisite for entrance into the profession. The best prima facie evidence that an employee meets this requirement is possession of the appropriate academic degree.

2. However, the word ``customarily'' means that the exemption is also available to employees in such professions who have substantially the same knowledge level and perform substantially the same work as the degreed employees, but who attained the advanced knowledge through a combination of work experience and intellectual instruction. Thus, for example, the learned professional exemption is available to the occasional lawyer who has not gone to law school, or the occasional chemist who is not the possessor of a degree in chemistry.

3. The exemption does not apply to entire occupational groups regardless of the specific duties of the particular individual. For example, exemption of an accountant must be determined on the basis of the individual accountant's duties and other qualifications.

Artistic Professions – The requirements for the artistic type of professional work are that the work has to be original and creative in character in a recognized artistic field and the result of which must depend primarily on the invention, imagination, originality, or talent of the employee. This exemption includes such fields as music, writing, acting, and the graphic arts.

Computer Employee Exemption

An employee is exempt under the computer employee exemption if the employee:

- is employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field with one of the following as the employee's primary duty:

    1) the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;

    2) the design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; or

    3) the design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

    4) a combination of the aforementioned duties, the performance of which requires the same level of skills.

- is compensated either on salary or fee basis at a rate not less than $455 per week **or** is compensated on an hourly basis, at a rate not less than $27.63 an hour.

Employees primarily involved in the manufacture or repair of computer hardware and related equipment do **not** qualify for the computer employee exemption. Employees whose work is highly dependent on computer software programs but not primarily engaged in computer systems analysis and programming or

other similarly skilled computer-related occupations are also **not** eligible for the computer employee exemption.

Highly Compensated Employee Exemption

Highly Compensated Employees – Employees that perform office or non-manual duties and are paid a total annual compensation of $100,000 or more (which must include at least $455 per week paid on a salary or fee basis) and regularly perform at least one of the duties of an exempt executive, administrative or professional employee as identified in the exemption tests specified in this document.

EXECUTIVE EXEMPTION CHECKLIST

1. Does the employee receive a salary of at least $23,660 annually ($455 per week)?

   ____ Yes – go to #2
   ____ No – Not executive exempt (go to Administrative or Professional Checklist)

2. Is the employee's primary duty - the management of a customarily recognized sub-division of the department?

   ____ Yes – go to #3
   ____ No – Not executive exempt (go to Administrative or Professional Checklist)

3. Does the employee customarily and regularly supervise two or more full time employees?

   ____ Yes – go to 4
   ____ No – Not executive exempt (go to Administrative or Professional Checklist)

4. Does the employee have the authority to hire or fire other employees or are the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees given particular weight?

   ____ Yes – Exempt - Executive
   ____ No – Not executive exempt (go to Administrative or Professional Checklist)

PROFESSIONAL EXEMPTION CHECKLIST

1. Does the employee receive a salary (or fee basis pay) of at least $23,660 annually ($455 per week)?

   ____ Yes – go to #2
   ____ No – Not executive, professional or administrative exempt.

2. Is the employee's primary duty that of a professional either in (a) a learned profession or (b) an artistic profession? (see commentary for definitions)?

   ____ Yes – go to #3
   ____ No – Not professional exempt (go to Executive or Administrative Checklist)

3. Is the employee's work primarily intellectual and does it require the consistent exercise of discretion and judgment?

   ____ Yes – Exempt – Professional
   ____ No – Not professional exempt (go to Executive or Administrative Checklist)

Attachment: 4.2.1p.a1.- Overtime Exemption Information

ADMINISTRATIVE EXEMPTION CHECKLIST

1. Does the employee receive a salary (or fee basis pay) of at least $23,660 annually ($455 per week)?

   ____ Yes – go to #2
   ____ No – Not executive, professional, or administrative exempt

2. Is the employee's primary duty office or non-manual work directly related to management policies or general business operations of the employer or the employer's customers?

   ____ Yes – go to #3
   ____ No – Not administrative exempt (go to Executive or Professional Checklist)

3. Does the employee exercise discretion and independent judgment in significant matters?

   ____ Yes – Exempt – Administrative
   ____ No – Not administrative exempt (go to Executive or Professional Checklist)

COMPUTER EMPLOYEE CHECKLIST

1. Does the employee receive a salary of at least $455 per week ($23,660 annually) or an an hourly rate of at least $27.63 or more?

   ____Yes – go to # 2
   ____ No – Not Computer exempt

2. Does the employee work as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field performing one of the following as the employee's primary duty:

   - The application of systems analysis techniques and procedures, including consulting with users to determine hardware, software or system functional specifications;
   - The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
   - The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
   - A combination of the aforementioned duties, the performance of which requires the same level of skills.

   ____Yes – Computer Employee Exemption
   ____ No – Not Computer exempt

   The computer employee exemption does not include employees engaged in the manufacture or repair of computer hardware and related equipment. Employees whose work is highly dependent upon, or facilitated by, the use of computers and computer software programs (e.g., engineers, drafters and others skilled in computer-aided design software), but who are not primarily engaged in computer systems analysis and programming or other similarly skilled computer-related occupations identified in the primary duties test described above, are also not exempt under the computer employee exemption.

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Attachment: 4.2.1p.a2.

TECHNICAL COLLEGE SYSTEM OF GEORGIA

UNDERSTANDING CONCERNING FLSA COMPENSATORY TIME

I, _____, acknowledge and understand that as part of the terms and conditions of my employment with the _____ (work unit/ technical college) of the Technical College System of Georgia, I may be required to work more than forty (40) hours in a work week/work period.

I further understand that if I am a non-exempt employee, I will receive FLSA compensatory time in lieu of overtime compensation in cash for all overtime hours worked. The FLSA compensatory time will be calculated at the rate of time and one-half hours for each hour of employment for which overtime compensation is required by the Fair Labor Standards Act of 1938 (FLSA).

I further understand that if I am an exempt employee, I am not entitled to FLSA compensatory time or any additional compensation in any form for any additional hour(s) worked.

If employed in a non-exempt position, I understand that I must at all times maintain an accurate and truthful record of my hours worked each day and each established work period by signing in and signing out, referencing my meal period, and recording all hours I am on paid or unpaid leave.

Lastly, I understand that as a condition of employment I must sign this acknowledgment statement. If I am unsure of my FLSA status, I will check with the Office of Human Resources in the System Office or, as applicable, my employing technical College.

Date	Employee Signature

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TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

REQUEST FOR OVERTIME APPROVAL **Attachment: 4.2.1p.a3.**

I am requesting overtime of $_____ (State) and $_____ (federal) be approved for the _____ activity as follows:

(1) Purpose of Overtime:

_____

_____

_____

_____

Number of Positions	Job Classification	FLSA Status		Overtime Hourly Rate	Overtime Hours Requested	Total Cost of Overtime Hours
		Exempt	Nonexempt			
				TOTAL REQUESTED	$	

Funding of this request comes from: (Check one)

_____ (1) Current Personal Services Surplus

_____ (2) Other:_____

_____ _____

Requested by Date

_____ _____

OPB Director/ Division Director Signature Date

These figures are to include cost of fringes associated with the overtime hourly rate.

NOTE: Submit two copies.

POLICY: 4.2.2. (III.Q)
Official Business Hours and Work Schedules

Revised: December 6, 2012; January 4, 1996
Last Reviewed: December 6, 2012
Adopted: September 4, 1986

POLICY:

With certain exceptions (e.g., law enforcement and fire protection employees) and pursuant to State of Georgia Policy, all regular, salaried employees of the Technical College System of Georgia shall adhere to a forty (40) hour work week schedule unless the work schedule for a given employee is established at less than forty (40) hours per week. The Commissioner shall establish the official business hours of the System Office and each technical college president shall establish the official business hours for his/her technical college. Employee work schedules shall be established to facilitate the effective and efficient operation of all System Office or technical college work units.

The Commissioner and each technical college president must ensure that System Office and technical college operations comply with all applicable provisions of the Fair Labor Standards Act, as well as the State of Georgia policy governing Working Hours, Payment of Overtime, and Granting of Compensatory Time.

Related Authority:

Office of Planning and Budget (OPB) Policy Governing Working Hours, Payment of Overtime, and the Granting of Compensatory Time
TCSG Procedure 4.2.2p1. Official Business Hours and Work Schedules

Procedure: 4.2.2p1. (III.Q.1.)
Official Business Hours and Work Schedules

Revised: September 14, 2016; September 27, 2012, January 4, 1996
Last Reviewed: September 14, 2016
Adopted: September 4, 1986

I. PURPOSE:

Pursuant to State of Georgia policy and with the exception of a regular, salaried employee working less than full-time (e.g., thirty (30) hours per week) as well as certified law enforcement employees serving in a technical college's police department, all other, salaried employees of the Technical College System of Georgia [TCSG] shall either work, utilize paid leave or holidays, or be places on authorized or unauthorized leave without pay for forty (40) hours each seven (7) day work week/work period. Work period requirements for certified law enforcement employees are outlined in paragraph VI.C.

Within these parameters, the Commissioner shall establish the official and core business hours for the System Office and each technical college president shall establish the official and core business hours for his/her technical college. The Commissioner and each technical college president, or his/her designee, shall ensure that employee work schedules are established to facilitate the effective and efficient operation of the System Office and each technical college.

Additionally, it is the responsibility of the Commissioner and each technical college president to ensure that System Office and technical college operations comply with all applicable provisions of the Fair Labor Standards Act, as well as the State of Georgia policy governing Working Hours, Payment of Overtime, and Granting of Compensatory Time.

II. RELATED AUTHORITY:

- Fair Labor Standards Act of 1938, as amended
- Office of Planning and Budget (OPB) Policy Governing Working Hours, Payment of Overtime, and the Granting of Compensatory Time
- State Telework Policy
- TCSG Procedure 4.2.1p. Working Hours, Overtime, and Compensatory Time
- TCSG Procedure 4.2.2p2. Work Away

III. APPLICABILITY:

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

IV. DEFINITIONS:

Core Business Hours: the time period during a normal business day that employees working a schedule with flexible starting and ending times are required to be present at work. Example would be core hours from 9:00 a.m. until 3:00 p.m. An employee with these core hours could be permitted to begin his/her work day between 7:00 a.m. and 9:00 a.m. and end his/her day between 3:30 p.m. and 5:30 p.m. inclusive of an unpaid lunch period of at least thirty (30) minutes.

V: ATTACHMENTS:

Attachment 4.2.2p1.a1. Sample Alternating Week-Day Off Calendars
Attachment 4.2.2p1.a2. Alternating Week-Day Off Schedule Agreement
Attachment 4.2.2p1.a3. Four 10-Hour Work Day Schedule Agreement

VI. PROCEDURE:

A. Official Business Hours:

1. The official business hours of the System Office are from 8:00 a.m. until 5:00 p.m., Monday through Friday. During this time period, all offices will be open for business, unless administratively or operationally unfeasible due to such factors as inclement weather. All System Office work units shall be adequately staffed during official business hours to provide necessary services to employees, officials, the public, and, as applicable, current and prospective students.

2. The president of each technical college shall establish the college's official business hours.

B. Work Periods and Work Schedules for Non-Law Enforcement Employees:

1. The work period for all non-law enforcement employees is a fixed period of seven (7) consecutive calendar days. Work units may establish different work periods for different groups of employees, provided there is a business-related justification.

2. The scheduled work hours of each employee (to include an unpaid meal period and, as applicable, breaks) will be established in conjunction with the needs of the assigned System Office or technical college work unit. Managers and supervisors may permit an employee to work desired hours provided the proposed schedule is consistent with System Office and/or technical college guidelines, work unit operations, and the schedules of other employees. Work schedules may vary from employee to employee dependent upon the type of work performed, work location, and the needs of the work unit.

3. Employees may be permitted to work schedules that vary from the System Office or technical college official business hours (i.e., a flexible work schedule) or may request or be required to work an alternating week-day off or a compressed work schedule as outlined below. In all such instances, an employee must be at work during core business hours.

4. Participation in an alternative work schedule may be rescinded if there are performance or attendance problems present or other work-related issues as determined by the immediate supervisor or reviewing manager.

5. When possible, an employee should be provided advance notice of a modification to his/her established work schedule.

6. In addition to a standard work week consisting of five (5), eight (8) hour days, the following alternative work schedules may be incorporated into System Office or technical college operations with the approval of the Commissioner or technical college president:

   a. Alternating Week-Day Off Schedule:

      1. This schedule incorporates a two (2) week period during which an employee will work a schedule of eight (8), nine (9)-hour days and one (1), eight (8)-hour day with an additional day off. During each work week or seven (7) day work period, an employee will work four (4) nine (9) hour days and four (4) hours of his/his scheduled eight (8)-hour day as noted below. For purposes of FLSA compliance and ease of administration, this work schedule should begin on a Monday or Friday and an employee's established seven (7) day work period will begin or modified to the middle of the eight (8) hour day and continue for seven (7) consecutive twenty-four (24) hour periods.

         Note: Sample Alternating Week-Day Off Calendars are attached as Attachment 4.2.2p1.a1.

   b. Compressed Work Schedule:

      1. This schedule incorporates four (4), ten-hour (10) hour work days may, at the discretion of a technical college president, be adopted college-wide.

      2. Employees on a ten (10) hour per day schedule are required to have an unpaid lunch period of at least thirty (30) minutes added to their established work schedule.

7. An employee requesting to participate in an Alternative Week-Day Off or a Compressed Work Schedule shall complete an accompanying agreement (i.e., Attachment 4.2.2p1.a2. or, as applicable, Attachment 4.2.2p1.a3.). Newly hired full-time employees of a technical college utilizing a four (4) day, ten (10) hour work schedule should complete Attachment 4.2.2p1.a3.

C. Work Periods and Work Schedules for Law Enforcement Employees

1. The work period for all P.O.S.T. certified law enforcement employees serving in a technical college police department shall be established as a fixed period ranging from seven (7) to twenty-eight (28) calendar days.

2. Within the TCSG the assigned work period shall generally be established in seven (7) day increments, e.g., seven (7) days, fourteen (14) days, or twenty-eight (28) days. NOTE: Different work periods may be established for different employees of groups of employees.

3. For each work period, a regular, salaried law enforcement employee must work or use paid leave/holidays for no less than the scheduled amount of hours for the work period. This is equivalent to the number of scheduled work days multiplied by the number of scheduled hours per day.

   For example, if an officer is assigned to a twenty-eight (28) day work period, his/her scheduled hours equals 160 hours (twenty (20) work days times eight (8) hours or sixteen (16) work days times ten (10) hour per day.

4. The president (or his/her designee) of a technical college operating a campus police department may elect to waive the requirement of adding an unpaid meal period to the established work day of P.O.S.T. certified law enforcement employees.

5. The established maximum hours worked standard before overtime compensation is required for non-exempt employees ranges from 43 hours (in a seven (7) day work period) to 171 hours (in a twenty-eight (28) day work period). Employees may be required to work up to the maximum number of hours in his/her designated work period without additional compensation.

6. A salaried, non-exempt employee who works more than the maximum number of hours in his/her work period shall receive overtime compensation in the form of FLSA compensatory time calculated at a rate of one and one-half (1 ½) for each overtime hour worked.

7. The provisions of Paragraph VI.D. and VI.E governing State Holidays and Annual, Sick, or Personal Leave and Compensatory Time are applicable to law enforcement employees whose assigned work day is either nine (9) or ten (10) hours.

D. State Holidays

1. Pursuant to State policy, holidays are valued at eight (8) hours.

2. Employees working a nine (9) or ten (10) hour day must either adjust his/her work schedule during the work period in which the holiday(s) occur or, request annual/personal leave or available compensatory time or request placement on authorized leave without pay to make up the one (1) or two (2) hour difference.

E. Annual, Sick, or Personal Leave and Compensatory Time

1. Employees working a nine (9) or ten (10) hour day and who are absent from work on approved annual, sick, or personnel leave must request nine (9) or ten (10) hours of leave. Similarly, employees may request an equivalent amount of accumulated FLSA or State compensatory time for such absence(s).

F. Teleworking

1. Pursuant to the State Teleworking Policy, teleworking is an authorized work arrangement in which some or all of an employee's work is performed at location(s) other than the employee's primary (i.e. usual and customary) workplace. An alternate workplace may include the employee's home or another Technical College System of Georgia work site.

2. Employees who participate in a teleworking arrangement are expected to work required hours and fulfill all responsibilities associated with their position.

3. Detailed information pertaining to teleworking may be found in the Work Away Procedure.

VII. RECORD RETENTION:

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

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Attachment: 4.2.2p1.a1.

Example 1

SAMPLE CALENDAR: 9 HOUR/4 DAY SCHEDULE, ALTERNATE *FRIDAYS* OFF

August

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	**2**	**3**	**4**
5 **Regular Schedule**	**6** Work 8 Hours	**7** Work 8 Hours	**8** Work 8 Hours	**9** Work 8 Hours	**10** Work 8 Hours	**11**
12 **Begin Alternate Schedule**	**13** Work 9 Hours	**14** Work 9 Hours	**15** Work 9 Hours	**16** Work 9 Hours	**17** Off All Day (but must take 4 hours of annual or personal leave or compensatory time to have 40 hours in pay status for this workweek)	**18**
19	**20** Work 9 Hours	**21** Work 9 Hours	**22** Work 9 Hours	**23** Work 9 Hours	**24** Work 8 Hours (4 hours are counted in each workweek)	**25**
26	**27** Work 9 Hours	**28** Work 9 Hours	**29** Work 9 Hours	**30** Work 9 Hours	**31** Off	

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Example 2

SAMPLE CALENDAR: 9 HOUR/4 DAY SCHEDULE, ALTERNATE *MONDAYS* OFF

August 2012

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	**2**	**3**	**4**
5 ***Regular Schedule***	**6** Work 8 Hours	**7** Work 8 Hours	**8** Work 8 Hours	**9** Work 8 Hours	**10** Work 8 Hours	**11**
12 ***Begin Alternate Schedule***	**13** Off All Day (but must take 4 hours of annual or personal leave or compensatory time to have 40 hours in pay status for this workweek)	**14** Work 9 Hours	**15** Work 9 Hours	**16** Work 9 Hours	**17** Work 9 Hours	**18**
19	**20** Work 8 Hours (4 hours are counted in each workweek)	**21** Work 9 Hours	**22** Work 9 Hours	**23** Work 9 Hours	**24** Work 9 Hours	**25**
26	**27** Off	**28** Work 9 Hours	**29** Work 9 Hours	**30** Work 9 Hours	**31** Work 9 Hours	

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TECHNICAL COLLEGE
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Attachment:
4.2.2p1.a2.

Alternating-Weekday Off Schedule Agreement

I. Work Hours

I understand my designated workweek will begin at _____ and end at _____ on Monday or Friday. I further understand that my work hours will be _____ to _____ on my nine-hour workdays and from _____ to _____ on my eight-hour workdays.

II. Work Schedule Changes

A. I understand that it may be necessary to change my off days or work on a scheduled day off depending on work unit demands. I further understand that these changes may require other work schedule adjustments, particularly for employees who are covered by the Fair Labor Standards Act.

B. I understand that the above referenced work hours will remain unchanged unless modified by my supervisor or until I submit a written request for an adjustment of assigned work hours to my supervisor and my supervisor authorizes the request.

III. Holidays

A. State holidays occurring on a designated workday result in an eight-hour absence; therefore, for each holiday occurring on a day I am scheduled to work nine hours, I must either:

1. Take one hour of previously accumulated holiday time;
2. Take one hour of FLSA compensatory time;
3. Take one hour of annual or personal leave;
4. Use one hour of accumulated State compensatory time; or
5. Adjust my work schedule to make up the hour during the workweek in which the holiday occurs.

IV. Leave

A. I understand that a full day's absence will result in the use of either eight or nine hours of leave based on the number of hours in the scheduled workday.

B. I understand that I should attempt to schedule routine medical appointments, as well as personal business appointments, etc., on my scheduled off day.

C. I understand that my leave requests will be reviewed in conjunction with work unit staffing considerations and workload levels. I further understand that a request may be denied based on these or other work related factors.

I have read and understand these guidelines pertaining to the alternating-weekday-off work schedule. I desire to participate in this work schedule and agree to adhere to these stipulations. After discussion with my supervisor, my day off will be _____. I understand that if my day off is _____, I must use four hours of annual or personal leave, or compensatory time to initiate the alternating-weekday-off work schedule.

_____	_____
Employee Signature	Supervisor Signature
_____	_____
Printed Name	Printed Name
_____	_____
Date	Date

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TECHNICAL COLLEGE
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Attachment:
4.2.2p1.a3.

Four 10-Hour Workday Schedule Agreement

I. Work Hours

I understand my workweek will consist of four 10-hour workdays beginning at _____ and ending at _____ on each day. After consultation with my supervisor, my scheduled day off each workweek will rotate on a monthly basis or will be permanently designated as _____.

II. Work Schedule Changes

A. I understand that it may be necessary to change my off days or work all or part of a scheduled day off depending on work unit demands. I further understand that these changes may require other work schedule adjustments, particularly for employees who are covered by the Fair Labor Standards Act.

B. I understand that the above referenced work hours and day off will remain unchanged unless modified by my supervisor or until I submit a written request for an adjustment of assigned work hours to my supervisor and my supervisor authorizes the request.

III. Holidays

A. State holidays occurring on a designated workday result in an eight-hour absence; therefore, for each holiday occurring on a day I am scheduled to work, I must either:

1. Take two hours of previously accumulated holiday time;
2. Take two hours of FLSA compensatory time;
3. Take two hours of annual or personal leave;
4. Use two hours of accumulated State compensatory time; or
5. Adjust my work schedule to make up the two hour during the workweek in which the holiday occurs.

B. If a State holiday falls on a scheduled off day, I will be granted an additional eight hours off, preferably in the same workweek in which the holiday occurred.

IV. Leave

A. I understand that a full day's absence will result in the use of ten hours of leave.

B. I understand that I should attempt to schedule routine medical appointments, as well as personal business appointments, etc., on my scheduled off day.

C. I understand that my leave requests will be reviewed in conjunction with work unit staffing considerations and workload levels. I further understand that a request may be denied based on these or other work related factors.

I have read and understand these guidelines pertaining to a four 10-hour workday schedule. I desire to participate in this work schedule and agree to adhere to these stipulations.

_____	_____
Employee Signature	Supervisor Signature
_____	_____
Printed Name	Printed Name
_____	_____
Date	Date

Procedure: 4.2.2p2. (III.Q.2)
Work Away

Revised: September 16, 2004

Last Reviewed:

Adopted: June 2004

I. PURPOSE:

Teleworking is a management option that allows eligible employees to telework from home or other remote locations for one or more days per week, month, or selected time period. Teleworking offers a more productive working environment with fewer distractions which results in better job performance, employee morale and job satisfaction, reduced absenteeism and sick leave usage. Teleworking also helps retain valued employees and recruit top quality people.

The purpose of this procedure is to define the teleworking program and the guidelines and rules under which it will operate. There are significant economic, personal, and production benefits of telework. This policy is designed to help managers and employees understand the teleworking environment.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

III. APPLICABILTY:
All work units associated with the Technical College System of Georgia.

IV. DEFINITIONS:

Eligible Position – A position having measurable quantitative or qualitative results-oriented standards of performance that is structured to be performed independently of others and with minimal need for support and can be scheduled at least one day a pay period to participate in teleworking without impacting service quality or organizational operations. The eligibility of a position may change depending on circumstances.

Eligible Employee – An employee, in an eligible position, who has been employed in the System for a minimum of six months; is in an eligible position; and has been identified by the employee's supervisor as satisfactorily meeting performance standards, terms, and conditions of employment of their position. The employee shall have no active formal disciplinary actions on file for the current or immediately preceding review period.

Primary Workplace – The teleworker's usual and customary workplace.

Alternate Workplace – A work site other than the employee's usual and customary worksite (primary workplace). The alternate workplace may include the employee's home, a satellite office, or a telework center.

Telework Center – A facility that offers office-like workstations and electronic equipment that may be used by state agencies to house teleworking employees.

Teleworker – A person who for at least one or more days in a particular pay period works at home, a satellite office, or a telework center to produce an agreed upon work product. All teleworkers should complete the telework agreement and training. A teleworker is not a mobile worker.

Occasional Teleworker – A teleworker, who with the approval of their supervisor, works at home on an infrequent basis. Approval is usually task or project specific and normally approved at least the day before the employee teleworks. Occasional teleworkers do not telework on a scheduled basis. For the purpose of this policy, occasional teleworkers are considered teleworkers.

Teleworking – Working at a location other than the employee's usual and customary workplace.

Teleworking Agreement – The signed document that outlines the understanding between the agency and the employee regarding the teleworking arrangement.

V. ATTACHMENTS:

Attachment 4.2.2p2.a1. Telework Agreement
Attachment 4.2.2p2.a2. Telework Self-assessment
Attachment 4.2.2p2.a3. Telework Self-Certification
Attachment 4.2.2p2.a4. Telework Selection Criteria
Attachment 4.2.2p2.a5. Governor's Executive Order (2003)

VI. PROCEDURE:

Responsibilities

Telework may not be suitable for all employees and/or positions. The agency shall implement teleworking as a work option for certain eligible employees based on specific criteria and procedures consistently applied throughout the agency.

The System Office will:

- Determine what state equipment, if any, will be provided to the employee to use at home (see section 8 Equipment and Supplies”);
- Determine how restricted access materials, security issues, and taking electronic or paper records from the primary work place (see section 9 “Security and Access to Information”) will be handled;
- Deliver telework training to eligible employees;
- Maintain records of teleworking employees; and
- Report results to State Telework Coordinator.

The Manager/Supervisor will:

- Establish expectations for and monitor employee performance;
- Identify eligible employees (see section 4 “Employee Participation”);
- Identify eligible positions suitable for teleworking;
- Determine what state equipment, if any, is needed for the employee to use at home (see section 8 “Equipment and Supplies”);
- Establish how the teleworker will maintain regular contact with office;

- Ensure that individual work schedules and reporting for non-exempt employees are in compliance with FLSA regulations and state policy (see State Personnel Board Rule18, Leave and OPB/State Personnel Board Policy Memorandum #1 Rules, Regulations and Procedures Governing Working Hours, the Payment of Overtime and the Granting of Compensatory Time, January 17, 1986); and
- Ensure that each employee's request to telework is considered in relation to the System's operating and customer needs.

Employees participating will:

- Have at least six months of experience with TCSG;
- Complete all required forms;
- Observe agreed-upon hours of work;
- Complete work assignments in designated time allowed;
- Observe policies for requesting leave; and
- Provide an alternate work location with adequate space, access to a telephone, and without undue interruption which could impact productivity.

3. Teleworking Agreement:
The teleworking agreement documents the mandatory policies in effect and results of any other agreements between the supervisor and the teleworker. The agreement must be signed by both parties prior to the start of teleworking agreeing that both parties will abide by the terms and conditions of teleworking. The agreement must be reviewed and renewed at least annually to ensure that the guidelines for participating in the program indicate continued eligibility and are well understood. A supervisor may elect to revise the agreement when a need arises. In addition, the teleworking agreement should be reviewed and revised if necessary when there is a change in supervisor, job responsibilities, or change in work circumstances or performance.

- The agreement is essential to the management and legal protection needed in teleworking.
- The agreement shall cover topics including but not limited to the following:
- Employee performance expectations and monitoring;
- Liability and workers' compensation – employee and employer understand who is liable and for what;
- Safety – the employee must self-certify that the alternate workplace is safe and conducive to work (see Attachment 4.2.2p2.a3.);
- Equipment – responsibility and use of personal and state equipment at home and inventory of state equipment used outside the primary workplace;
- Security – taking records away from the office and accessing information over the Internet (see section 9 of this procedure);
- Work schedule – when and where the employee will telework and procedures for overtime and leave approvals;
- Accessibility – how the employee will keep in communication with clients, co-workers, supervisors, and those the employee may supervise while teleworking; and
- Expectations of the supervisor and employee – terminating the agreement, reimbursement of expenses, and standards of conduct.

The employee acknowledges by signing the agreement that he or she has read and agreed to the terms of this policy and the items listed in the agreement. **Any employee who teleworks must sign a Telework Agreement.** An example of an agreement is included in (Attachment 4.2.2p2.a1.).

4. Employee Participation
Offering the opportunity to work at home or another alternate workplace is a management option and is not an employee right. An employee's participation in the state's teleworking program is entirely

voluntary. The employee, supervisor, or manager may terminate teleworking without cause. Teleworking is a work arrangement between an individual employee and his/her supervisor. A supervisor has no authority to require an employee to telework unless it was a condition of employment or a requirement of the job description.

The teleworkers' conditions of employment with the state remain the same as for non-teleworking state employees. Employee salary, benefits, and employer-sponsored insurance coverage will not change as a result of teleworking. The employee shall adhere to all policies, rules, and regulations of the agency and state while teleworking.

Self-Assessment: A successful teleworker has particular traits, a job suitable for telework and a telework site that's conducive to work. A self-assessment helps an employee interested in teleworking decide whether telework is right for him or her. The employee will be provided a self–assessment form as part of the application to telework. A sample self-assessment is provided (Attachment 4.2.2p2.a1.).

Work Space Self-Certification: As a condition of permission to telework, the employee must verify that home facilities used for telework purposes are safe and suitable for purposes of the employee's work. The agency may deny an employee the opportunity to telework if the alternate worksite is not conducive to productive work. A self-certification checklist will be provided to the employee as part of the application to telework. The checklist is necessary to reduce the state's exposure to risk and liability and helps the employee know if his or her alternate workplace is conducive to productive work. A sample checklist is included (Attachment 4.2.2p2.a3.).

The agreement, the employee self-assessment and work space self-certification shall be kept in the Personnel Office.

An employee must have the willingness of his/her supervisor to perform the necessary supervisory responsibilities required for teleworking.

The employee agrees not to conduct personal business while in official duty status at the alternate workplace.

5. Work Space and Work Hours

A defined workspace and defined core work hours are necessary (1) to reduce the state's exposure to risk, (2) to facilitate proper management of teleworkers, and (3) to ensure work is done in a productive environment.

Work Space: The employee shall maintain a clean, safe workspace that is adequate for work and free of obstructions and distractions. To ensure that productive working conditions exist, it may be necessary for agency personnel to make on-site visits at mutually agreed-upon times. However, this will be handled by the agency on a case-by-case basis. The teleworker shall designate a specific workspace at the alternate workplace and will conduct work for the agency from that location.

Work Hours: Each employee that teleworks shall develop a work schedule with the employee's supervisor, and the employee's supervisor must agree in advance to any changes to the employee's work schedule (a sample work schedule is provided - attachment 4.2.2p1.a1.). Employees subject to mandatory overtime must obtain approval from their supervisor before performing overtime. A non-exempt employee working overtime without such approval may cause the agency to terminate the teleworking option and/or take other appropriate action. The employee must obtain approval in advance from his or her supervisor before taking leave during a designated telework day. The work schedule shall be subject to change at the discretion of the employee's supervisor whenever the employee's presence is deemed necessary for participation in meetings, conferences, training, etc.

The employee must maintain contact with the office as specified in the work schedule, agency policy, and telework agreement.

An employee's activities outside the time of work or outside the place designated for work will be deemed to be in the employee's own personal time and place, unconnected with work activities.

6. Training
Successful teleworking programs require management support in order to succeed. Specific management practices such as the ability to manage by results and skill in setting and communicating clear goals are essential. Managers will be trained to effectively manage employees that telework. Management buy-in is the single most important prerequisite for the success of any teleworking program. The State Telework Coordinator will serve as a resource for training program curriculum and content.

7. Telework Coordination
Agency Telework Coordinator. The Agency shall designate a Telework Coordinator who is responsible for the day-to-day coordination and management of the agency's teleworking program. The Agency Telework Coordinator will oversee the teleworking program including compliance with policies, procedures, and guidelines and will report the results of telework in the agency to the Statewide Telework Coordinator.

8. Equipment and Supplies
Office supplies (e.g. pens and paper) shall be provided by the agency and should be obtained during the teleworker's in-office work period.

The employee is expected to use his or her own furniture, telephone lines, and other equipment. Any use of private facilities of the employee will be at the employee's discretion and not at the behest or expense of the state. This applies to all physical improvements and conveniences as well as services.

In no situation should state owned equipment be installed in an employee's home. Agencies, however, may give written permission for certain equipment, for example computers and pagers, to be checked out and used at the alternate worksite. As agency equipment is the property of the state, agencies must retain the responsibility for the inventory and maintenance of state-owned property following state laws and procedures.

9. Security and Access to Information
The teleworker is responsible for maintaining confidentiality and security at the alternate workplace, as the teleworker would at the primary work place. The employee must protect the security and integrity of data, information, paper files, and access to agency computer systems. State Information Technology policy and Internet and technology use policies apply to teleworking, as they would in the primary work place.

10. Expenses and Compensable Time
An employee may work from his/her home or another alternate work site that has been approved by the employer. Mileage between the home and the employee's assigned office or telework center shall be considered commute mileage and not subject to reimbursement.

Work related long distance phone calls should be planned for in-office days. At the discretion of the supervisor, expenses for business related long distance calls and cell phone calls, which must be made from a teleworker's home, may be reimbursed if the reasons and costs for the calls are documented. The teleworker is responsible for the cost of maintenance, repair, and operation of personal equipment not provided by the state.

11. Liability
The employee's home workspace when used for telework is an extension of the agency workspace. The state's liability for job-related accidents will continue to exist during the approved work schedule and in the employee's designated work location. The teleworker is covered under the State's Workers' Compensation Law for injuries occurring in the course of the actual performance of official duties at the alternate workplace.

If an injury occurs during teleworking work hours, then the employee shall immediately report the injury to the supervisor. The employee, supervisor, and agency shall follow the state's policies regarding the reporting of injuries for employees injured while at work.

The State of Georgia is not responsible for any injuries to family members, visitors, and others in the employee's home. The teleworker may not have business guests at the alternate workplace or any other location except the agency's offices.

To the extent permitted by law, the employee will not attempt to hold the state responsible or liable for any loss or liability in any way connected to the employee's non-work related use of his or her own home.

The teleworker is responsible for contacting the teleworker's insurance agent and a tax consultant and consulting local ordinances for information regarding home workplaces.

12. Child and Dependent Care
Teleworking is not a substitute for childcare or dependent care. The teleworker shall continue to make arrangements for child or dependent care to the same extent as if the teleworker was working at the main office.

13. Program Reporting and Evaluation
Employee agrees to participate in studies, inquiries, reports or analyses relating to teleworking at the agency's direction.

14. Renewal of Telework Agreements
The teleworker agreement should be discussed and renewed at least annually, whenever there is a major job change (such as a promotion), or whenever the teleworker or supervisor changes positions. Because teleworking was selected as a feasible work option based on a combination of job characteristics, employee characteristics, and supervisor characteristics, a change in any one of these elements may require a review of the teleworking arrangement.

15. Inclement Weather
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. Obviously weather conditions would not affect a teleworker who is scheduled to work from his home office. Therefore, the teleworker shall be expected to complete his normally assigned work duty

16. Exception to the Procedure
In extenuating circumstances, the Commissioner, at his discretion, may grant an employee an exception to this procedure if (1) the supervisor recommends an exception, (2) the quality and quantity of the employee's work does not decline, and (3) if the exception will not cause a disruption to the productivity and work flow of the agency or division.

COMPRESSED WORK WEEK, ALTERNATE WORK SCHEDULE AND FLEXIBLE WORK SCHEDULE

The Technical College System of Georgia believes there are significant economic, personal, and production benefits that may be obtained by providing employees alternatives to the usual work week of five, eight-hour days. This policy is designed to help managers and employees understand Variable Working Hours and their associated rights and responsibilities. This policy provides a general framework. It does not attempt to address the special conditions and needs of all technical colleges.

Compressed Work Week – A work week made up of four ten-hour work days with fixed hours each work day, plus a lunch break. The lunch period may be of 30, 45 or 60 minute duration.

- Sick days or vacation days will be calculated at ten hours for each day taken.
- Employees on jury duty will revert back to a five day, 8-hour days for the duration of jury service.
- Holidays are credited at eight hours each. Holidays falling on an employee's regular work day can be handled in one of the following ways:
    - The employee can take the holiday and revert back to the five day/40 hour schedule for that week.
    - The employee can maintain the compressed work week schedule, taking two hours of vacation time on the holiday day.
- Holidays falling on an employee's day off can be handled in one of the following ways:
    - The employee can take the holiday and revert back to the five/40 hour schedule for that week.
    - With management's approval, based on operational necessities, the employee can take another day off during the same work week and/in addition, take two hours of vacation time on that day.

Approval of a request is subject to business needs of the work unit and may be rescinded at any time that the business needs change. Each request for a Four Day Work Week schedule shall be approved by the employee's supervisor/director.

Advanced written approval shall be required for any employee to work a Four Day Work Week in lieu of the standard five day work week. This advance approval must be obtained prior to the beginning of any change in scheduled hours.

The employee must complete a Four Day Work Week Schedule Agreement.

Employees whose performance is considered to be less than 'Meets Expectations' may not be eligible for a Four Day Work Week schedule.

Subject to prior approval of the supervisor/director, the scheduled off day during a work week may be changed on a temporary or permanent basis.

Alternate Work Schedule – A work week made up of nine-hour days, one eight-hour day and one off day in every two week period, with fixed work hours within the period, plus a lunch break.

Each employee working this schedule will have a unique work week. The work week is defined by the employee's off day. It begins and ends midday on the day approved as the off day. All normal work days, Monday, Tuesday, Wednesday, Thursday and Friday, must be utilized as the off day when establishing this schedule. Each manager is responsible for setting work schedules to ensure that each employee is scheduled for the correct number of hours in each work week. Non-exempt

employees must take the same day off every two weeks to ensure that they do not work more than 40 hours in a workweek. Exempt staff can use a pre-set schedule or establish a schedule based upon unit workloads.

Each manager is responsible to ensure that Fair Labor Standards Act (FLSA) regulations in regard to work are adhered to when scheduling covered employees. Contact the personnel office if there are any questions about an employee's work schedule.

Work hours for a nine hour day are as follows:

7:00 AM – 4:45 PM
7:15 AM – 5:00 PM
7:30 AM – 5:15 PM
7:45 AM – 5:30 PM
8:00 AM – 5:45 PM
8:15 AM – 6:00 PM
8:30 AM – 6:15 PM
8:45 AM – 6:30 PM
9:00 AM – 6:45 PM
9:15 AM – 7:00 PM

Work hours for the eight hour day will be determined by the manager.

Refer to the example below:

SUN	MON	TUES	WED	THUR	FRI	SAT
9	10 4 hrs previous week; 4 hrs current week	11 9 hours	12 9 hours	13 9 hours	14 9 hours	15
16	17 **OFF DAY**	18 9 hours	19 9 hours	20 9 hours	21 9 hours	22
23	24 4 hrs previous week; 4 hrs current week	25 9 hours	26 9 hours	27 9 hours	28 9 hours	29

Approved off day is Monday.

The first work week begins mid-day Monday, May 10th, and ends mid-day Monday, May 17th. The second work week begins mid-day Monday, May 17th, and ends mid-day Monday, May 24th.

Annual and sick leave usage must match the alternate schedule. For example, if the employees is scheduled to work 9 hours and is ill and cannot report to work, he will need to submit a leave request for 9 hours of sick leave.

Flexible Work Schedule – A five-day forty hour work week made up of hours other than the standard 8 a.m. to 5 p.m. work day. This concept allows employees to work an 8 hour schedule within limits of a "core" period of, for example, 6:30 a.m. to 6:30 p.m. The first requirement here is that key position(s) always be staffed during the official work hours of 8:00 a.m. to 4:45 p.m. Managers may permit

employees to choose a schedule starting and ending an hour or half-hour apart, “staggering” arrival times, but requiring all employees to be present during specified core hours of the day.

Employees are given the opportunity to request their preferred work schedule and hours. However, the supervisor and/or the president will make the final determination. When establishing flexible schedules, it must be remembered to provide reasonable customer access to staff, staff access to customers, effective work outcomes and excellent service delivery. Approval of flexible schedules will be based on several factors, including staffing needs, adherence to the provisions of the Fair Labor Stands Act and accessibility to managers, customers and co-workers. Reasonable effort will be made to accommodate employees’ requests whenever individual preferences do not interfere with the accomplishment of the objectives of the organization. Seniority, job performance and/or other work-related factors may be considered when making individual determinations.

VII. RECORD RETENTION: n/a

Attachment: 4.2.2p2.a1.

Technical College System of Georgia
TELEWORKING AGREEMENT

This telework agreement (hereafter "agreement"), effective (date) _____, is between (employee name) _____ (hereinafter referred to as "Employee"), an employee of the Technical College System of Georgia [TCSG]. The parties, intending to be legally bound, agree as follows:

Scope of Agreement

Employee agrees that teleworking is voluntary and may be terminated, by either the Employee or TCSG, with or without cause.

Other than those duties and obligations expressly imposed on Employee under this agreement, the duties, obligations, responsibilities, and conditions of Employee's employment with TCSG remain unchanged. Employee's salary and participation in the pension, benefit, and TCSG-sponsored insurance plans shall remain unchanged.

The terms "remote work location," "remote workplace," or "alternate worksite" shall mean Employee's residence or any alternate office location approved by the System. The term "office" shall mean Employee's usual and customary TCSG work address.

This agreement shall be construed, interpreted, and enforced according to the laws of the State of Georgia.

Work Hours and Leave

Employee agrees that work hours will conform to the terms agreed upon by Employee and TCSG.

Employees subject to mandatory overtime agree to obtain advance supervisory approval before performing overtime. Working overtime without such approval may result in termination of the teleworking option and/or other appropriate action.

Employee agrees to obtain advance supervisory approval before taking leave.

Alternate Workplace

Employee agrees that the alternate workplace is adequate for performance of Employee's official duties. Employee agrees to maintain this workplace in a safe condition, free from hazards and other dangers to

Technical College System of Georgia
TELEWORKING AGREEMENT

Employee and equipment. (Employee should complete a safety self-certification checklist prior to signing this agreement.)

Inspections

Employee understands that TCSG reserves the right to make on-site visits to the alternate work location for the purposes of determining if the site is conducive to productive work or to investigate Employee's workers' compensation claim.

Work Schedule and Work Status

Employee agrees to develop a work schedule with Employee's supervisor and Employee's supervisor must agree, in advance, to any changes to Employee's Work Schedule. Employee agrees to provide Employee's timekeeper with a copy of Employee's Work Schedule. Employee agrees to maintain contact with the office as specified in the Work Schedule. Employee agrees that outside the time of work or outside the place designated for work will be deemed to be in Employee's own personal time and place, unconnected with work activities.

Employee agrees to perform only official duties and not to conduct personal business while on work status at the alternate work location. Personal business includes but is not limited to caring for dependents or making home repairs.

Employee agrees not to conduct any work-related meetings at the alternate work location if that alternate work location is Employee's home.

Work Performance

Employee agrees to provide regular reports if required by the supervisor to help judge work performance. Employee understands that a decline in work performance may result in termination of this agreement by TCSG.

Standards of Conduct

Employee agrees to be bound by TCSG regulations, policies, and procedures while working at the alternate workplace. Violation of the foregoing may result in termination of this agreement and the teleworking privilege. (Employee should complete a teleworker self-assessment prior to signing this agreement.)

Supplies

Employee agrees to obtain from the primary workplace all supplies needed for work at the alternate workplace and understands that out-of-

pocket expenses for supplies regularly available at the central workplace will not be reimbursed unless previously approved by Department.

Equipment

The Employee understands that she/he is expected to use his/her own furniture, telephone lines, and all other equipment when teleworking unless otherwise specified in this agreement.

Security of Confidential Information

Employee agrees that all TCSG-owned data, files, software, equipment, facilities, and supplies must be properly protected and secured. TCSG-owned data, software, equipment, facilities, and supplies must not be used to create Employee-owned software or personal data. Employee will comply with all TCSG and state policies and instructions regarding security of confidential information. Any software, products, or data created as a result of work-related activities are owned by TCSG and must be produced in the approved format and medium.

Employee agrees to protect TCSG records from unauthorized disclosure or damage and will comply with all requirements of law regarding disclosure of TCSG information.

Reimbursement

Employee agrees that TCSG will not be responsible for operating costs, home maintenance, or any other incidental cost (e.g. utilities, insurance) whatsoever, associated with the use of Employee's residence or computer equipment. TCSG will reimburse Employee for expenses authorized by Employee's supervisor and incurred while conducting business for TCSG.

Liability for Injuries

Employee understands that Employee is covered under the Georgia Workers' Compensation law if injured in the course of actually performing official duties at the primary workplace or at the alternate workplace designated on the self-certification checklist. Employee agrees to notify Employee's supervisor immediately of any accident or injury that occurs at the alternate workplace and to complete any required forms. Department agrees to investigate such a report immediately.

Employee understands that the state will not be liable for damages to Employee's personal or real property while Employee is working at the alternate work location, except to the extent adjudicated to be liable under Georgia Law.

Attachment: 4.2.2p2.a1.

Technical College System of Georgia
TELEWORKING AGREEMENT

To the extent permitted by law, Employee will not attempt to hold the state responsible or liable for any loss or liability in any way connected to the employee's non-work related use of his/her own home.

Other Action

Nothing in this agreement precludes TCSG from taking any appropriate disciplinary or adverse action against Employee if Employee fails to comply with the provisions of this agreement or terms and conditions of employment.

Participation in Studies and Reports

Employee agrees to participate in studies, inquiries, reports, or analyses relating to teleworking at TCSG's direction.

Equipment, Supplies, and TCSG Assets

List any TCSG or state equipment that will be used at the alternate workplace (attach additional documentation as needed):

Item:	Inventory No.:	Date Out	Date Returned
1.			
2.			
3.			
4.			
5.			

Special Conditions and Additional Agreements

Deleted:

_____
_____
_____
_____
_____
_____

Employee Initials_____ Supervisor Initials _____

Cancellation of Agreement

Employee's participation as a teleworker is entirely voluntary and is available only as long as Employee is deemed eligible at TCSG's sole

Attachment: 4.2.2p2.a1.

Technical College System of Georgia
TELEWORKING AGREEMENT

discretion. There exists no right to telework. Either party may cancel Employee's participation as a teleworker, with or without cause, upon reasonable notice thereof, in writing, to the other. TCSG will not be held responsible for costs, damages, or losses resulting from cessation of participation as a teleworker. This agreement is not a contract of employment and may not be construed as one.

I have read and understand this agreement and the telework policy and agree to abide by and operate in accordance with the terms and conditions described in both documents. I agree that the sole purpose of this agreement is to regulate telework and that it constitutes neither an employment contract nor an amendment to any existing contract and may be cancelled at anytime.

_____ _____
Teleworker Date

_____ _____
Supervisor Date

Attachment: 4.2.2p2.a1.

Technical College System of Georgia
TELEWORKING AGREEMENT

Employee Orientation Checklist

1.	I have read the Technical College System of Georgia's Work Away Policy and understand the requirements and obligations I am expected to meet as a teleworker.	____ Yes	____ No
2.	I have been provided with a copy of my signed TCSG Teleworking Agreement.	____ Yes	____ No
3.	I have discussed my work schedule with my supervisor.	____ Yes	____ No
4.	I have completed a Work Schedule with my supervisor.	____ Yes	____ No
5.	I have been issued TCSG equipment and I have been briefed on the care of the equipment and completed the TCSG inventory form.	____ Yes	____ No
6.	I have discussed my performance expectations with my supervisor.	____ Yes	____ No
7.	I have completed telework training.	____ Yes	____ No

Work Schedule

Deleted: Page Break

The following work schedule and locations are agreed upon in support of the TCSG Agreement:

Main Office Workplace

ADDRESS: _____
_____

PHONE NUMBER: _____

Alternate Workplace

ADDRESS: _____
_____

PHONE NUMBER: _____

Attachment: 4.2.2p2.a1.

Technical College System of Georgia
TELEWORKING AGREEMENT

Core Work Hours

Day	**Hours**	**Location (R-Alternate, M-Main)**
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____
Daily Lunch Period	_____	_____

☐ *Flexible – I am an occasional teleworker. The days I telework will be determined on an as needed basis with the approval of my supervisor.*

COMMENTS:

Teleworker: _____ Date: _____

Supervisor: _____ Date: _____

Attachment: 4.2.2p2.a2.

TELEWORKER SELF-ASSESSMENT

A successful teleworker has particular traits, a job suitable for telework, and a telework office that is conducive to work. Read each of the numbered sections below and check the box that most accurately describes you or your situation. Your self-assessment will help you decide whether telework is right for you. See the bottom of page two (2) for help in evaluating your self-assessment.

1. Successful teleworkers develop regular routines and are able to set and meet their own deadlines. Are you self-motivated, self-disciplined, and able to work independently; can you complete projects on time with minimal supervision and feedback; and are you productive when no one is checking on you or watching you work?

   ❑ Always ❑ Usually ❑ Sometimes ❑ Not really

2. Do you have strong organizational and time-management skills; are you results-oriented; will you remain focused on your work while at home and not be distracted by television, housework or visiting neighbors; do you manage your time and workload well, solve many of your own problems and find satisfaction in completing tasks on your own; are you comfortable setting priorities and deadlines; and do you keep your sights on results?

   ❑ Always ❑ Usually ❑ Sometimes ❑ Not really

3. Are you comfortable working alone and disciplined enough to apply oneself continuously to one's job without interruption or distraction; can you adjust to the relative isolation of working at home; will you miss the social interaction at the System office on your telework days; do you have the self-control to work neither too much nor too little; can you set a comfortable and productive pace while working at home?

   ❑ Yes ❑ No

4. Teleworkers should have a good understanding of the organization's "culture." Are you knowledgeable about your organization's procedures and policies; have you been on the job long enough to know how to do your job in accordance with your organization's procedures and policies; do you have well-established work, communication, and social patterns at the office?

   ❑ Yes ❑ No

5. Have you and your supervisor discussed whether co-workers would have additional work when you work at home and, if so, how the work would be handled; have you determined how to provide support to co-workers while working at home; do you have an effective working relationship with co-workers; and have you evaluated the effects of our telework days and those of your co-workers in maintaining adequate in-office communication?

   ❑ Yes ❑ No

6. Are you adaptable to changing routines and environments; have you demonstrated an ability to be flexible about work routines and environments; and are you willing to come into the System office on a regularly scheduled telework day if your supervisor, co-workers, or customers need you there?

   ❑ Yes ❑ No

Attachment: 4.2.2p2.a2.

TELEWORKER SELF-ASSESSMENT

7. Are you an effective communicator and team player; do you communicate well with your supervisor and co-workers; are you able to express needs objectively and develop solutions; and have you developed ways to communicate regularly with your supervisor and co-workers that you can use when you telework?

   ❑ Yes ❑ No

8. Current job performance is a strong indicator of your potential success as a teleworker. Consider how any problems or developmental needs evident in your last performance evaluation might affect your telework experience. Are you successful in your current position; do you know your job well; and do you have a track record of performance?

   ❑ Yes ❑ Not really

9. Do you have the right job for telework?

   ❑ Job responsibilities that can be arranged so that there is no difference in the level of service provided to the customer
   ❑ Minimal requirements for direct supervision or contact with the customer
   ❑ Low face-to face communication requirements with the ability to arrange days when communication can be handled by telephone or e-mail
   ❑ Minimal requirements for special equipment
   ❑ Ability to define tasks and work products with measurable work activities and objectives
   ❑ Ability to control and schedule work flow
   ❑ Tasks include those that could be done away from the central workplace such as:

Analysis	Dictating	Reading
Auditing	Drafting	Record keeping
Reports	Editing	Research
Batch work	Evaluations	Telephoning
Calculating	Field visits	Word processing
Data entry	Graphics	Writing
Design work	Project management	

10. Do you have an appropriate home work environment?

   ❑ A safe, comfortable work space where it is easy to concentrate on work
   ❑ The level of security required by the agency
   ❑ The necessary office equipment and software that meet agency standards
   ❑ A telephone, with a separate home office line if required, and an answering machine or voice mail
   ❑ Household members who will understand you are working and will not disturb you

Are you the right kind of worker? If your answers to Questions 1 through 8 are "Always" or "Yes," you're the kind of employee likely to be successful at telework.

Do you have the right kind of job? You should be able to check every item under question 9.

Do you have the right home environment? You should be able to check every item under Question 10.

Attachment: 4.2.2p2.a3. Teleworking Self-Certification Form

Dear Teleworker:

The following checklist is designed to assess the overall safety of your alternate worksite. The checklist is necessary to make you aware of the need for a safe workplace that is conducive for productive work. Please read and complete the self-certification safety checklist. Upon completion, you and your supervisor should sign and date the checklist in the spaces provided.

The alternate worksite is _____.

Describe the designated work area at the alternate work site: _____
_____.

Please complete the following about the designated work area:
1. Are temperature, noise, ventilation, and lighting levels adequate for maintaining your normal level of job performance?_Yes___ No _____
2. Is all electrical equipment free of recognized hazards that would cause physical harm (frayed wires, bare conductors, loose wires, flexible wires running through walls, exposed wires to the ceiling)?_Yes ___ No _____
3. Do chairs have any loose casters (wheels) and are the rungs and legs of the chairs sturdy?_Yes ___ No _____
4. Are the phone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard?_Yes ___ No _____
5. Is the office space neat, clean, and free of excessive amounts of combustibles?_Yes ___ No _____

___Please complete the following if using a computer at home:_____
1. Is your chair adjustable?_Yes ___ No _____
2. Do you know how to adjust your chair?_Yes ___ No _____
3. Is your back adequately supported by a backrest?_Yes ___ No _____
4. Are your feet on the floor or fully supported by a footrest?_Yes ___ No _____
5. Are you satisfied with the placement of your VDT and keyboard?_Yes ___ No _____
6. Is it easy to read the text on your screen?_Yes ___ No _____
7. Do you need a document holder?_Yes ___ No ____
8. Do you have enough leg room at your desk?_Yes ___ No _____
9. Is the VDT screen free from noticeable glare?_Yes ___ No _____
10. Is the top of the VDT screen eye level?_Yes ___ No _____
11. Is there space to rest the arms while not keying?_Yes ___ No _____
12. When keying, are your forearms close to parallel with the floor?_Yes ___ No _____
13. Are your wrists fairly straight when keying?_Yes ___ No _____

I certify that all information contained in this checklist is true and complete to the best of my knowledge. I understand that any erroneous, misleading, or fraudulent information is sufficient grounds for my preclusion from teleworking.

_____ _____
Employee Signature Date

PLEASE RETURN A COPY OF THIS FORM TO YOUR TELEWORK COORDINATOR

Attachment: 4.2.2p2.a4.

Teleworking Selection Criteria

This plan is targeted to current employees whose positions lend themselves to being performed away from the central workplace. Final approval to participate will be granted on a case-by-case basis by the appointing authority or designee.

A. Eligibility Requirements for Regular Flexible Workplace Program

1. Position Requirements

   Telecommuting is feasible only for those employees whose job tasks lend themselves, in whole or in part, to being performed away from the central workplace. If it is determined that a job has telecommuting possibilities, other criteria, such as the following, should also be considered:

   - ***Knowledge Requirements***: Does the telecommuter have all the knowledge needed to work at home or does he/ she need supervision or input that is only available at the central workplace?

   - ***Public Contact Requirements***: What percentage of the job is devoted to face-to-face contact with other agencies, the public or internal division staff? Can this contact be made by phone or can such contact be limited to non-telecommuting days? (No public contact will be scheduled at the home of the telecommuting employee.)

   - ***Reference Materials Requirements:*** What percentage of the job is predicated on the use of resources located in the central workplace? Can these resources be easily removed and taken home for a day or two? Are these resources available through other means such as a computer-accessible library service?

   - ***Special Equipment Requirements***: What percentage of the job relies upon access to photocopiers, fax machines, or other specialized equipment? Can access needs be grouped for non-telecommuting days?

   - ***Travel Requirements:*** Does the job involve field work? Can trips begin or end at the home office rather than the central workplace? Can paperwork be done at home?

2. Employee Requirements

a. The employee must have at least six months of experience with TCSG.

b. The employee must have been evaluated by his/her supervisor as an above-average employee, must be motivated, self-directed, and have demonstrated that he/she:

   - Has a history of reliable and responsible discharge of duties;

- Has a full understanding of the operations of his/her unit or division, including any computer skills necessary to perform his/her job and his/her telecommute;
- Has the ability to establish priorities and manage his/her own time.

c. The employee must have clearly defined performance standards and measurements;
d. The employee must have received supervisor approval for participation;
e. The employee must be willing to sign and abide by a written work agreement which requires participation in training, focus groups, and evaluations;
f. The employee must provide an alternate work location with adequate space, access to a telephone, and without undue interruption which could impact productivity;
g. The employee must make regular dependent care arrangements, as telecommuting is not a substitute for dependent care;
h. The employee has demonstrated the ability to work independently;
i. Selection of employees shall not be based on seniority, but shall be based on work-related criteria;
j. A supervisor or manager who wishes to telecommute must demonstrate to the satisfaction of their manager this his/her participation will not result in inadequate supervision of staff and/or pose an unreasonable limitation on his/her ability to consult with management; and
k. Where appropriate, employees must be able to provide and maintain adequate equipment to perform the tasks specified in the Work Agreement.
l. Employee must agree to come in to the office if summoned by manager on the appointed telework days.

3. Supervisor Requirements

a. The supervisor has the appropriate management skills to fully utilize the telecommuting work mode and is comfortable supervising the telecommuting employee by results;
b. The supervisor must agree to participate in the program;
c. The supervisor must be willing to participate in accordance with the program guidelines, i.e., adhere to the work agreement, attending training; and
d. The supervisor must be willing to conduct visits to the alternative work site.

B. <u>Eligibility Requirements for Periodic Flexible Workplace Program</u>

Same as for Regular FWP. However, the nature of the work will be:

- A project, or discrete portion of a project, which is of short duration, with measurable work products;
- Of an infrequent or occasional nature (as opposed to regular and recurring).

THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

Back

WHEREAS: It has been determined that telework programs would be advantageous to the state of Georgia in addressing major environmental, transportation, productivity, quality of life, and employment issues; and

WHEREAS: Traffic congestion is a major problem in Georgia's metropolitan areas; and

WHEREAS: Reduced commuter road miles will decrease hazardous vehicle emissions, gasoline consumption, traffic gridlock, and highway maintenance costs for the citizens of Georgia; and

WHEREAS: It has been proven that telework provides economic and organizational benefits to employers, resulting in increased employee productivity, enhanced employee morale, improved recruitment and retention of employees, reduced office space and parking needs, reduced stress, increased job satisfaction, decreased absenteeism costs, an expanded labor pool and increased flexibility to meet the needs of citizens; and

WHEREAS: The State, as a major employer, has recognized its leadership role to develop substantive programs, such as teleworking, to reduce commuter road miles traveled by state employees and enhance productivity; and

WHEREAS: The substantial reduction in commuter road miles traveled by state employees and increase in productivity will demonstrate the importance of furthering these efforts for all Georgians and set a positive example for Georgia's employers.

NOW, THEREFORE, PURSUANT TO THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That all departments and agencies consider participation in the State's Work Away Initiative and seek opportunities to implement telework initiatives in the workplace; and

IT IS FURTHER

ORDERED: That the Georgia Merit System develop a program for agencies to use in implementing the Work Away Initiative; and

IT IS FURTHER

ORDERED: That the Georgia Merit System provide a State Telework Coordinator whose primary responsibilities include the coordination and management of the State's Work Away Initiative; and

IT IS FURTHER

ORDERED: That each state department agency shall promote employee participation in the Work Away Initiative.

This_____day of September, 2003

GOVERNOR

ATTEST:

EXECUTIVE SECRETARY

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 4.3
Employee Ethics and Standards of Conduct

4.3.1p ..... Procedure - Unlawful Harassment of Staff Procedure
4.3.1p.a1.....Employee Acknolegement re: Unlawfull Harrassment
4.3.2.....POLICY - Ethics and Standards of Conduct for Employees
4.3.2p1.....Procedure - Ethical Responsibilities of Employees
4.3.2p1.a1 .....Governor Deal's Ethics Executive Order
4.3.2p1.a2.....Sample Employee Ethics Acknowlegement Form
4.3.2p2 .....Procedure - Consensual Relationships
4.3.2p3 .....Procedure - Gifts, Honoraria and Expenses
4.3.2p3.a1.....Report of Expense Reimbursement by 3rd Party
4.3.2p3.a2 .....Ethics Policy Acknowlegement Form
4.3.2p4 .....Procedure - Standards of Business Conduct
4.3.2p5 .....Procedure - Political Activity
4.3.2p5.a1.....Political Activity Request Form
4.3.2p6 ..... Procedure - Other Employement
4.3.2p6.a1..... Initial Request for Other Employement
4.3.2p6.a2.....Request to Continue Other Employement
4.3.2p6.a3.....Request for Other Employment for Adjuncts
4.3.2p6.a4.....State Business Transaction Disclosure Report
4.3.2p6.a5.....PS Employment Records Worksheet
4.3.2p6.a6.....FLSA Designation Worksheet
4.3.2p6.a7.....Overtime Calculation Worksheet
4.3.2p6.a8..... FAQ
4.3.2p7.....Procedure - Children in the Workplace
4.3.3p ..... Procedure - Workplace Violence
4.3.3p.a1.....Workplace Violence Incident Report Form
4.3.4..... POLICY - Employment of Relatives

Procedure: 4.3.1p. [III.A.1.] Unlawful Discrimination, Harassment and Retaliation in Employment

Revised:	January 12, 2016
Last Reviewed:	January 12, 2016
Adopted:	March 9, 2007

I. PURPOSE:

The purpose of this procedure is to ensure that all employees of the Technical College System of Georgia are provided an environment free of unlawful discrimination, harassment (including sexual harassment) and retaliation.

All employees are expressly prohibited from engaging in any form of unlawful discrimination or harassment. Any employee who has engaged in such prohibited behaviors or conduct will be subject to disciplinary action, up to and including dismissal.

All employees are required to report any act of unlawful discrimination and harassment. Reports will be treated in an expeditious and confidential manner to the extent provided by law.

TCSG will not tolerate retaliation for having filed a good faith complaint of unlawful discrimination or harassment or for having provided any information in an investigation of such. Any employee who retaliates against a complainant or witness in an investigation will be subject to disciplinary action, up to and including dismissal.

Employees in a supervisory or managerial capacity are prohibited from knowingly permitting unlawful discrimination, harassment or retaliation in their assigned work unit(s) and from making sexual advances, welcome or unwelcome, toward any subordinate.

The harassment of an 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 an employee will not be tolerated.

Conduct which does not rise to the level of unlawful harassment may still violate other policies or procedures and subject an employee to disciplinary action, up to and including dismissal from employment.

II. RELATED AUTHORITY:

Title IX of the Educational Amendments of 1972
20 U.S.C. §§ 1681 et seq.
Titles VI and VII of the Civil Rights Act of 1964
Age Discrimination Act of 1975
Rehabilitation Act of 1973, as amended
Americans with Disabilities Act of 1990
Americans with Disabilities Amendments Act (ADAAA) of 2008

Genetic Information Nondiscrimination Act (GINA) of 2008
State Board Policy 2.1.1. Statement of Equal Opportunity
TCSG Procedure 4.4.1p. Positive Discipline

III. APPLICABILITY:

All work units and technical colleges associated with the Technical College System of Georgia. The terms of this Procedure will govern behavior during normal work hours, at work-related functions at or away from the primary work site before or after normal work hours, and/or while off duty when negatively impacting an employee's ability to effectively perform their duties.

IV. DEFINITIONS:

A. Unlawful Discrimination: the treatment, or consideration of, or making a distinction in favor or against a person based upon a legally protected characteristic, class or category to which the person belongs: e.g. race, color, religion, gender, national origin, age, or disability. Unlawful discrimination can also be the effect of a procedure or practice that confers or denies privileges to a protected class because of race, color, religion, etc.

B. 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. The conduct will be considered Unlawful Harassment if it:

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:

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;

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;

Offensive e-mail, text or voice mail message(s), or inappropriate use of state resources (e.g. downloading sexually explicit websites and/or information); and

Foul or obscene language.

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

D. Sexual Harassment (a form of unlawful harassment): 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:

Physical touching;

Sexual comments of a provocative or suggestive nature;

Suggestive looks or gestures;

Jokes, printed material or innuendoes; or

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 conduct or behavior and is not intended to be exhaustive.

E. 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 reported or complained of unlawful discrimination or harassment or because the employee participated in an investigation of such.

F. Employees: Any individual employed in a full or part time capacity in any work unit and/or technical college associated with the Technical College System of Georgia ("TCSG").

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

H. President: the chief executive officer responsible for the management and operation of the technical college where the complainant and/or respondent are currently employed.

I. Human Resources Director: The highest ranking employee responsible for the human resource function at a technical college. The System Office Human Resources Director provides technical assistance and expertise to all college HR Directors and manages the human resource function for all work units not associated with a technical college.

J. Local Investigator: The person(s) at the technical college who is delegated the responsibility for the investigation of employee complaints of unlawful discrimination, harassment, and retaliation complaints. Local Investigators are typically staff from the college's Office of Human Resources but may also include Title IX Coordinators.

K. Title IX Coordinator: an individual designated by the president of the college to ensure compliance with Title IX of the Educational Amendments of 1972, 20 U.S.C. §§ 1681 et

seq., and related federal regulations. The Title IX Coordinator may also be assigned the responsibility for compliance with other state and federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the U.S. Department of Education.

Êò **ATTACHMENTS:**

Attachment: 4.3.1p.a1. Employee Acknowledgment Form

Ê×ò **PROCEDURE:**

A. Policy Administration

1. The State Board Policy Statement on Equal Opportunity should be permanently displayed on official bulletin boards of the technical colleges and System Office and easily assessable to staff.

2. Supervisors must take ongoing proactive steps to ensure their work environments are free from any type of discrimination, unlawful harassment and retaliation and to educate their staff on appropriate conduct.

3. All current and future employees shall be required to read and become familiar with the Statement of Equal Opportunity and other employment-related policies and procedures located in the TCSG State Board Policy Manual (tcsg.edu).

4. As a condition of employment, all employees (current and future) are required to read and sign the employee acknowledgment of this procedure which will become a permanent part of the employee's personnel record.

5. Any employee, student, contractor or volunteer who has any questions concerning this Procedure should direct those questions to the college's Title IX Coordinator or Human Resources Director.

7. Presidents should ensure that employees receive appropriate training on the identification, prevention, and reporting of sexual harassment.

B. Reporting and Management Action

1. All employees are required to report allegations of unlawful discrimination, harassment and retaliation against themselves or others, as well as other possible policy violations.

   a. Allegations of unlawful discrimination, harassment or retaliation may be reported by employees within their chain of command, or may bypass the normal chain of command and report an allegation/suspicion directly to the Title IX Coordinator or Human Resources Director; employees may also email complaints to . UnlawfulHarassment@tcsg.edu.

   b. Complaints can be expressed in writing, by telephone, or in person.

2. Supervisors who have reason to believe that unlawful discrimination, harassment and/or retaliation may exist shall immediately inform the President, Human

Resources Director, Title IX Coordinator or the System Office Human Resources Director.

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

4. Employment related unlawful discrimination, harassment or retaliation complaints received by the Title IX Coordinator shall be immediately reported to the Human Resources Director.

5. A President or other designee of the Commissioner may suspend with pay, temporarily transfer, or reassign employees involved in an investigation in order to prevent further discrimination or harassment or to facilitate the effectiveness of an investigation. Whenever possible, any changes in assignments or work status for a complainant should not be made.

6. Unless otherwise authorized by the System Office Human Resources Director or Office of Legal Services, no disciplinary action shall be taken against the respondent until an investigation has been completed. *NOTE: A suspension with pay pending completion of an investigation is not a disciplinary action*.

7. All allegations of unlawful discrimination, harassment and retaliation by or against a System office employee, Vice President or President of a technical college shall be referred to the System Office Human Resources Director or the Office of Legal Services.

8. A President may refer any allegation of unlawful discrimination harassment, and/or retaliation to the System Office Human Resources Director or Office of Legal Services for investigation. Investigations may also be conducted in conjunction with the Local Investigator.

C. Investigations

1. All complaints shall be investigated thoroughly and should be completed within 45 business days of the receipt of the complaint. The parties will be notified if extraordinary circumstances exist requiring additional time.

2. If a complaint does not specify facts sufficient to support an allegation of unlawful discrimination, harassment or retaliation the President, after consultation with the Office of Legal Services, may determine the allegations will not be investigated pursuant to this Procedure. The complaint, if appropriate, may be investigated pursuant to the Employee Complaint Procedure. The complainant must be notified of the decision within five (5) business days of receipt of the complaint.

   Upon consent by both the complainant and the respondent, any complaint not rising to an allegation of unlawful conduct may also be referred for mediation in lieu of investigation. Mediations must be conducted by a qualified objective-third party not employed by the college.

3. Both the complaining party and the respondent will be given an equal opportunity to identify witnesses and offer evidence in person or in writing. Best efforts will be made to interview all witnesses identified by the parties.

4. Conduct which does not rise to the level of unlawful discrimination or harassment as those terms are defined in this Procedure may still violate other policies or procedures and any such violations should be included in investigative findings.

5. Investigative materials generated through the application of this Procedure will be processed and maintained confidentially to the extent permitted by law.

D. Review and Disposition

1. Local Investigators and Presidents should consult with the Office of Legal Services when making the determination whether or not the facts support a finding of unlawful conduct.

2. If the results of the investigation do not support a finding of unlawful discrimination, harassment or retaliation, or other policy violations, the matter will be closed and the parties notified of such.

3. If the results of the investigation support a finding of unlawful harassment, discrimination or retaliation or any other policy violation, the President shall promptly take any necessary action to ensure the conduct is not repeated. Actions may include, but not be limited to, mandating training, issuance of disciplinary actions, or dismissal from employment.

4. Both the complainant and the respondent will be notified in writing of the results of the investigation; provided, however, that if disciplinary action is to be initiated as a result of the investigation, neither party will be notified until all disciplinary actions are taken.

VI. RECORD RETENTION:

Acknowledgment statements shall be retained permanently in the official personnel files of employees. Investigative files shall be retained for 5 years after the close of the investigation or effective date of any adverse employment action resulting from the investigation.

Attachment: 4.3.1p.a1

ACKNOWLEDGMENT STATEMENT

UNLAWFUL DISCRIMINATION, HARASSMENT AND RETALIATION

As an employee of _____, I understand that any form of unlawful discrimination or harassment (including sexual harassment) will not be tolerated. I declare that I have read or will read and will fully comply with the Statement of Equal Opportunity issued by the State Board of the Technical College System of Georgia and all procedures relating to Unlawful, Discrimination, Harassment and Retaliation in Employment, as well as the Standards of Business Conduct. All policies and procedures may be found in the State Board Policy Manual located at tcsg.edu or may be located in a college Employee Handbook.

I understand I am required to immediately report any act or allegation of discrimination, harassment (including sexual harassment) to my supervisor and/or the Office of Human Resources; and that I may also make such reports to the President or the TCSG Office of Legal Services, I acknowledge the expectation that I will cooperate fully with any investigation.

If I am or become a supervisor, I understand that I am prohibited from making any sexual advances, welcome or unwelcome, toward any subordinate. I further acknowledge that retaliation against any individual who reports or participates in an investigation of unlawful harassment or discrimination will not be tolerated.

Employee's Signature

_____

Date Signed

_____

Employee's Printed Name

_____

Employee's ID#

_____

Record Retention: Retain permanently in the personnel file.

(Revised January 2016)

POLICY: 4.3.2. (III.L)
Ethics and Standards of Conduct for Employees

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

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:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
45 CFR 94
45 CFR 602
O.C.G.A. § 45-10-1
Attachment 4.3.2p1.a1. Governor Deal's January 10, 2011 Executive Order
State Board Policies and TCSG Procedures Manual

Procedure: 4.3.2p1. (III.L.1.)
Ethical Responsibilities of Employees

Revised: July 14, 2014
Last Reviewed: July 14, 2014
Adopted: July 16, 2014

I. PURPOSE:

If the Technical College System of Georgia [TCSG] 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 TCSG 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 4.3.2., all TCSG 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. RELATED AUTHORITY:

45 CFR 94
45 CFR 602
The Foreign Corrupt Practices Act of 1977, as amended (15 U.S.C. §§ 78dd-1, et seq.)
O.C.G.A.§ 21-5-70(6)
O.C.G.A.§ 45-10-1
Attachment: 4.3.2p1.a1. Governor Deal's January 10, 2011 Executive Order
State Board POLICY: 4.3.4. Employment of Relatives
State Board POLICY: 4.3.2. Ethics and Standards of Conduct for Employees
TCSG Procedure 4.3.2p6. Other Employment
TCSG Procedure 4.3.2p3. Gifts, Honoraria, and Expenses

III. APPLICABILITY:

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

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:**

Attachment 4.3.2p1.a1. Governor Deal's January 10, 2011 Executive Order
Attachment 4.3.2p1.a2. Sample Employee Ethics Acknowledgment Form

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.
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 Acknowledgment of Understanding of their responsibilities outlined in State Board Policy and TCSG procedures governing ethics and standards of conduct. (See Attachment 4.3.2p1.a2.).

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 4.3.4. 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 4.3.2p6. 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 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 4.3.2p3.

VII. **RECORD RETENTION:**

All records developed in response to the Executive Order shall be maintained for a minimum of four (4) calendar years. Employee Acknowledgment 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.

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THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

ESTABLISHING A CODE OF ETHICS FOR EXECUTIVE BRANCH OFFICERS AND EMPLOYEES

WHEREAS: In order to maintain the public trust, it is essential that the government function in a manner consistent with the highest ethical standards; and

WHEREAS: In carrying out their official duties and obligations, 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; and

WHEREAS: It is in the best interests of the State of Georgia that consistent policies on ethics be applied to all executive officers and employees; and

WHEREAS: State employees should use their powers and resources to further the public interest and not for any financial or other personal benefit, other than salaried compensation and employer-provided benefits; and

WHEREAS: State employees must safeguard their ability to make objective, fair, and impartial decisions and therefore 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

WHEREAS: 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.

NOW, THEREFORE, BY THE POWER VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That the Executive Order establishing a Code of Ethics for Executive Branch Officers and Employees of January 13, 2003, is hereby renewed and the following ethics policies shall remain in effect.

Section 1. **Persons Subject to this Executive Order**

a. The following persons are subject to this Executive Order:

(i) All employees in the Governor's Office and the Office of the Governor.
(ii) The heads of all State agencies who are appointed by the Governor.

(iii) Any other employees of Executive Branch officials, departments, boards, bureaus, agencies, commissions, councils, authorities, corporations, entities or instrumentalities of any kind, and others as may be designated by the Governor, to the extent that such designation does not conflict with Georgia law.

b. As used in this Order the term:

(i) "Agency" means any Executive Branch department, board, bureau, agency, commission, council, authority, corporation, entity, or instrumentality of any kind, and others as may be designated by the Governor, to the extent that such designation does not conflict with Georgia law.

(ii) "Agency head" means the executive head of an agency.

(iii) "Charitable organization" shall have the meaning defined in O.C.G.A. Section 45-20-51.

(iv) "Employee" shall mean any employee in the Office of the Governor, including the Governor, and any employee of any agency as define herein.

(v) "Family member" means 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.

(vi) "Gift" means anything of value exceeding $25, 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.

(vii) "Lobbyist" shall have the meaning defined in O.C.G.A. Section 21-5-70(6).

(viii) "Officer" means the Governor and the heads of all State agencies who are appointed by the Governor. For purposes of this Order, all "officers" are also "employees" as that term is defined herein.

(ix) "Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of individuals.

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(x) "Value" means 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 as one gift. Entrance fees, admission fees, or other tickets 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.

Section 2. <u>Ethics Officer</u>

a. Each agency, as well as the Office of the Governor, shall designate an Ethics Officer. The Ethics Officer shall take appropriate measures to ensure that the agency's employees become familiar with applicable ethics law and policies, including the policies set forth in this Order.

b. The Executive Counsel is hereby designated the Ethics Officer of the Office of the Governor.

Section 3. <u>Conflicts of Interest</u>

a. An employee of the Executive Branch of the State shall make every effort to avoid even the appearance of a conflict of interest. An appearance of conflict 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 conflict could exist even in the absence of a true conflict of interest.

b. An employee of the Executive Branch of the State shall recuse himself or herself from any proceeding in which the employee's impartiality might reasonably be questioned due to the employee's personal or financial relationship with a participant in the proceeding. A "participant" includes, but is not limited to, an owner, shareholder, partner, employee, or agent of a business entity involved in the proceeding. If the employee is uncertain whether the relationship justifies recusal, then 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 such other substitute presiding officer shall make the determination.

Section 4. <u>Gifts</u>

a. Except as provided in paragraph "b" below, no employee, nor any person on his or 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. If a gift has been accepted, it must be either returned to the donor or transferred to a charitable organization.

b. Where appropriate for purposes of tradition, ceremony, or inter-governmental relations, or when acting as a representative of the Office of the Governor or an agency, an employee may accept a gift on behalf of an agency or the Office of the Governor. Upon the signing of this Order, an employee of the Executive Branch may not accept a gift that retains value after its acceptance.

Section 5. Honoraria

No employee may accept any honoraria whatsoever.

Section 6. Expenses

An employee on whose behalf actual and reasonable expenses for food, beverages, travel, lodging, and registration are paid to permit the employee's participation in a meeting related to official or professional duties of the employee shall file a report no later than the 30 days after such expenses are paid. The report shall be filed with the designated Ethics Officer. The report must contain a description of each expense, and the purpose, date, and location of the meeting. Notwithstanding this provision, the preferred practice is for agencies and not third parties to pay such expenses.

Section 7. Nepotism

An employee shall not advocate for or cause the advancement, appointment, employment, promotion, or transfer of a family member to an office or position with an agency or with the Office of the Governor.

Section 8. Lobbying

a. The use of lobbyists will not be required or preferred as a way to obtain access to employees. Employees will strongly encourage any lobbyist wishing to meet with the Governor or his staff regarding his or her client and/or principal to bring a principal of his or her client to such meeting.

b. Former employees should not use their former positions for financial or other personal gain or to influence legislation or procurement decisions. Employees shall decline to communicate on official government matters with any lobbyist who was an officer within the preceding one-year period.

c. No agency shall be permitted to contract with any person to provide lobbying, as that term is defined in O.C.G.A. Section 21-5-70(5), services on behalf of that agency.

d. Employees who promote or oppose the passage of any legislation by the General Assembly, or any committee thereof, shall coordinate all such activities with the Office of the Governor.

SECTION 9. JUDICIAL APPOINTMENTS

The following persons shall not be eligible for appointment by the Governor to fill a vacancy on the Supreme Court, the Court of Appeals, the superior courts, or the state courts: (a) any person who has made a contribution to, or expenditure on behalf of, the Governor or the Governor's campaign committee at any time after the vacancy occurs; or (b) any person who has made a contribution to, or expenditure on behalf of, the Governor or the Governor's campaign committee within the 30 days preceding the vacancy, unless such person requests and is granted a refund of such contribution or reimbursement of such expenditure.

SECTION 10. FAIR AND EQUAL ACCESS

Employees are required to afford all constituents fair and equal opportunity to express their concerns and ideas regarding State programs and policies without regard to their political affiliation, sophistication, or affluence. Recommendations and decisions made by employees in the performance of their duties shall be made without bias.

SECTION 11. DUAL EMPLOYMENT/BOARD SERVICE

a. No employee shall serve for compensation as a corporate officer or director of any for-profit or publicly held company. Voluntary, pro bono services on behalf of non-profit organizations may be permitted, so long as services to such organizations would not have the potential to create a conflict and do not impair the employee's ability to discharge his or her public duties fully, faithfully, and impartially.

b. No officer may have any ongoing dual employment.

SECTION 12. POLITICAL ACTIVITIES

a. Employees wishing to take part in political activities are responsible for complying with applicable federal and state law.

b. Employees are prohibited from soliciting or knowingly accepting any campaign contribution in a governmental building or office. "Accept" means to receive a contribution by personal hand-delivery from a contributor or his agent. This does not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fundraiser.

c. Employees are permitted to express their opinions on political subjects and candidates and to take an active part in political campaigns outside of working hours, including the wearing of badges or buttons and displaying of bumper stickers and posters. Employees are encouraged to vote.

d. Employees who wish to seek office must comply with applicable federal and state laws. Employees must notify the designated Ethics Officer prior to announcing or qualifying for any elected position or office.

Section 13. Personal Use of Telephone and Internet Access

a. Personal long-distance calls shall not be charged to State telephones. Employees must use their personal long-distance credit card or other personal resource for this purpose. It is also inappropriate to use a State cellular telephone for personal calls.

b. State-provided internet access is intended for public business. Employee use of the internet may be recorded and monitored. No employee is permitted to use or access the internet for pornographic, obscene, or other improper purposes.

Section 14. Miscellaneous

There may be unique or compelling circumstances warranting exceptions to or waivers from these policies in certain individual cases. In those instances, prior written approval of the designated Ethics Officer is required.

Section 15. Sanctions

Each agency head shall make a copy of this Order available to all employees and shall institute procedures for its enforcement consistent with all applicable Georgia laws. Employees who violate this Order are subject to disciplinary action, including termination of employment, subject to review by the Executive Counsel. The agency head of each agency shall be responsible to the Office of the Governor for the faithful enforcement of this Order, and shall report all alleged violations to the Inspector General.

This 10th day of January, 2011.

Nathan Deal

GOVERNOR

ATTACHMENT: 4.3.2p1.a2.

SAMPLE EMPLOYEE ACKNOWLEDGMENT FORM

I acknowledge that as an employee of the Technical College System of Georgia, I am subject to ethical responsibilities contained in Governor Deal's January 10, 2011 Executive Order and other policies and procedures which are accessible to me in the Technical College System of Georgia's State Board Policy Manual located at https://tcsg.edu/tcsgpolicy/

ADDITIONAL LANGUAGE FOR COLLEGE EMPLOYEES
In addition, I acknowledge I am subject to the local policies and procedures of _____ Technical College located at [insert web address of college handbook or policy manual].

_____ _____
Employee Signature Date

cc: Employee Personnel File

Procedure: 4.3.2p.2. (III.L.2) Consensual Relationships

Revised: September 15, 2010
Last Reviewed: September 15, 2010
Adopted: September 15, 2010

I.PURPOSE:

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. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

III. APPICABILITY

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

IV. 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- 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. PROCEDURE:

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 remedying 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.

VI. RECORD RETENTION

N/A

Procedure: 4.3.2p3. (III.L.3)
Gifts, Honoraria, and Expenses

Revised: March 8, 2011
Last Reviewed: March 8, 2011
Adopted: March 8, 2011

I. PURPOSE:

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. RETATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
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

III. APPLICABILITY:

All employees of the Technical College System of Georgia.

IV. DEFINITIONS:

Charitable Organization: an organization defined in applicable provisions of O.C.G.A.§45-20-51.

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:

Attachment: 4.3.2p1.a1. Governor Deal's January 2011 Executive Order
Attachment: 4.3.2p3.a1. Report of Expense Reimbursement by a Third Party Organization
Attachment: 4.3.2p1.a2. Employee's Ethics Acknowledgment 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.

3. 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.

4. An Executive Branch employee may not accept (and retain) a gift if the gift retains value after it is accepted.

5. 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.

CI. 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 4.3.2p3.a2.) 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. RECORD RETENTION:

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).

Attachment: 4.3.2p3.a1.

Report of Expense Reimbursement by a Third Party Organization

As provided in the Gifts, Honoraria, and Expenses Procedure, if a third party organization is paying expenses for a TCSG employee to attend a meeting, training, etc, the participating employee must complete a report and forward it to the TCSG Ethics Officer no later than thirty (30) calendar days after participation in the identified training/activity and/or the associated expenses paid.

A copy of the Commissioner, technical college president or his/her designee's written approval for participation in the training/activity (e.g., the TCSG Authorization for Out-of-State Travel Form) should be attached to the completed report.

Employee Name**:** _____
(Please Print)

Technical College/System Office Work Unit: _____

Date(s) of Travel: _____ Destination: _____

Purpose of meeting/training: _____

Name of organization providing reimbursement/payment for associated travel expenses:
_____

_____

Does the Organization have a current contract with the Technical College/System Office for the delivery of goods or services? Yes_____ No _____

Expenses Paid by the Organization:

Lodging: _____ Registration Fee: _____

Meals: _____ Other Expenses: _____

Transportation: _____

TOTAL Expenses: _____

NOTE: Other Expenses must be identified and itemized: _____
_____
_____

Procedure: 4.3.2p4. (III.L.4)
Standards of Business Conduct

Revised:	November 15, 2016; July 15, 2015; 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:	November 15, 2016
Adopted:	March 8, 2011

I. PURPOSE:

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. RELATED AUTHORITY:

Georgia Department of Administrative Services' Georgia Fleet Management Manual
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. §16-7-80 et seq
O.C.G.A. §16-10-2
O.C.G.A. §16-11-14
O.C.G.A. §16-11-106(a)
O.C.G.A. §16-11-127.1
O.C.G.A. §19-7-5
O.C.G.A. Title 20, Chapter 8
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
Attachment: 4.1.1p1.a1. Governor Deal's January 10, 2011 Executive Order
State Board Policies and TCSG Procedures
State Personnel Board Rule 21 – Drug and Alcohol Free Workplace Program
Family Educational Rights and Privacy Act of 1974 (as amended), 20 U.S.C. § 1232g et seq. ("FERPA")

III. APPLICABILITY:

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

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: an individual employed by the Technical College System of Georgia (TCSG) and who works in the TCSG System Office, the Quick Start Headquarters or a Quick Start Regional Office, or an associated technical college.

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.

State Vehicle: a motor vehicle owned, rented, borrowed, leased, donated or otherwise under the possession and control of the State of Georgia and which is licensed for highway use. A rental vehicle is considered a state vehicle if it is rented by a duly authorized employee solely for official state business and the cost of the rental is paid for by the state, e.g., through an expense reimbursement.

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.

TCSG Work Unit: for purposes of this procedure, the TCSG System Office, Quick Start Headquarters, Quick Start Regional Office or training center, or any associated technical college including any property owned by or leased to a technical college.

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.

V. ATTACHMENTS: N/A

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 TCSG procedures governing Ethical Responsibilities and Gifts, Honoraria and Expenses.

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 Unlawful Harassment of Staff). Any employee who violates these guiding principles through his/her behavior or conduct will be subject to disciplinary action up to an including dismissal. 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. 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. An employee's electronic mail messages, internet usage, and all information created, transmitted, downloaded, received or stored on TCSG devices may be reviewed for any job-related reason pursuant to guidelines outlined in the TCSG Procedure governing business e-mail archiving, retention, and investigations. 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.

2. Pursuant to the principles outlined above, 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. 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, 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 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 up to and including dismissal.

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 up to and including dismissal.

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 (TCSG Procedure 4.1.1p6.):
    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

The possession, carrying, or transportation of a firearm, weapon, or explosive compound/material in the TCSG System Office or on any technical college campus or work site is governed by Georgia state law. All employees are expected to comply with these statutes.

Employees who violate any provision of Georgia law with respect to firearms, weapons, or explosive compounds are subject to disciplinary action, up to and including dismissal, and may be subject to criminal prosecution. Questions pertaining to the applicable statutes may be directed to the technical college's Campus Police, TCSG's General Counsel, or Legal Services Officer.

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. 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 procedure governing Workplace Violence, 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. Audio and Video Recordings:
    a. Unless described in the paragraph below or when authorized in writing by the Commissioner, General Counsel, or President, employees are prohibited from initiating any audio or video recording by a smartphone or any other electronic device or camera in any TCSG work unit while performing assigned duties and responsibilities or while participating in a work-related meeting or conversation. Before authorizing such recordings, a President should consult with the TCSG General Counsel.
    b. Employees acting within the scope of their assigned job duties may make an audio or video recording of a/an:
        i. Presentation, lecture, demonstration, or other related activity in furtherance of an instructional, training, or educational purpose:
        ii. College or public-related gathering or ceremony;
        iii. Event or activity for marketing or public relations purposes provided any necessary authorization from participants has been received;
        iv. Student-centered investigations, hearings, proceedings conducted by a technical college as part of a disciplinary hearing, a Title IX inquiry, or other such authorized purpose;
        v. Official investigative activity of P.O.S.T. certified campus police officers;
        vi. Activity captured by college/facility security cameras or body cameras worn by P.O.S.T. certified campus police officers during the performance of their official job duties, and;
        vii. Scene of an accident or the involved individuals in order to document potential personal injury, property damage, or conditions of the environment in which the accident may have occurred.

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 report.

    a. 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.
    b. 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 (4.1.1p2..), 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.

VII. RECORD 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 Archive's Retention Schedule for State Government Paper and Electronic Records.

Procedure: 4.3.2p5. (III.L.5)
Political Activities and Election Campaigns

Revised: July 16, 2014; March 8, 2011
Last Reviewed: July 16, 2014
Adopted: March 8, 2011

I.PURPOSE:

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.

II. RELATED AUTHORITY:

Federal Hatch Political Activities Act (5 U.S.C.A.§ 1501-1508)
Attachment: 4.3.2p1.a1. Governor Deal's January 10, 2011 Executive Order on Ethics
O.C.G.A.§ 45-10-70
State Personnel Board Rule 478-1-.07 Outside Employment
State Personnel Board Rule 478-1-.08 Political Activity

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

IV. DEFINITIONS:

1. **Applicant:** any individual, including current employees, who has submitted an application for a vacant position with a technical college or the System Office of the Technical College System of Georgia.
2. **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.

V. ATTACHMENTS:
Attachment 4.3.2p5.a1. Political Activity Request Form

VI. PROCEDURE:

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.
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 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 fully (i.e., 100%) federally-funded 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 4.3.2p5.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 subsequent 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 and, as applicable, the System Office or technical college Office of Human Resources for placement in the employee's personnel file.
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. Pursuant to applicable State Personnel Board Rules, executive branch employees (which includes employees of the Technical College System of Georgia and its associated technical colleges) may not hold office or be employed (in any capacity) 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 VI.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 VI.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.

VII. RECORD RETENTION:

A completed Political Activity Request Form shall be maintained in an employee's official personnel file with all other employment-related documents.

Back

(Attachment: 4.3.2p5.a1.)

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Political Activity Request Form

(Please refer to TCSG Procedure on Political Activity prior to completing this form)

SECTION I – TO BE COMPLETED BY EMPLOYEE

Employee Name: _____

Job Title: _____ Work Unit: _____

Please Complete if Seeking a Public (Elective) Office:

Position Sought: _____

Description of Duties: _____

_____

When will the election or appointment take place? _____

What is the term of the Office? _____

Would the Office be: Full-time _____ or Part-time _____

Will there be any possible conflict with your TCSG position? _____

Please Complete if Seeking a Position/Office with a Political Party or Political Organization:

Name of Organization, Political Group, Committee, etc. _____

_____

Description of position or office and duties to be performed: _____

_____

_____

 POLITICAL ACTIVITY REQUEST FORM (CONTINUED)

Are you requesting permission to be a delegate to a political convention?

Yes_____ No_____ If Yes, describe potential duties_____

_____

Will there be any possible conflict with your TCSG position?

Yes_____ NO_____ If Yes, describe the conflict_____

_____

_____

I understand that as an employee of the Technical College System of Georgia, I am not permitted to participate in any form of political activity that is contrary to federal or state laws, rules or regulations or, TCSG policy. Further, I acknowledge that I have read the TCSG policy on Political Activity and, to the best of my knowledge, the above stated information is accurate as it pertains to my political activity.

_____ _____

Employee's Signature Date

SECTION II. For Completion by the Commissioner, Technical College President, or his/her Designee:

Is the requesting employee's principal employment connected with an activity financed in whole or in part by loans or grants from the Federal Government, including military grants/loans?

Yes_____ No _____

Would the employee's appointment or election create an actual conflict of interest or give the appearance of a conflict of interest regarding the duties and responsibilities of their current position?

Yes_____ No_____ If Yes, the rationale is as follows: _____

_____

Request is: **Approved**_____ **Denied**_____

If denied, reason(s) for denial: _____

_____ _____

Signature Date

Procedure: 4.3.2p6. [III.L.6]
Other Employment Procedure

Revised: March 16, 2016; October 29, 2014; January 9, 2013
Last Reviewed: March 16, 2016
Approved: June1, 2007 (Procedure: Dual Employment)

I. PURPOSE:

The purpose of this procedure is to ensure that employees of the Technical College System of Georgia 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 or the mission of the agency. In addition, the procedure is intended to ensure full compliance with the Fair Labor Standards Act. This procedure neither implies nor grants any 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.

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 is currently employed with another State agency; 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). Applicants are also expected to disclose whether they intend to continue such employment or business activities.

II. RELATED AUTHORITY:

Fair Labor Standards Act of 1938, as amended
Attachment: 4.3.2p1.a1. 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: 4.1.4p. Categories of Employment
Procedure: 4.3.2p1. Ethical Responsibilities
Procedure: 4.3.2p3. Gifts, Honoraria, and Expenses
Procedure: 4.3.2p4. Standards of Business Conduct
Procedure: 4.2.1p. Working Hours, Overtime, and Compensatory Time State Personnel Board Rule 7 – Outside Employment

III. APPLICABILITY:

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

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, including the Technical College System of Georgia and its colleges.

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.

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.

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.

Primary Agency: theTechnical College System of Georgia (TCSG) System Office, a technical college, or other State of Georgia agency which employs 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:

4.3.2p6.a1. Initial Request for Approval of Other Employment
4.3.2p6.a2. Request to Continue Other Employment
4.3.2p6.a3. Request for Approval of Other Employment for Adjuncts
4.3.2p6.a4. State Business Transaction Disclosure Report
4.3.2p6.a5. PeopleSoft Employment Records Worksheet
4.3.2p6.a6. FLSA Designation Worksheet
4.3.2p6.a7. Overtime Calculation Worksheet
4.3.2p6.a8. 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, pursue, hold, or continue secondary employment.

2. All state agencies are considered one employer for purposes of compliance with the Fair Labor Standards Act Regulations. *NOTE*: State Authorities (e.g. Georgia World Congress Center, Georgia Ports Authority); Community Services Boards; and, colleges and universities associated with the University System of Georgia are considered separate employers.

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 above.

4. With the exception of service as an Interim President or temporary appointment to the System Office, a technical college president may not be employed in any other capacity.

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 this procedure, a newly hired employee who desires to continue employment with a previous employer; desires to continue to serve as a contractor or consultant; or, who desires to continue to operate his/her own business, may be authorized to do so for a period not to exceed six (6) calendar months after employment with the System Office or a technical college. Before this time period elapses, an employee must submit a Request to Continue Other Employment (See Attachment 4.3.2p6.a2) and receive written approval from the appropriate official.

7. 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 4.3.2p6.a2 and obtaining written approval .

8. Any secondary employment request and 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.

9. Any employee who violates the provisions of this procedure or corresponding federal or state law may be subject to disciplinary action up to and including dismissal.

10. Any exceptions to the terms of this procedure must be requested by the president and approved in writing by the Commissioner or designee. Any questions concerning the interpretation and/or application of these provisions should be directed to the System Office Director of Human Resources.

B. Prohibited Secondary Employment/Business Transactions

1. An employee must avoid any secondary employment relationship that could create an actual or perceived conflict of interest with his/her employment. Further, a secondary employment may not interfere/conflict with an employee's ability to effectively perform his/her assigned duties and responsibilities.

2. Employees are specifically prohibited from the following activities:

    a. performing duties/tasks/activities for a secondary employer while "at work". Examples include 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 TCSG 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. 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. 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. An employee who holds a non-exempt position is prohibited from working for any other TCSG work unit or state agency.

6. An applicant who holds a non-exempt position with another state agency and who is seeking secondary employment with the System Office or a technical college shall not be eligible for employment.

    a. This prohibition is not applicable to those applicants who work with other state agencies who agree upon hire to resign their positions for primary employment with the System Office or a technical college.

    b. Current employees who were hired before the effective date of this procedure may continue their employment provided the provisions requiring written authorization and the minimum rate and delivery of pay have been satisfied. Upon any break in service, however, the provisions of this procedure shall apply for their re-hire.

C. Fair Labor Standards Act Considerations and Accompanying Conditions Governing Employees' Secondary Employment :

1. 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. As such, Adjunct faculty are eligible to work in that capacity for more than one technical college during an academic term only with the written approval of each technical college president.

2. Both TCSG colleges/work units must be in compliance with the TCSG Procedure governing Instructional Staff Work Assignments. Both appointing authorities must approve the appointment, in writing, and agree that the total number of hours worked for both units will not exceed 29 hours per week.

3. If an adjunct faculty member works simultaneously for multiple technical colleges, the Human Resources Director for each technical college must work together to ensure that hours worked does not exceed the maximum allowable hours and that pay is delivered appropriately.

D. **Secondary employment authorization for any employee must be reviewed immediately should the employee change positions within the college or transfer to another TCSG work unit. Requesting Other Employment:**

1. Before accepting other employment, an employee must first request approval by submitting using Attachment 4.3.2p6.a1 to the Human Resources Director.

2. If the request is for secondary employment with another state agency, the Human Resources Director must certify in writing the employee holds a position that is not covered by or subject to the minimum wage and overtime provisions of the Fair Labor Standards Act (i.e. "exempt") and must also obtain written certification from the other state agency that the secondary position is exempt. Absent these certifications, the request may not be approved.

3. Once certified, the Human Resources Director will forward the request to the immediate supervisor and manager for review 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.

4. If the request complies with all applicable provisions of this procedure, the supervisor may recommend approval and forward the form through his/her reviewing manager to the appointing authority or designee for a final determination. *NOTE*: pursuant to applicable provisions of Categories of Employment Procedure,

5. 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.

6. If approval is granted, an employee's authorization to engage in the other employment will continue until employment with that employer ends. Authorization may be rescinded should the secondary employment interfere with the ability to perform primary duties, become a conflict of interest, or conflict with the mission of the agency. *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.

7. If there are any changes in an employee's job responsibilities, established work/course hours, or FLSA designation with the primary or secondary employer after a request has been approved, the employee must submit Attachment 4.3.2p6.a2. (Request to Continue Other Employment) to the Human Resources Director for review and approval.

8. An employee may not begin other employment prior to obtaining written approval from the Commissioner, technical college president or his/her designee.

E. Pay Delivery Involving a Full-time TCSG Employee Working Part-Time Secondary Employment 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 exempt 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.

2. Payment for all hours worked in both the full-time and the part-time, hourly-paid capacities will be delivered to the employee by the primary employer.

3. The secondary employer will then be responsible for reimbursing the primary employer for costs associated with the hours worked during the part-time employment.

4. Reimbursements must include the employer portion of fringe benefits and expenses provided to the employee (e.g. Medicare, OASDI, health insurance and, as applicable, retirement contributions);

5. The secondary employer will pay any other expenses incurred during an employee's part-time employment directly to the employee. (e.g., travel reimbursements, training conference costs) All such payments will be consistent with the provisions of established Statewide Travel Regulations.

G. Business Transactions Disclosure Requirements:

1. 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 4.3.2p6.a4.) 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 4.3.2p6.a4.

VII. RECORD RETENTION:

Forms and other documents associated with an employee's request for secondary employment shall be maintained in his/her official personnel file.

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 in accordance with the State of Georgia's published retention schedule for the particular type of document.

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 4.3.2p6.a1.) 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 (4.1.4p.), 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 4.3.2p6.a3., 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 4.3.2p6.a2. (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 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 attachment 4.3.2p6.a4.

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.

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(4.3.2p6.a1. ATTACHMENT)

INITIAL REQUEST FOR APPROVAL OF OTHER EMPLOYMENT

EMPLOYEE NAME:	DATE:
SYSTEM OFFICE WORK UNIT/TECHNICAL COLLEGE:	JOB TITLE/FLSA DESIGNATION (Exempt or Non-Exempt)
POTENTIAL OTHER EMPLOYER:	ADDRESS OF POTENTIAL OTHER EMPLOYER:
WORK HOURS:	DURATION OF EMPLOYMENT:
DESCRIPTION OF DUTIES/OBLIGATIONS AND JOB TITLE/FLSA DESIGNATION (Exempt or Non-Exempt):	

EMPLOYEE ACKNOWLEDGMENT

I have read the TCSG Other Employment Procedure and request approval to engage in other employment as described on this attachment. If my current position is considered non-exempt and if my potential other employer is a State of Georgia agency and the position I will be appointed to is also considered non-exempt, I have attached a written offer or employment which includes confirmation that all required conditions as provided in this Procedure have been agreed to. NOTE: I understand that I must seek and receive permission before continuing other employment for absences or projected absences of three (3) or more business days while on approved sick leave or while on an authorized leave of absence without pay.

If this request is approved, my other employment will not:

- Conflict or interfere with my current duties and responsibilities;
- Create the potential for improper decisions in System Office/technical college activities; or,
- Present an actual or perceived conflict of interest.

EMPLOYEE SIGNATURE: DATE:

REVIEW AND APPROVAL

☐ Approved ☐ Disapproved	Supervisor Signature:	Date:
☐ Approved ☐ Disapproved	President/Commissioner or Designee Signature:	Date:

Special Condition(s) Required for Approval (If applicable) or Reason(s) for Disapproval:

Human Resources FLSA Review:

☐ Approved

☐ Disapproved - Provide Reason(s) for Disapproval:

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(4.3.2p6.a2. ATTACHMENT)

REQUEST TO CONTINUE OTHER EMPLOYMENT

EMPLOYEE NAME:	DATE:
SYSTEM OFFICE WORK UNIT/TECHNICAL COLLEGE:	JOB TITLE:
OTHER EMPLOYER:	ADDRESS OF OTHER EMPLOYER:
OTHER EMPLOYER WORK HOURS:	DATE OTHER EMPLOYMENT COMMENCED:

NATURE OF REQUEST (E.G., A SIGNIFICANT CHANGE IN ASSIGNED WORK HOURS) OR, AS APPLICABLE, THE DESCRIPTION OF NEWLY ASSIGNED DUTIES AND RESPONSIBILITIES AND FLSA DESIGNATION:

EMPLOYEE ACKNOWLEDGMENT

I have read the TCSG Other Employment Procedure and request approval to continue other employment as described on this attachment. NOTE: I understand that I must first seek and receive permission before continuing other employment for absences or projected absences of three (3) or more business days while on approved sick leave or while on an authorized leave of absence without pay.

EMPLOYEE SIGNATURE: DATE:

REVIEW AND APPROVAL

The employee's immediate supervisor and appointing authority must review the employee's request to ensure that the request to continue other employment does not conflict with the reasons for which the leave of absence was granted or any incorporated terms and conditions of the leave.

☐ Approved ☐ Disapproved	Supervisor Signature:	Date:
☐ Approved ☐ Disapproved	President/Commissioner or Designee Signature:	Date:

Special Condition(s) or Reason(s) for Disapproval:

Human Resources FLSA Review:
☐ Approved
☐ Disapproved – Provide Reason(s) for Disapproval:

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4.3.2p6.a3. ATTACHMENT

REQUEST FOR APPROVAL OF OTHER EMPLOYMENT FOR ADJUNCTS

EMPLOYEE NAME:	SEMESTER:
PRIMARY TECHNICAL COLLEGE:	WORKLOAD UNITS:
SECONDARY TECHNICAL COLLEGE:	WORKLOAD UNITS:
SECONDARY TECHNICAL COLLEGE	WORKLOAD UNITS:
LIST ANY SPECIAL ARRANGEMENTS:	

EMPLOYEE ACKNOWLEDGMENT

I have read the TCSG Other Employment Procedure and request approval to engage in other employment within the Technical College System as described on this attachment. I understand that the president of each college must approve this request prior to my beginning work with another college. A new request must be completed and approved each semester with a copy to Human Resources of each college.

If this request is approved, my other employment will not:

- Conflict or interfere with my current duties and responsibilities;
- Create the potential for improper decisions; or,
- Present an actual or perceived conflict of interest.

EMPLOYEE SIGNATURE: DATE:

PRESIDENTIAL APPROVAL

☐ Approved ☐ Disapproved	President* Signature:	Date:
☐ Approved ☐ Disapproved	President* Signature:	Date:
☐ Approved ☐ Disapproved	President* Signature:	Date:

*Note that all hours worked within TCSG are combined under ACA to determine healthcare eligibility. Should the employee become eligible for healthcare benefits under ACA, the technical college with the lowest PeopleSoft record will pay the employer cost for the calendar year following the most recently ended measurement period.

Reason(s) for Disapproval (If applicable)

STATE BUSINESS TRANSACTION DISCLOSURE REPORT
FORM AND INSTRUCTIONS

I. General Information

Section 45-10-25 of the Official Code of Georgia Annotated requires that all public officials and employees disclose, prior to January 31 of each year, all business transactions occurring during the previous calendar year which the public official or employee has transacted with the State of Georgia and any agency of the State of Georgia for himself or on behalf of any business, or any business in which such public official or employee or any member of his family has a substantial interest. Failure to disclose such business transactions will subject the public officer or employee or business to a civil fine not to exceed $10,000.00, restitution to the State of Georgia of any pecuniary benefit received as a result of such violation, and, in the case of appointed public officials and employees, removal from office or employment.

II. Who must file?

A. Public Officials – Any person elected to a state office and any person appointed to a state office where, in the conduct of such office, the person so appointed has administrative and discretionary authority to receive and expend public funds and to perform certain functions concerning the public which are assigned to him by law.

B. Employees – Any person who, pursuant to a written or oral contract, is employed either on a full-time or part-time basis by any agency, authority, department, board, bureau, commission, committee, office, or instrumentality of the State of Georgia. This does not include persons employed by a political subdivision of the State of Georgia. A full-time employee is one who performs more than 30 hours of work per week for more than 26 weeks per year. A part-time employee is any employee who is not a full-time employee.

III. When to file?

All persons required to file a disclosure report must do so prior to January 31 of each year.

IV. Where to file?

The original disclosure report must be filed with the Secretary of State, 1104 West Tower, 2 Martin Luther King, Jr. Drive, SE, Atlanta, Georgia 30334-1505.

V. What must be reported?

Generally, all business transacted with the State of Georgia or any agency of the State of Georgia by any public official or any employee, whether for himself or on behalf of any business, or any business in which such public official or employee or any member of his family has a substantial interest must be disclosed. “Business transacted” means the sale or leasing of 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 means the purchase of surplus real or personal property on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative. “Any business” means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, trust, or other legal entity. “Family” means

spouse and dependents. "Substantial interest" means the direct or indirect ownership of more than 25 percent of the assets or stock of any business. This paragraph is not meant to be an exhaustive description of the items to be reported. For the precise requirements of what must be reported, please refer to O.C.G.A. § 45-10-20, et. Seq.
Transactions do not have to be reported when the amount of each transaction is less than $250.00 and the aggregate of all such transactions does not exceed $9,000.00 per calendar year. In addition, no report must be filed if there are no transactions to report.

VI. Transactions which must be reported but are exempted from further review.

Except as indicated in Section V, above, all transactions with the State of Georgia or any agency of the State of Georgia must be reported. However, where applicable, O.C.G.A. §§ 45-10-22(b), 45-10-24(b), and 45-10-25 provide that certain transactions with the State of Georgia or any of its agencies are not considered violations of the conflict of interest laws. These include, but are not limited to: transactions involving full-time officials, part-time officials, or part-time employees which are made pursuant to sealed competitive bids or involve a lease of real property approved by the State Properties Commission or the Space Management Division of the Department of Administrative Services; and certain approved transactions involving employees of the University System of Georgia where the transaction is with another unit of the University System. Any of these transactions must be indicated in the appropriate space on the report form.

VII. Instructions

A. Complete the cover sheet by:
1. Filling in the date of the report and your name, address, home and work telephone number.
2. Marking the box which describes your position with the State of Georgia and listing your agency, title, and
3. Completing and signing the certification.

B. Each transaction must be disclosed separately.
C. Amounts may be rounded to the nearest dollar.
D. For each heading, list the following information on each transaction:
1. Date of transaction.
2. Agency involved – The name of the agency, authority, department, board, bureau, commission, committee, office, or instrumentality of the State of Georgia with whom the business was transacted.
3. Nature of transaction - Describe what the subject of the transaction was, e.g. "sale of 1500 cubic yards of concrete", "30 hours of security work", "lease of house", etc., and state any exception to the conflict of interest laws under which the transaction was undertaken;
4. Type of transaction:
   a) If the transaction was personal or for oneself, list "personal";
   b) If the transaction was on behalf of a business, list "business" and name the business;
   c) If the transaction was for a business in which you or your spouse or dependents have a substantial interest, list "family" and name the business;
5. Amount of transaction – List the amount of the transaction in dollars;
6. Exception, if any, which applies – The exception, if any, which applies to remove the transaction from coverage under the conflict of interest laws (include appropriate explanation and any supporting documentation).

E. Mail the original report to the Secretary of State, 1104 West Tower, 2 Martin Luther King, Jr. Drive, SE, Atlanta, Georgia 30334-1505.

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TO: SECRETARY OF STATE
1104 WEST TOWER
2 MARTIN LUTHER KING, JR., DRIVE, SE
ATLANTA, GA 30334-1505

STATE BUSINESS TRANSACTION DISCLOSURE REPORT
(Please type or print)

Date of this report:

Full Name:

(First) (Middle) (Maiden) (Last)

Address:

(Street) (City) (County) (State) (ZIP)

Telephone Number Home:

Work:

Type of Filing (Check and Complete)

☐ Elected Official
Office Held:

☐ Appointed Official
Name of State Agency
Position Held:

☐ Employee: ☐ Full Time
☐ Part Time
Name of State Agency
Position Held:

CERTIFICATION

iI hereby certify that the attached _____page(s) is/are a true and accurate report of all business transacted by me with the State of Georgia for myself, on behalf of my business, and for any business in which I or any member of my family has a substantial interest.

Sworn to and subscribed before me this _____ day of _____ , 2 _____

(Notary Public)

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BUSINESS TRANSACTIONS WITH THE STATE OF GEORGIA
FOR CALENDAR YEAR 2____

Transaction No: _____ **Page #_____ of _____**

1. **Date of transaction:** _____
2. **Agency involved:** _____
3. **Nature of transaction:** _____
4. **Type of transaction:** _____
5. **Amount of transaction:** _____
6. **Exception, if any, which applies (supply explanation and attach supporting documentation, if any):** _____

Transaction No: _____

1. **Date of transaction:** _____
2. **Agency involved:** _____
3. **Nature of transaction:** _____
4. **Type of transaction:** _____
5. **Amount of transaction:** _____
6. **Exception, if any, which applies (supply explanation and attach supporting documentation, if any):** _____

ATTACH ADDITIONAL PAGES, IF NECESSARY

Report of:

_____
Full Name (First, Middle, Maiden, Last)

4.3.2p6.a5. Attachment

PeopleSoft Employment Records Information

To determine if a new employee is employed with another Technical College, State Agency, Authority or Board, one will need to review the "Job Summary" panels in PeopleSoft. If the new hire is employed by another State Agency, the Job Summary panels will indicate which agency and all active or terminated record numbers. Employees within the Board of Regents or units within the University System of Georgia are not accessible in the current PeopleSoft System. The agency having the employee on the lowest record number will own the primary responsibility for the employee.

Employment Records "0" and "1-9"

The following scenarios will explain dual employment within TCSG and the Technical Colleges.

Employees' active with TCSG or a Technical College with an employment record (ER) "0" (MSx & SSx pay groups) and an ER "1-9" (MHx or SHx pay groups) is not permissible. The employee with the ER "1-9" must be separated and compensated on the ER "0" with a TF1, TF2, or TF3 earnings coded.

If an employee is active with an ER "1-9" (MHx or SHx pay groups) and has an ER "0" (MSx & SSx pay groups) in TCSG or a Technical College, the ER "1-9" must be separated and both employing entities must coordinate the reporting of the time sheet with the employer having the ER "0" for the employee to be compensated. The employer with the ER "0" will then bill the entity utilizing the employee on a part-time, temporary basis for the employee's salary and fringes (Medicare, OASDI, SHBP, and Retirement when applicable) associated with the earnings.

It is impermissible for an employee to have multiple active ER "1-9." The employee should only have one employment record and if the employee is working two part-time jobs with a single employer, then only the lowest employment record number should be active and all other ER "1-9" should be terminated.

If an employee has an active ER "0" or ER "1-9" and another state agency also has this employee active with an ER "1-9" or ER "0", respectively; there is no action necessary from either employer. An employee cannot have two ER "0" in PeopleSoft. However, one will need to be cautious in hiring full-time employees from other agencies into part-time positions with TCSG or its Technical Colleges and continue to coordinate the hiring with the other agency. The following should be verified:

1) Hours of work do not overlap
2) Hourly rate
3) FLSA status
4) The Parent Agency does not prohibit their employees from working in a dual employment relationship
5) Complete an Other Employment Agreement form

(4.3.2p6.a6. Attachment)

FLSA Exempt and Non-Exempt Classifications:

Careful consideration must be given to the exempt or non-exempt status of the individual's primary employment. Part-time employees, students participating in the college work study program, and student employees within TCSG and the Technical Colleges are generally restricted to working no more then 29 hours per week. The employer with the lowest employment record number in PeopleSoft must determine the overtime liability based on the following:

1) If a non-exempt employee works full-time with their primary employer and is non-exempt with the secondary employer, the combined hours in excess of 40 hours per week are subject to overtime compensation with the exception to positions designated under the Fair Labor Standards Act Section 13(a)(1).

2) If a non-exempt employee works full-time with their primary employer and is exempt with their secondary employer, all hours worked in excess of 40 hours in a week will be subject to overtime compensation.

3) If an exempt employee works full-time with their primary employer and is non-exempt with their secondary employer, the additional hours with the secondary employer are paid at the straight time rate unless the overall work requirements exceed 20% non-exempt duties. When this occurs, the primary job has the potential to become non-exempt and the employee is entitled to overtime compensation.

4) If an exempt employee works full-time with their primary employer and is exempt with their secondary employer, then the combined employment is treated as exempt from overtime compensation. However, if the exempt employee spends more than 20% of the time in a workweek performing non-exempt work, the employee loses the exemption for the workweek and both jobs become non-exempt and subject to overtime compensation.

4.3.2 p6.a7. Attachment

Calculating Overtime

All examples are based on a 40 hour work week, Monday – Friday.

Example: Sarah currently works full-time with a technical college and due to reduced funding; her position is being reclassified to a part-time position. Sarah has accepted another appointment with a technical college near her service area and will work for them entering into an Other Employment scenario. Sarah now works 20 hours per week in her primary appointment earning $20.00 per hour and 20 hours per week in her secondary appointment earning $15.00 per hour.

Formula:

	Total Number of Hours (Primary Appointment)
+	Total Number of Hours (Secondary Appointment)
=	Total Number of Hours per work week

Solution: Because Sarah worked a total of 40 hours in her designated work week, no overtime compensation was earned.

Example: John currently works full-time (hourly) with TCSG and due to critical staffing needs at one of the department's technical colleges, the Commissioner has agreed to reduce his primary appointment to half-time allowing him to work temporary, part-time with the technical college. Within the first week of his appointment at the college, John worked 35 hours. Utilizing the formula in the preceding example, John worked a total of 55 hours in the work week earning a total of 15 hours of overtime. John currently earns $20.00 per hour in his primary appointment and $25.50 per hour in his secondary appointment.

Formula:

	Total Weekly Salary	$1,292.50
÷	Total Hours Worked	÷ 55 Hours
=	$ Weighted Average Salary	= $23.50

Solution: The weighted average salary is the adjusted rate salary for purposes of calculating overtime earned in a particular work week. The weighted average calculation will need to be performed for each work week where overtime is earned. Continuing with John's example, his adjusted rate for calculating overtime compensation is $23.50. John will earn 15 hours of overtime pay at a rate of $35.25/hr (1.5 x $23.50 = $35.25).

Back

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

(4.3.2p6.a8. Attachment)

Technical College System of Georgia
Implementation/Application of Other Employment Procedure
Frequently Asked Questions

1. **When did the revised procedure become effective?**

   October 29, 2014

2. **Does the procedure apply to secondary employment relationships for full-time and part-time employees, including adjunct faculty?**

   Yes, the procedure applies to all Technical College System of Georgia employees working in the System Office or any associated technical college, both full- and part-time, as well as adjunct faculty.

3. **Are all currently employed full- and part-time faculty members covered by the provisions of Paragraph VI.D.5.?**

   Yes, the authorization for any current faculty member to engage in the delivery of academic instruction or teaching responsibilities with any public or private sector employer/educational entity (to include any other technical college associated with the Technical College System of Georgia or any college or university associated with the University System of Georgia) shall expire at the conclusion of the Spring Semester of calendar year 2014. If a faculty member desires to continue such employment beyond Spring Semester, it will be necessary for him/her to submit a Request to Continue Other Employment (Attachment B) in a timely manner and as provided by the Procedure.

4. **What are the general conditions governing any secondary employment relationship?**

   No secondary employment relationship may interfere or conflict with an employee's ability to effectively perform his/her assigned duties and responsibilities in the System Office or the employing technical college. The employee cannot engage in any other employment activities during working hours to include selling products or services to other employees or using state issued equipment (e.g., a cellular device, computer, laptop, or tablet) to perform work for the other employer or on behalf of the employee's own business. The employment cannot violate any applicable federal or state law, regulation or, State Board policy or TCSG procedure. The outside employment cannot create an actual or perceived conflict of interest with the employee's employment with the System Office or technical college. Lastly, the employment cannot conflict with Governor Deal's Executive Order on Ethics.

5. **How does Governor Deal's Executive Order on Ethics impact the Technical College System of Georgia Procedure on Other Employment?**

   Executive Orders issued by Governor Deal are controlling with respect to the operations and activities of Executive Branch agencies. The revised TCSG Procedures governing Other Employment, Ethical Responsibilities (III.L.1.), and Gifts, Honoraria and Expenses (III.L.3.) have been developed to fully comply with all provisions of the Governor's Executive Order on Ethics.

6. **Within the scope of Governor Deal's Executive Order on Ethics, can an employee whose personal business has been established as an LLC (i.e., a Limited Liability Company) also serve as the company's Director or Corporate Officer (i.e., LLC Manager) and receive compensation from the business?**

   No, the employee cannot receive any compensation from the business he/she owns if he/she also serves as the identified director or corporate officer (i.e., LLC Manager). Governor Deal's Executive Order stipulates that "No employee shall serve for compensation as a corporate officer or director of any "for-profit or publically held company". To remove any conflict with the Executive Order, the employee must either dissolve the LLC or name someone other than himself/herself as the director/corporate officer.

7. **Can an applicant who works for another employer or who operates his/her own business continue this employment if subsequently hired by the System Office or a technical college? If the answer is yes, what conditions govern the continued employment?**

   With the exception of full- and part-time faculty members who are covered by the provisions of Paragraph VI.D.5., and provided that the employment relationship does not conflict with the provisions of the Other Employment Procedure or the Governor's Executive Order on Ethics, a newly hired employee who desires to continue to work with a previous employer, to continue to serve as a contractor or consultant or, who desires to continue to operate his/her own business after beginning employment with the System Office or a technical college shall be authorized to do so for a period not to exceed six (6) calendar months. If the employee wishes to continue such secondary employment beyond this time period, he/she must submit Attachment B (Request to Continue Other Employment) and receive written approval from the Commissioner or his/her designee (for a System Office employee) or a technical college president or his/her designee (for a technical college employee).

8. **Can an applicant for a full- or part-time faculty position who also teaches for another educational entity continue his/her other employment if subsequently hired by a technical college? If the answer is yes, what conditions govern the continued employment?**

   Yes, provided that the employment would not conflict with provision(s) of the Other Employment Procedure or the Executive Order on Ethics. The employee may continue such employment only through the remainder of the technical college's current academic semester. If the employee desires to continue his/her secondary employment beyond this time period, he/she must submit Attachment B (Request to Continue Other Employment) and receive written approval. Any such approval will be limited to a single academic semester/term as outlined in the Procedure.

9. **Can a full-time System Office or technical college employee whose position is designated as non-exempt be employed by another state agency in a temporary part-time, hourly-paid position? If the answer is yes, what conditions govern the part-time employment?**

   Given that most state agencies prohibit these employment relationships, the approval of such a request is unlikely. As stated in the Other Employment Procedure, full-time TCSG employees who hold a non-exempt position are prohibited from working for another state agency in a temporary, part-time, hourly-paid capacity unless all of the following conditions are met: the employee's request must be approved, in writing, by both appointing authorities or their designee; the rate of pay in the part-time position must be established at time and a half the employee's "regular rate" (i.e., the equivalent hourly rate of pay based on the employee's salary in his/her full-time position); and, as applicable, the rate of pay delivered for such part-time service must be adjusted if the employee's regular rate of pay is increased by the System Office or his/her employing technical college. NOTE: for purposes of these requirements and as referenced in the response to Question 13, the term "state agency" does not include colleges and universities associated with the University System of Georgia.

10. **Can a full-time System Office employee whose position is designated as non-exempt also work for a technical college in a part-time hourly-paid position? If the answer is yes, what conditions govern the part-time employment?**

    Yes, provided the employee receives written approval from the Commissioner and technical college president (or their designee) for the secondary employment; the technical college agrees to establish the employee's hourly rate of pay for service in the part-time position at no less than time and a half of his/her regular rate of pay; and, as applicable, the technical college agrees to adjust the employee's rate of pay in the part-time position if his/her regular rate of pay in the salaried position is adjusted by the System Office and the adjustment results in the college's rate of pay falling below the time and a half threshold.

11. **Can a full-time System Office employee whose position is designated as non-exempt also work for a technical college as adjunct faculty? If the answer is yes, what conditions govern the part-time employment?**

    Yes, provided the employee's compensation is correctly established. Service as adjunct faculty is generally considered to be exempt from the provisions of the Fair Labor Standards Act; however, in this instance, service as adjunct faculty is also considered to be non-exempt work. For this reason, System Office approval of the secondary employment would only be granted if the employing technical college establishes the individual's rate of pay at no less than time and a half of his/her regular rate of pay (with the System Office) and also agrees to adjust the hourly rate of pay in the adjunct position if the employee's regular rate of pay in his/her full-time position is increased and the adjustment results in the college's rate of pay falling below the time and a half threshold. Further, the individual cannot be paid 'lump sum" for service as adjunct faculty; instead, he/she must be considered an hourly employee and paid for all hours worked during the academic term. Additionally, the college must maintain accurate time records reflecting/capturing all "hours worked".

12. **Can a full-time technical college employee whose position is designated as non-exempt work for the System Office or another technical college in a part-time non-instructional, hourly-paid position? If the answer is yes, what conditions govern the part-time employment?**

    Yes, provided the employee first receives written approval to engage in other employment from both appointing authorities or their designee and the employee's hourly-rate of pay for service in the part-time position is established (by the System Office or other technical college) at no less than time and a half of his/her regular rate of pay. Additionally, the System Office or technical college agrees to adjust the hourly rate of pay in the part-time position if the employee's regular rate of pay in his/her full-time position is increased and the adjustment results in the System Office or technical college rate of pay falling below the time and a half threshold.

13. **Can a full-time technical college employee whose position is designated as non-exempt also work for his/her technical college or another technical college as adjunct faculty? If the answer is yes, what conditions govern employment the part-time employment?**

    Yes, provided the employee first receives written approval to engage in other employment from both appointing authorities or their designee. As noted in the response to Question 11, service as adjunct faculty (in this example) is also considered non-exempt work and the employee cannot be paid lump sum. Instead, the employee must be paid an hourly rate established at no less than time and a half the employee's regular rate in his/her full-time position. The college must also agree to adjust the hourly rate of pay in the adjunct position if the employee's regular rate of pay in his/her full-time position is increased and the adjustment results in the college's rate of pay falling below the time and a half threshold. The employee must be paid for all hours worked during the academic term and the college must maintain accurate time records reflecting/capturing all "hours worked".

14. **Can a full-time System Office or technical college employee whose position is designated as non-exempt work for a University System of Georgia (USG) college or university in a part-time**

capacity? Do the conditions which govern part-time employment with another work unit of the Technical College System of Georgia or another state agency also apply to part-time employment with the USG?

Yes, provided such service does not conflict with the provisions of the Other Employment Procedure or the Executive Order on Ethics. Additionally, the employee must first receive written approval in the other employment. However, unlike a part-time employment arrangement with another work unit of the Technical College System of Georgia or a state agency, there are no restrictions regarding how the individual's rate of pay must be established.

15. **Under what conditions must an employee request approval to continue other employment with an employer after the initial request has been approved?**

    A faculty member's employment for another educational entity in a teaching or instructional capacity is limited to a single academic semester/term. If the employee desires to continue such employment beyond the academic term, he/she submit Attachment B (Request to Continue Other Employment) and receive written approval.

    For all other employees and for faculty members engaged in other duties, approval to engage in secondary employment is authorized until employment with the identified employer ends, unless the employee's assigned job responsibilities or work hours change significantly. If this occurs, the employee must submit Attachment B (Request to Continue Other Employment) for review and approval.

16. **If a full-time System Office or technical college employee operates his/her own business or if he/she or a member of his/her family has a substantial interest in a business (i.e., direct or indirect ownership of <u>more than 25%</u> of the assets or stock of any business), can the employee directly or on behalf of the business contract with the System Office or any technical college associated with the Technical College System of Georgia to perform work or provide a service for a fee?**

    No, in this example, any such business relationship/transaction between a full-time employee and any work unit associated with the Technical College System of Georgia is prohibited by statute (i.e., O.C.G.A.§ 45-10-23) and is considered unlawful.

17. **If a part-time System Office or technical college employee (including adjunct faculty) operates his/her own business or if he/she or a member of his/her family has a substantial interest in a business (i.e., direct or indirect ownership of <u>more than 25%</u> of the assets or stock of any business), can the employee directly or on behalf of the business contract with the System Office or any technical college associated with the Technical College System of Georgia to perform work or provide a service for a fee?**

    Any such business transaction is prohibited by statute (i.e., O.C.G.A.§ 45-10-24) and is considered unlawful unless one of the following exceptions apply:

    a. *a transaction is made pursuant to sealed bids;*

    b. *a single transaction does not exceed $250.00 and the aggregate of all such transactions does not exceed $9,000.00 in any calendar year;*

    c. *a transaction involves the lease of real property to or from any agency and the transaction has been approved by the State Properties Commission; or,*

    d. *the transaction involves the purchase of surplus of property at auction.*

18. Can a technical college hire a full-time non-exempt employee from another state agency to work in a part-time, non-instructional, hourly-paid position? If the answer is yes, what conditions govern employment in this capacity?

Yes, although it is unlikely that a state agency will grant permission for a full-time non-exempt employee to work for another state agency in a part-time, hourly-paid position considered to be non-exempt. Most agencies prohibit such outside employment arrangements, by policy, so as to avoid potential wage and hour difficulties; however, if a state agency provides written approval for the individual to accept employment with a technical college, the college must establish the individual's hourly rate of pay at no less than time and a half the individual's regular rate of pay in his/her full-time position. Additionally, the college must adjust the individual's hourly rate of pay in the part-time position if the individual's regular rate of pay in his/her full-time position is increased and the adjustment results in the college's rate of pay falling below the time and a half threshold. As with any hourly-paid employee, he/she must be paid for all hours worked and accurate time records must be maintained that reflect/capture all hours worked.

NOTE: Before any hiring decision is finalized involving an applicant who currently works for a State of Georgia agency, the technical college should first contact the other agency to determine the individual's FLSA status in his/her current full-time position. If the individual's position is considered non-exempt, the above provisions apply with respect to establishing and maintaining his/her rate of pay. Additionally, no hiring decision can be finalized unless the applicant can first produce written approval from his/her state agency authorizing his/her part-time employment with the technical college.

19. Can a technical college hire a full-time non-exempt employee from another state agency to work as adjunct faculty? If the answer is yes, what conditions govern employment in this capacity?

Yes, although as referenced in the answer to Question 18, it is unlikely that a state agency will grant permission for a full-time non-exempt employee to work for another agency in a part-time position. As addressed in the answer to Questions 13, service as adjunct faculty (in this instance) is considered non-exempt work. For this reason, no hiring decision can be made unless the applicant can first produce written approval from his/her state agency authorizing his/her part-time employment with the technical college.

If written approval is granted, the individual's rate of pay must be established at no less than time and a half his/her regular rate of pay in his/her full-time position and the individual cannot be paid lump sum; instead, he/she must be paid for all hours worked. The college must also agree to adjust the hourly rate of pay in the adjunct position if the employee's regular rate of pay in his/her full-time position is increased and the adjustment results in the college's rate of pay falling below the time and a half threshold. The employee must be paid for all hours worked and the college must maintain accurate time records reflecting/capturing all hours worked.

NOTE: Before any hiring decision is finalized involving an applicant who currently works for a State of Georgia agency, the technical college should first contact the other agency to determine/verify the individual's FLSA status in his/her current position. If the individual's position is considered non-exempt, the above provisions apply with respect to establishing and maintaining his/her rate of pay as well as the method of pay delivery. If the position is considered exempt, it is permissible to pay the individual "lump sum" and the rate of pay need not be based on the employee's regular rate in his/her full-time position.

20. Is it permissible for a technical college to hire a part-time, hourly-paid employee from another state agency to serve as adjunct faculty? If the answer is yes, what conditions would govern the appointment?

Yes, although it is unlikely that a state agency will grant permission for a part-time non- exempt employee to work for another agency in a part-time position. If the state agency currently employing the

individual authorizes his/her employment in this capacity, a number of factors must be considered before providing the individual a conditional offer of employment.

As noted in the response to Question 11, the position of adjunct faculty is generally considered to be exempt from the provisions of the Fair labor Standards Act. If exempt, "teachers and instructors" (whether full- or part-time) are not covered by the Salary Basis Test. The primary exception (to this rule) is in those instances in which a full-time non-exempt employee is hired for a part-time position.

The FLSA designation of the full-time position is controlling in these dual employment relationships and the part-time position, even if exempt, becomes non-exempt. In situations involving employment in two part-time positions, the determination of which is controlling would likely be based on the position in which the employee works the most hours. Therefore, the college, in conjunction with the other agency, should do it's best to ensure that the individual works no more than 40 hours per week in both positions to avoid any overtime hours worked. As the individual would likely work no more than 29 hours per week in his/her other position, the technical college should limit his/her hours worked as adjunct faculty to no more than 11 hours per week so as not to exceed the 40 hour per week threshold. Additionally, the employee must be paid an hourly rate for all hours worked rather than in lump sum. NOTE: In these instances, all hours worked must be recorded on a time sheet for each established seven (7) day work period.

21. Is it permissible for a technical college to hire a part-time, hourly-paid, non-instructional employee working in the System Office or another technical college to serve as adjunct faculty? If the answer is yes, what conditions would govern the appointment?

Yes – however, as referenced in the response to Question 20, it is important that the total hours worked (by the employee) for both entities does not exceed 40 hours each work week/seven (7) day work period. Ensuring that this threshold is consistently followed will reduce the potential for wage and hour difficulties. If the employee works, on average, 29 hours per week with the System Office, this employment will be considered "controlling". For this reason, the employee must be paid an hourly rate for all hours worked as adjunct faculty rather than lump sum.

22. If a full-time non-exempt employee working for another state agency or Technical College System of Georgia work unit has been hired in a part-time capacity by the System Office or a technical college and the employment relationship continues (for example) for multiple academic terms or for an appointment period in a manner authorized in the Categories of Employment Procedure, what are other considerations that must be monitored with respect to the individual's established rate of pay?

The System Office or technical college must initially establish the employee's rate of pay at no less than one and one half times the employee's regular rate of pay in his/her full-time position. Moving forward, it is the responsibility of the System Office or technical college to ensure that if an employee receives a salary adjustment in his/her full-time position, that a subsequent adjustment to the rate of pay (with the System office or the college) may be necessary to maintain the rate at the time and a half standard.

23. If a technical college hires a non-exempt employee of a University System of Georgia college or university to serve as adjunct faculty what conditions, if any, must be considered when establishing the compensation for such service.

There are no restrictions or conditions which govern how the individual's rate of pay is established for service as adjunct faculty. The individual can also be paid "lump sum" if this is the pay delivery method utilized by the technical college.

24. How will pay delivery be managed when a part-time System Office or technical college employee (including adjunct faculty) is hired by another Technical College System of Georgia work unit (i.e., a technical college or, as applicable, the System Office) to also work in a part-time hourly-paid position or to serve as adjunct faculty?

Each Technical College System of Georgia work unit shall pay the employee directly for all hours worked or for all services rendered to include lump sum installments for service as adjunct faculty. The only exception would be in those instances in which the employing technical colleges or the System Office and the technical college are on differing pay delivery schedules (i.e., monthly vs. semi-monthly payroll). If this were to occur, the work unit with the lowest PeopleSoft record will bill the other college(s) or the System Office as outlined in the Other Employment Procedure.

25. If a System Office or technical college employee accepts employment with another state agency, how will pay delivery be managed for work performed for the other agency?

Provided such employment has been authorized pursuant to the Other Employment Procedure, the employee will be paid directly by the other state agency for all hours worked or services rendered for this employer.

26. If a System Office or technical college employee accepts employment with a University System of Georgia (USG) college or university, how will pay delivery be managed for work performed for the USG college or university?

Provided such employment has been authorized pursuant to the Other Employment Procedure, the employee will be paid directly by the USG college or university for all hours worked or services rendered for this employer.

Procedure: 4.3.2p7. (III.L.7)
Children in the Workplace

Revised: October 29, 2014
Last Reviewed: October 29, 2014
Adopted: October 29, 2014

I.PURPOSE:

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. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

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

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 (Policy: 4.5.2.) 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

Procedure: 4.3.3p (III.X.)
Workplace Violence

Revised: May 17, 2016; May 8, 2008
Last Reviewed: May 17, 2016
Adopted: May 8, 2008

I. PURPOSE:

The Technical College System of Georgia (TCSG) and its associated technical colleges are committed to providing all members of the TCSG community (e.g., employees, students, volunteers, visitors, vendors and contractors) a safe and secure workplace and/or academic setting free of intimidating, threatening, or violent behavior. Specifically, violent acts, threats (direct or implied), unlawful harassment, verbal or physical abuse, stalking, intimidation, and other disruptive behavior, language or communication in any form (including by telephone, facsimile electronic mail, written communication or social media) are expressly prohibited. 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.

II. RELATED AUTHORITY:

O.C.G.A. §16-11-127.1 – Carrying Weapons within School Safety Zones
O.C.G.A. § 19-13-11, et. seq. – Protective Orders
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board Policies and TCSG Procedures

III. APPLICABILITY:

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

IV. 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.

Domestic Violence: coercive behavior including acts or threatened acts that is used by a perpetrator to gain power and control over a current or former spouse, family member, intimate partner or person with who the perpetrator shares a child. Domestic violence includes, but is not limited to, physical violence, injury, or intimidation, sexual violence or abuse, emotional and/or psychological intimidation, verbal abuse treats or harassment, stalking, or economic control.

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/Physical Abuse: the use of physical force that may result in bodily injury, physical pain, or impairment and which may include, but is not limited to, such acts of violence as hitting (with or without an object), pushing, kicking, shoving, throwing of objects, biting, slapping, or fighting.

Property Damage: intentional damage to property owned by the System, a technical college or, an employee, student, volunteer, visitor, vendor, or contractor.

Protective Order: In Georgia, a protective order (i.e., a restraining order) is an official court determination issued by a judge that requires a named individual to stay a certain distance away from the person requesting the order for a defined period of time.

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.

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

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.

Verbal Abuse: the excessive use of language to undermine an individual's dignity and security through insults or humiliation, in a sudden or repeated manner.

Weapon: unless otherwise excluded by the provisions of O.C.G.A. § 16-11-127.1(c), any object defined in O.C.G.A. § 16-11-127.1(a)(4).

Workplace: includes any TCSG work unit as well as the site of any official function sanctioned by the System Office or any technical college.

V. <u>ATTACHMENTS</u>:

Attachment: 4.3.3p.a. Workplace Violence Incident Reporting Form

Attachment: 4.4.1p.a7. Suspension with Pay Sample Letter

VI. PROCEDURE:

A. General Provisions

1. Safety and security in the workplace are both personal and shared responsibilities. While all TCSG supervisors, administrators and college officials are obligated to report inappropriate behavior(s) in the workplace, the collective involvement of every member of the TCSG community is critically important in efforts to combat workplace violence. For this reason, all members of the TCSG community shall report any act or actions which may violate the provisions of this procedure.

2. The System Office (to include Quick Start work units) and each technical college are responsible for the including the provisions of this procedure in a Workplace Violence Prevention Plan to be incorporated in the work unit's Emergency Operation Plan.

3. All System Office, Quick Start, technical college employees are to be advised of the Emergency Operation Plan and receive information and/or training regarding the procedures to be followed should violent incident(s) occur in the workplace or in response to other emergencies.

4. Examples of prohibited behaviors include, but are not limited to:

a. physically menacing/threatening behavior or gestures which convey a threat. NOTE: threats of violence will not be excused on the grounds that they were made in "jest" or in a "joking" manner.

b. unlawful harassment, including ethnic, racial, or sexual epithets;

c. physical attack/assault with or without a weapon;

d. fighting and/or physical altercations, including any "fighting" that may be characterized as "horseplay";

e. stalking;

f. direct or implied verbal threats or abusive, intimidating, or obscene language;

g. intentional damage to TCSG property;

h. intentional damage to the personal property of an employee, student, volunteers, visitor, vendor, or contractor; or,

i. possession of a weapon on technical college property when such possession violates the provisions of O.C.G.A.§ 16-11-127.1 and State Board Policy 3.3.10.

5. All reports of violence and/or inappropriate behavior(s) will be managed in a confidential manner with accompanying information released only on a need-to-know basis. TCSG work unit

officials shall be sensitive and responsive to reporting of an individual's fear of possible reprisal or retaliation.

6. Any employee who violates the provisions of this procedure shall be subject to disciplinary action up to and including dismissal from employment.

7. Any complaint registered against a technical college student regarding a potential violation of this procedure will be investigated consistent with the provisions of the affected college's Student Disciplinary Procedure. Any technical college student found to have engaged in prohibited behavior(s) 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.

8. Any visitor or volunteer who engages in prohibited behavior(s) shall be subject to exclusion from all TCSG work units. Any vendor or contractor who engages in prohibited behavior(s) shall be subject to exclusion from all TCSG work units and the termination of his/her business relationship.

B. Prevention – Proactive Initiatives

1. Pre-Employment Screening Involving the Selected Candidate for Employment

a. Work History Verification

- 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 and verified.

b.References

- Personal and professional references, including the current or most recent employer, should be checked.

c.Criminal History and Driver's History Records Checks

- The candidate must successfully complete a criminal history records check.
- If the candidate will be driving a state vehicle or his/her personal vehicle for work-related purposes, he/she must successfully pass a driver's history records check and possess a valid driver's license. If the candidate will be driving his/her own vehicle, he/she must possess insurance on the vehicle. .

d.Drug Testing

- When required by state or federal law and/or TCSG procedure, the candidate must successfully pass a pre-employment test for the presence of illegal drugs.

e.Licensure, Certification, Educational Credentials

- Any required licensure, certificate, and educational credentials, must be verified/validated.

2.Warning Signs

a. To ensure a positive work environment and academic setting, all members of the TCSG community (including students, volunteers, visitors, vendors and contractors) are expected to conduct themselves in an appropriate and professional manner.

b. Certain individuals may, however, exhibit behavior(s) that may be a warning sign of potential violent conduct. The presence of these factor(s), however, should not always be interpreted as a precursor of violent conduct given that other individuals may not exhibit any unusual behavior(s) prior to committing acts or threatened acts of violence.

c. The following are categories/examples of behavior that are a potential cause for concern:

1. Level 1
   * Uncooperative with managers, supervisors, and/or co-workers
   * Consistent/excessive use of profanity
   * Makes inappropriate and unwanted sexual comments
   * Refuses to follow policies and procedures
   * Excessive tardiness or absences
   * Reduced productivity and/or increased need for supervision
   * Professes fear of losing his/her job or believes that he/she has been treated unfairly
   * Limited outside interests (e.g. a “loner”)

2. Level 2
   * Direct or veiled threats of harm/violence
   * Makes suicidal threats or comments
   * Involvement in fights or physical altercations
   * Expresses intimidating, belligerent, harassing, bullying or other inappropriate and aggressive behavior(s)
   * Brings a prohibited weapon into the workplace.
   * Makes statements indicating a fascination with weapons or with past incidents of workplace violence
   * Makes statements showing desperation (e.g., family, financial, and other personal problems)
   * Substance/alcohol abuse or misuse
   * Extreme changes in behavior and/or mood swings
   * Destruction of TCSG property or the property of others
   * Stalks co-workers or their family members
   * Writes sexual and/or violent notes

C. Guidelines for Reporting Acts or Threatened Acts of Workplace Violence

1. All threats and other inappropriate behavior(s) that create a concern for safety should be immediately reported. Employees who possess information about or who witness an act of

violence perpetrated by an employee or who possess information about or who witness violence against an employee should also report this information.

2. In an emergency or potentially life-threatening situation, a System Office or Quick Start employee should first contact local law enforcement or dial 911 and then contact his/her immediate supervisor or other designated official. A technical college employee should contact Campus Police or the initial point of contact established in the college's Emergency Operations Plan or, if necessary, call 911.

3. In a non-emergency situation, including behavior or performance concerns referenced in Level 2 above a System Office or Quick Start employee should notify his/her immediate supervisor, reviewing manager, or the System Office human resources director/coordinator. A technical college employee should contact Campus Police or the designated point of contact referenced in the college's Emergency Operations Plan. A Workplace Violence Incident Reporting Form (Attachment 4.3.3p.a.) must also be completed by the employee, supervisor or, as applicable, an authorized official. NOTE: the form must also be completed in response to an anonymous report. If appropriate, safety precautions should be instituted as soon as instances are reported. Employees should be warned of potential danger if directly involved or likely to be involved.

4. 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 or, as applicable a System Office employee and 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 TCSG website.

5. Employees who, in good faith, report acts or threatened acts of violence are protected from retaliation and every effort will be made to protect his/her safety and anonymity. Any retaliatory actions should be reported as soon as possible to the System Office or technical college human resources director/coordinator or other designated official.

D. Protective Orders

1. If an employee petitions the court for a protective order (i.e., restraining order) or if he/she is the subject of a protective order issued by a court and any TCSG work unit/workplace is or could be affected by the accompanying judicial stipulations, the employee must immediately notify his/her immediate supervisor, human resources director/coordinator, or other designated work unit official to include, as applicable, campus police.

2. Information regarding a protective order and its stipulations will be maintained confidentially and will only be released to work unit officials with a "need to know". NOTE: an employee is considered to be "in the workplace" while at work or while in or utilizing the resources of the work unit including, but not limited to, facilities, worksites, equipment, vehicles, or while on work-related travel.

E. Domestic Violence

1. If an employee who has been subjected to or believes that he/she is a victim of domestic violence and is concerned that the perpetrator works in or may visit a TCSG work unit, he/she is

encouraged to work collaboratively with work unit officials to develop an individualized workplace safety plan.

2. The plan may include such options as; assistance in seeking a protective order or in monitoring a protective order; procedures for alerting campus police or other designated work unit officials if an emergency arises; changes to assigned parking; a request for escort to and from the parking lot or, as applicable, between buildings on a technical college campus; possible temporary adjustments to work schedule and/or work location.

3. Although TCSG work units are considered public property, access to and conduct in a work site (including parking areas) is dictated by state and federal law as well as State Board policies and TCSG procedures.

4. If the perpetrator or alleged perpetrator appears in the workplace and the employee feels threatened or is subjected to inappropriate behavior or language, the employee should notify his/her immediate supervisor, campus police (if applicable) or other designated work unit official.

5. Any victim of domestic violence is encouraged to utilize available services offered by the TCSG employee assistance program provider.

6. Absent the presence of significant operational issues in the work unit, a victim's leave request for medical appointment(s), to attend court appearance(s) or to participate in counseling service(s) will be approved.

F. Investigating Complaints of Workplace Violence

1. Any alleged act or threat of violence should be reviewed by designated System Office, Quick Start or technical college official(s) to determine if further investigation is warranted. Staff in the TCSG Office of Legal Services or Office of Human Resources are available to assist a technical college in any review and/or investigation.

2. Any subsequent investigation should begin as soon as possible after a complaint is initiated.

3. Witnesses may be interviewed in person or, if appropriate, by telephone and written statements obtained. Each written statement should be as detailed as possible regarding exactly what transpired in the incident and should be signed by the witness.

4. Awritten report containing the findings and recommended action should be completed within fifteen (15) calendar days following the date of the reported incident.

5. The completed investigative report will be forwarded to the Commissioner or technical college president, or his/her designee, for review and necessary action.

6. Only those employees with a "need-to-know" will be informed of the findings and subsequent action.

7. The employee(s)/individual(s) who reported an act or threatened act of violence will be informed of the findings and subsequent action and advised to report any reoccurrence(s) of an act or threatened act of violence to designated System Office or technical college officials

G. Corrective Action

1. When an employee has engaged in behavior or conduct contrary to the provisions of this procedure and these actions are considered to be a potential threat to the safety of others, the employee 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.

2. Written notification of this decision using (Attachment: 4.4.1p.a7). should follow with instructions that the employee is not to return to any TCSG work unit, attend any sanctioned event, or contact work unit employees until notified in writing or when appropriate, by e-mail, by the Commissioner or technical college president , or his/her designee.

3. 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.

4. Absent mitigating circumstances/evidence, any employee whose violent/threatening behavior, actions or language have been determined to have violated the provisions of this policy shall be dismissed from employment.

5. When 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 are present and the employee is to be retained, a mandatory referral to the System's Employee Assistance Program (EAP) or fitness-for-duty examination may be recommended as a condition of continued employment. Any such referral shall be made pursuant to the provisions of the TCSG procedure governing the Employee Assistance Program or, as applicable, the Medical and Physical Examination Program.

6. Any employee who refuses to participate in a mandatory EAP referral or fitness-for-duty examination will be subject to disciplinary action up to and including dismissal from employment.

7. If the dismissal of a violent/potentially violent employee is to occur, the following actions should be taken:

a. if possible, wait until the end of the workday to dismiss/propose the dismissal of the employee;

b. have multiple staff members present when the meeting is conducted;

c. all items and equipment belonging to the System/ technical college (e.g. keys, identification badge, laptop computers, etc.) should be collected;

d. the employee's access to the System/technical college computer system and e-mail access should be deactivated;

e. consider having local law enforcement officers or, as applicable, campus police nearby but not as participants in the meeting with the employee;

f. 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;

g. pack and send the employee's personal items/effects to his/her home address or make arrangements to have these items picked up by someone other than the employee; and,

h. consider having additional security personnel, local law enforcement officers or, as applicable, campus police present at the worksite for the next few days.

8. Post-dismissal monitoring should occur to ensure the safety of those involved.

9. A technical college president or his/her designee is encouraged to contact the TCSG General Counsel or Legal Services Officer if behavior of a volunteer, visitor, vendor or contractor violates the provisions of this procedure and action to remove the individual from the workplace is required.

H. Employee/Victim Support

1. The TCSG work unit shall make every reasonable effort to support and protect a victim of workplace violence (including domestic violence).

2. Accommodation(s) for a victim of domestic violence shall also be afforded to a victim of workplace violence to include the development of an individualized workplace safety plan.

VI. RECORD RETENTION:

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

Back

Attachment: 4.3.3p.a1.

WORKPLACE VIOLENCE INCIDENT REPORTING FORM

Date Reported: _____

Name of Person Making Report: _____

Telephone Number: _____

If anonymous, indicate method of notification:

☐ Telephone call ☐ Written document ☐ Other; specify: _____

Name/Location of the affected System Work Unit/ Technical College :

_____

Name of Alleged Threat Maker/Perpetrator: _____

Relationship to the System/ Technical College:

☐ Employee ☐ Student ☐ Visitor ☐ Vendor ☐ Contractor

Relationship to Victim/Potential Victim (if any): _____

Name of Victim/Potential Victim: _____

Additional information or documents may be attached if necessary

When (date) and where (physical location) did alleged threat or act of violence occur?

_____

_____

What events occurred immediately prior to the incident?

_____

_____

_____

What was the specific language of the alleged threat?

_____

_____

Provide specific details of the alleged threat or act of violence:

_____

_____

_____

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Describe the conduct and appearance of the Threat Maker/Perpetrator (physically and emotionally):

_____

_____

_____

_____

Names of Witnesses: Telephone Numbers:

#1 _____ _____

#2 _____ _____

#3 _____ _____

What happened to the Threat Maker/Perpetrator after the incident?

_____

_____

_____

_____

Names of supervisory staff involved and how they responded:

_____

_____

_____

Steps that have been taken to ensure the threat will not be carried out or act of violence repeated:

_____

_____

_____

_____

Was local Law Enforcement notified? ☐ Yes ☐ No

If yes, what action was taken by Law Enforcement?

☐ No action taken ☐ Report written ☐ Suspect escorted from property ☐ Suspect arrested

Name of local Law Enforcement Agency: _____

_____

Suggestions for preventing a similar incident in the future:

_____

_____

_____

_____

Report Prepared by: _____ Date: _____

Job Title _____ Phone No.: _____

POLICY: 4.3.4. (III.K)
Employment of Relatives

Revised: August 4, 2005; August 21, 2001; December 7, 1995
Last Reviewed: August 4, 2005
Adopted: July 1, 1986

POLICY:

It is the position of the Technical College System of Georgia [TCSG] that relatives of current System employees may only be employed consistent with the provisions of this policy. In turn, the System will take appropriate measures to avoid any situation in which a family relationship may interfere with the effective and efficient operation of any System 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 System 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 System position.

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

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 4.4
Employee Performance Management

4.4.1 ..... POLICY - Positive Discipline
4.4.1p ..... Procedure - Positive Discipline
4.4.1p.a1 ..... Performance Management Matrix - Technical Colleges
4.4.1p.a2 ..... Performance Management Matrix - System Office
4.4.1p.a3 ..... Worksheet - Pre-Meeting Checklist
4.4.1p.a4 ..... Post-Meeting Summary
4.4.1p.a5 ..... Reminder 2 Sample Memorandum
4.4.1p.a6 ..... Decision Making Leave Sample Memorandum
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4.4.2p ..... Procedire - Adverse Employment Actions
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4.4.4 ..... POLICY - Performance Management
4.4.4p ..... Procedure - Performance Managment

POLICY: 4.4.1. (III.T)

Positive Discipline

Revised: December 6, 2012; September 6, 2012; May 10, 2012; March 1, 2012; and November 3, 2011

Last Reviewed: December 6, 2012

Adopted: February 6, 2008

POLICY:

The Technical College System of Georgia shall be dedicated to a non-punitive approach to employee discipline and a process designed to correct performance problems as they arise; to build genuine employee commitment to the organization; and to encourage effective working relationships between supervisors and their subordinate staff. Effective and timely decision-making, communication, and individual responsibility and accountability are critical to excellence in the delivery of service to our students and communities. As such, the Commissioner shall develop a procedure incorporating these principles to be applicable to all technical colleges and the System Office.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Procedure: 4.4.1p. (III.T.1)
Positive Discipline

Revised: July 15, 2015; September 27, 2012; May 10, 2012; November 3, 2011
Last Reviewed: July 15, 2015
Adopted: February 6, 2008

I.PURPOSE:
It is the goal of the Technical College System of Georgia [TCSG] 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. RELATED AUTHORITY:
State Board POLICY: 4.4.1. Positive Discipline
TCSG Procedure: 4.4.2p. Adverse Employment Actions
State Personnel Board Rules

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

IV. 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 resign 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.

Designated Reviewing Official: an individual employed with the TCSG who has been authorized by the Commissioner to review and make final determinations on dismissals. Decisions by the Designated Reviewing Official shall be final.

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 TCSG.

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. System Office: all work units not attached to a specific college, including but not limited to Quick Start, Adult Education, Technical Education, Administrative Services, and Data Planning and Research.

V.ATTACHMENTS:

Attachment: 4.4.1p.a1. TCSG Performance Management Matrix – Technical Colleges
Attachment: 4.4.1p.a2. TCSG Performance Management Matrix – System Office
Attachment: 4.4.1p.a3. Discussion Worksheet – Pre-Meeting Checklist
Attachment: 4.4.1p.a4. Discussion Worksheet – Post Meeting Summary
Attachment: 4.4.1p.a5. Reminder 2 Sample Memorandum

Attachment: 4.4.1p.a6. Decision Making Leave Sample Memorandum
Attachment: 4.4.1p.a7. Suspension With Pay Sample Letter

VI.PROCEDURES:

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 continuously employed with the TCSG System Office or an associated technical college for more than twelve (12) calendar months. Salaried employees in an “at will” employment status who have worked for less than twelve (12) calendar months, as well as temporary employees, hourly-paid employees, adjunct faculty, technical college presidents, and other employees who report directly to the Commissioner, Deputy Commissioner or Chief Operating Officer 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 nor 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: 4.4.1p.a1 and 4.4.1p.a2.).

Informal Discussions:

“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.

“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.

”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: 4.4.1p.a3.) 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: 4.4.1p.a4.). 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.

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: 4.4.1p.a5.) 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:
- when a problem arises within a nine (9) month period following the issuance of an earlier Reminder 2 in the same category, or
- after an employee has received a maximum of three (3) Reminder 2s for unrelated problems within a period of nine (9) 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, the HR Coordinator/Director, and manager of the college or System Office program area, 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: 4.4.1p.a6.) 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, manager of the college or System Office program area.

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.

Dismissal:
A dismissal normally occurs when the progressive steps of discipline outlined in the Positive Discipline Process have failed to bring about a correction in an employee's performance, conduct, behavior, and/or attendance. A 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 System Office employee or college employee reporting directly to the president must be approved by the Commissioner or designated manager. The decision to dismiss a technical college employee must be approved by the president. Presidents and/or college Human Resources Directors should consult with the Office of Legal Services or the TCSG Office of Human Resources prior to dismissing a covered employee.

The decision to dismiss a covered employee must be communicated (to the employee) in writing and include the proposed effective date as well as the right to review process outlined in Paragraph VI.I.

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.

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 TCSG Office of Legal Services or the TCSG Office 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.

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 and that the disciplinary action has been deactivated.

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.

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.

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 Commissioner's Designated Reviewing Official. 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 Designated Reviewing Official. To request a review, an employee must notify the Designated Reviewing Official, 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 Designated Reviewing Official 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 final determination is issued. During this time period, the employee will remain in or be initially placed in a suspension with pay status. The decision of the Designated Reviewing Official in these matters is final.

NOTE: The Positive Discipline Process does not permit third party representation in these matters.

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 or designee 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: 4.4.1p.a7. 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.

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.

VII. RECORD RETENTION:

Records created or collected pursuant to this procedure shall be maintained in accordance with the Georgia Archive's Retention Schedule for State Government Paper and Electronic Records.

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Positive Discipline Process

Attachment: 4.4.1p.a1- Performance Management Matrix- Technical College

Action / Issue	Initiator	Consultation Prior to Action	Prior Approval	Location	Management Witness Required?	Documentation Required	Employee Signature Required	Documentation Distribution	Right to Review	Maximum Number Allowed	Length of Time Active	Responsibility for Deactivation	Eligible for Perf.-Based Increase
INFORMAL DISCUSSIONS													
Positive Contact	Immediate/ Evaluating Supervisor	No	None	Anywhere	No	Productivity File Note Recommended	No	Productivity File	NA	No Limit	NA	NA	Yes
Informal Coaching / Casual Conversations	Immediate/ Evaluating Supervisor	No	None	Anywhere	No	Productivity File Note Recommended	No	Productivity File	NA	No Limit	NA	NA	Yes
Performance Improvement Discussion	Immediate/ Evaluating Supervisor	No	None	Private Space	No	Discussion Worksheet	No	Productivity File	No	No Limit	NA	NA	Yes
FORMAL LEVELS OF DISCIPLINARY ACTION													
Reminder 1	Immediate/ Evaluating Supervisor	HR Coordinator/ Director	Initiator's Immediate Supervisor	Private Space	Yes	Discussion Worksheet	Yes	Employee Productivity File	No	1 in each area – performance, conduct or attendance	6 Months	Employee	Yes
Reminder 2	Immediate/ Evaluating Supervisor	HR Coordinator/ Director	Initiator's Immediate Supervisor	Private Space	Yes	Discussion Worksheet & Memorandum	Yes	Employee Personnel File Initiator's Supervisor	Yes	1 in each area – performance, conduct or attendance	9 Months	Employee	Yes
Decision Making Leave	Immediate/ Evaluating Supervisor	HR Coordinator/ Director	Vice President	Private Space	Yes	Discussion Worksheet & Memorandum	Yes	Employee Personnel File Initiator's Supv./VP, President.	Yes	1	12 Months	Employee	No
TERMINATION													
Termination	President	HR Coordinator/ Director & Office of Legal Services or TCSG HR Director	President and, as applicable, Commissioner	Private Space	Yes	Discussion Worksheet & Memorandum	Yes	Employee Personnel File, Initiator's Supv/VP, President	Yes	NA	NA	NA	NA

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Positive Discipline Process

Attachment: 4.4.1p.a2. Performance Management Matrix- System Office

Action / Issue	Initiator	Consultation Prior to Action	Prior Approval	Location	Management Witness Required?	Documentation Required	Employee Signature Required	Documentation Distribution	Right to Review	Maximum Number Allowed	Length of Time Active	Responsibility for Deactivation	Eligible for Perf.-Based Increase
INFORMAL DISCUSSIONS													
Positive Contact	Immediate/ Evaluating Supervisor	No	None	Anywhere	No	Productivity File Note Recommended	No	Productivity File	NA	No Limit	NA	NA	Yes
Informal Coaching / Casual Conversations	Immediate/ Evaluating Supervisor	No	None	Anywhere	No	Productivity File Note Recommended	No	Productivity File	NA	No Limit	NA	NA	Yes
Performance Improvement Discussion	Immediate/ Evaluating Supervisor	No	None	Private Space	No	Discussion Worksheet	No	Productivity File	No	No Limit	NA	NA	Yes
FORMAL LEVELS OF DISCIPLINARY ACTION													
Reminder 1	Immediate/ Evaluating Supervisor	HR Director or Executive Dir of Legal Svcs.	Initiator's Immediate Supervisor	Private Space	Yes	Discussion Worksheet	Yes	Employee Productivity File	No	1 in each area – performance, conduct or attendance	6 Months	Employee	Yes
Reminder 2	Immediate/ Evaluating Supervisor	HR Director or Executive Dir of Legal Svcs.	Initiator's Immediate Supervisor	Private Space	Yes	Discussion Worksheet & Memorandum	Yes	Employee Personnel File Initiator's Supervisor	Yes	1 in each area – performance, conduct or attendance	9 Months	Employee	Yes
Decision Making Leave	Immediate / Evaluating Supervisor	HR Director or Executive Dir of Legal Svcs.	Assistant Commissioner or Executive Director	Private Space	Yes	Discussion Worksheet & Memorandum	Yes	Employee Personnel File Initiator's Supervisor Assistant Commissioner	Yes	1	12 Months	Employee	No
TERMINATION													
Termination	Assistant Commissioner or Commissioner	HR Director or Executive Director of Legal Services	As Applicable, Commissioner	Private Space	Yes	Discussion Worksheet & Memorandum	Yes	Employee Personnel File, Initiator's Supervisor, Assistant Commissioner, Executive Director, Commissioner	Yes	NA	NA	NA	NA

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ATTACHMENT: 4.4.1P.A3.

TCSG DISCUSSION WORKSHEET
Pre-Meeting Checklist

Name of Employee: _____ **Date:** _____

Supervisor: _____

Type of Problem: ❑ Attendance ❑ Performance ❑ Conduct

Dates of any previous discussions about the problem: _____

_____

Basic Issue / Overall Concern: _____

_____

_____

Desired Performance: _____

_____

_____

_____

Actual Performance: _____

_____

_____

_____

Impact: (The good business reasons why the problem must be solved) _____

_____

_____

Consequences: (The logical consequences the individual will face if he/she fails to correct the situation)

_____

_____

_____

The Five Classic Questions:

- ❑ Did the employee clearly understand the rule or policy that was violated?
- ❑ Did the employee know in advance that such conduct would be subject to disciplinary action?
- ❑ Was the rule violated reasonably related to the safe, efficient and orderly operation of the business?
- ❑ Is there substantial evidence that the employee actually did violate the rule?
- ❑ Is the action planned reasonably related to the seriousness of the offense, the employee's record with the organization, and to action taken with other employees who have committed a similar offense?

Action **(This discussion is intended to be):**

❑ Performance Improvement Discussion ❑ Reminder 1 ❑ Reminder 2 ❑ Decision Making Leave

Employee acknowledgment of discussion (Reminder 1 only): _____

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ATTACHMENT: 4.4.1P.A4.

TCSG DISCUSSION WORKSHEET
Post-Meeting Summary

Employee Name: _____

Discussion Date: _____

Action: ❑ Performance Improvement Discussion ❑ Reminder 1 ❑ Reminder 2 ❑ Decision Making Leave

Notification: Did you specifically advise the employee of the action (Performance Improvement Discussion, Reminder 1, Reminder 2, Decision Making Leave)? ❑ Yes ❑ No

Gaining Agreement: Did the employee agree to solve the problem / correct the situation? ❑ Yes ❑ No

Employee Assistance Program: Was the employee provided information about the EAP? ❑ Yes ❑ No

---

Summary of discussion: _____

_____

_____

_____

_____

Employee's solution (Action the employee will take to correct the situation): _____

_____

_____

_____

_____

Other solutions (Action to be taken by yourself or other people to help the employee solve the problem):

_____

_____

_____

Employee's reaction: (Summary of employee's comments about the situation or the discussion):

_____

_____

_____

Completed by: _____

Follow-up date: _____

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Attachment: 4.4.1p.a5. Reminder 2 Memorandum

M E M O R A N D U M

TO: **[Name of Employee]**

FROM: **[Name of Supervisor]**

SUBJ: **Reminder 2**

DATE: **[Date]**

Please be advised that you have been placed on a Reminder 2 for the following reason(s) **[performance, attendance, behavior/conduct problems and/or policy violation(s)]. [This problem** or **Your overall performance]** was previously discussed with you **[As applicable – (in conjunction with your placement on a Reminder 1 on [date] or** informally on **[date(s) of any previous informal discussions]. [At that time or during these discussions]** I stressed the importance of what was expected of you and you agreed to correct the problem(s). Since then, **[describe the continuing problem]**.

Given that **[the continued poor performance, attendance, behavior/conduct problem(s) or policy violation(s) has/have had]** a detrimental effect on **[System Office, Quick Start, or Technical College operations and/or your co-workers],** it is essential that you make the following change(s) in your performance without delay: **[describe desired performance]**. In addition, I expect you to follow all policies and procedures and perform every aspect of your job in a fully acceptable manner.

During our discussion today, you said **[restate the employee's agreement to correct the problem together with any other important comments and your response]**. I'm counting on you to solve **[this problem/these problems]** and perform all assigned duties and responsibilities in a fully acceptable manner given that any further issues requiring disciplinary action will result either in your placement on a Decision Making Leave (the final step of our disciplinary process) or, if appropriate, dismissal from employment.

You have the right to request a review of this action by contacting **[the name of the reviewing official]** by telephone at **[telephone number]** or by mail at the following mailing address **[mailing address]** within three (3) business days of the receipt of this memorandum.

Please be advised that your decision to request a review of this action does not affect your commitment to me to solve the immediate problem and to perform every aspect of your job in a fully acceptable manner.

cc:

Attachment: 4.4.1p.a6. – Sample Decision Making Leave Memorandum

M E M O R A N D U M

TO: **[Name of Employee]**

FROM: **[Name of Initiator]**

SUBJ: **Decision Making Leave**

DATE: **[Date]**

This memorandum serves to confirm our discussion on **[date]** about **[describe performance problem]**.

[This problem was or **These problems have been]** previously discussed with you on **[date(s)].** In addition, **[as applicable – you received a Reminder 1, the first step of our formal disciplinary process on (date) and/or you received a Reminder 2, the second step of our disciplinary process on (date)**]. In conjunction with **[this action/these action(s)]**, we discussed what was expected of you and you agreed to correct the problem(s). Since then, **[describe continuing problem(s)].**

Given that your **[continued poor performance or attendance/ behavior/conduct problem(s) and/or policy violation(s)] [has had/have had]** a detrimental effect on **[System Office, Quick Start, or Technical College operations and/or your co-workers]**, you were placed on Decision Making Leave on **[date]**.

During our follow-up discussion, I advised you that a Decision Making Leave was a formal disciplinary suspension and is the final step of our disciplinary process. I also informed you that while you would be paid for the day in question, you were required to use this day to make a final decision – either to solve the immediate problem(s) and commit to maintaining fully acceptable performance in every aspect of your job or, instead, to resign and seek employment elsewhere.

When you returned from your day of Decision Making Leave, you told me that you had decided to continue your employment with **[name of System Office or Quick Start work unit or Technical College]**. You further agreed that you would solve the immediate problem(s) and perform all assigned duties and responsibilities in a fully acceptable manner.

[or]

[When you returned from your day of Decision Making Leave, you told me that you refused to agree to solve the immediate problem(s) and perform all assigned duties and responsibilities of your job in a fully acceptable manner.]

As I advised you during our meeting, you must immediately correct the **[continued poor performance** or **attendance/behavior/conduct problem(s) or policy violation(s)]**

which led to the delivery of the Decision Making Leave. In addition, you must maintain fully acceptable performance in all areas of your job given that any further problem(s) that require the delivery of disciplinary action will result in your dismissal.

You may request a review of this action by contacting **[name of the reviewing official]** by telephone at **[telephone number]** or by mail at the following address **[mailing address]** within three (3) business days of the receipt of this memorandum.

Please be advised that your decision to request a review of this action does not affect your commitment to me to solve the immediate problem(s) and to perform every aspect of your job in a fully acceptable manner.

CC:

Employee's Acknowledgment of Receipt:

_____

Employee's Signature

Attachment: 4.4.1p.a7. Suspension with Pay Sample Letter

_____, 20_

Dear _____:

This letter serves to notify you that effectively immediately, you will be placed on suspension with pay pending investigation for alleged misconduct. Before leaving today, please turn in all keys as well as your College Identification Card and all other personally assigned equipment.

Your placement in this employment status will continue for an initial period not to exceed forty-five (45) calendar days and will be governed by the following conditions:

1. unless requested to do so by _____, you are not to return to or visit any campus associated with _____ Technical College;

2. you must be available during normal business hours, Monday through Friday, ____ a.m. until ____ p.m. to be contacted concerning the status of the investigation or to meet with me or any other representative of the _____ Technical College on this matter.

3. by no later than the close of business today, you must provide _____ with a telephone number and/or cell number where you can be reached during these hours. If a meeting date and time is established to discuss the investigation, you will be expected to be present;

4. in the event of an illness or an emergency, you may request to use annual, personal, or sick leave by contacting _____ at _____; and,

5. during this time period, all paycheck(s) will be mailed to you at the above referenced mailing address.

Your failure to follow these directives may result in your movement to a non-pay status for the day(s) in question and the delivery of formal disciplinary action up to and including dismissal from employment.

Sincerely,

CC: Personnel File

Procedure: 4.4.2p. [III.I]
Adverse Employment Actions

Revised: May 10, 2012, March 8, 2011
Last Reviewed: May 10, 2012
Adopted: June 19, 2003

I.PURPOSE:

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 contact.

The dismissal of a technical college President shall be accomplished under the provisions of Policy 2.3.1. – Employment of Presidents.

II. RELATED AUTHORITY:
State Personnel Board Rules
O.C.G.A. §20-4-11
O.C.G.A. §45-20-1 et seq.
State Board POLICY: 4.4.1. Positive Discipline

III. APPLICABILTY:
All technical colleges associated with the Technical College System of Georgia

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., SB Policy 4.4.1.) 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: 4.4.3. 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: 4.1.4p., 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 that the proposed effective date), and a statement that the employee may appeal this decision to the State Board of the TCSG 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: 4.1.9., 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: 4.4.1.

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 contact 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. *N*OTE: 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 State Board Policy 4.1.9.;

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, unruliness 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 College System of Georgia 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.

VI. RECORD 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.

POLICY: 4.4.3. (III.M)
Employee Complaint Resolution

Revised: September 6, 2012
Last Reviewed: September 6, 2012
Adopted: September 6, 2012

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.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Procedure: 4.4.3p. (III.M.I.)
Employee Complaint Resolution

Revised: July 13, 2012
Last Reviewed: September 6, 2012
Adopted: July 13, 2012

I.PURPOSE:

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.

II. RELATED AUTHORITY
State Board POLICY: 2.1.1. Statement of Equal Opportunity
State Board POLICY: 4.4.1. Positive Discipline
State Board POLICY: 4.1.10 Reduction-in-Force
State Board POLICY: 6.5.1. Academic Standards, Evaluations, and Appeals
State Board POLICY: 4.4.3. Employee Complaint Resolution Policy
TCSG Procedure: 4.3.1p. Unlawful Harassment of Staff
TCSG Procedure: 6.1.1p. Unlawful Harassment and Discrimination of Students
TCSG Procedure: 6.3.1p1. Student Records
TCSG Procedure: 6.5.3p. 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

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

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 TCSG Director of Human Resources 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 TCSG, 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. ATTACHMENT:

Attachment: 4.4.3p.a1. Employee Complaint Resolution Form

VI. 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: 4.3.1p. 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: 4.4.1. Positive Discipline or the college procedure 4.4.1p. 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:4.1.10.

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 POLICY: 6.5.1. Academic Standards, Evaluation, and Appeals; POLICY: 6.1.1. Unlawful Harassment of Students and/or TCSG Procedure: 6.5.3p. Student Grievance.
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.

VII. RECORD RETENTION

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.

Back

Attachment: 4.4.3p.a1.

Employee Complaint Resolution Form

Please read the Employee Complaint Resolution Policy and Procedure prior to completing this form

Employee Information		
Employee's Name:	Job Title:	Work Unit:
Employee ID Number:	Daytime Phone:	Preferred Mailing Address:

Complaint Information		
Date of Occurrence: _____ **Note: Complaints should be filed within 30 calendar days of the occurrence**	Have you discussed this issue with your supervisor? Γ yes Γ no Date(s) of discussion:	Supervisor's Name: Supervisor's Phone:

Subject of Complaint:

_____

Describe what happened: when and where, how your employment has been affected, and indicate names of others who have knowledge of the issues raised in your complaint. Attach any supporting documentation.

_____

_____

_____

_____

_____

Relief Requested: Indicate the action(s) you are requesting to resolve your complaint:

_____

_____

My signature indicates that the information contained on this form and attachments to this form are true and factual to the best of my knowledge.

_____ _____

Date Employee Signature

If this complaint is being filed by multiple employees involving the same issue(s), attach a list of all participating employees, their employee ID #, day time phone number and signature. If a spokesperson has been designated, the individual chosen should sign this form.

For Complaint Coordinator's Use Only

_____ _____

Date Received Signature of Complaint Coordinator

Name of Reviewing Official if applicable: _____

Note: Complaints are not considered filed until this form is received by the Complaint Coordinator

REVISED SEPTEMBER 2012

POLICY: 4.4.4. (III.G)
Performance Management

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

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.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. § 45-20-21, Public Officers and Employees
TCSG Procedure: 4.4.4p. Performance Management

Procedure: 4.4.4p. (III.G.1)
Performance Management

Revised: April 2, 2015
Last Reviewed: April 2, 2015
Adopted: September 28, 2001

PURPOSE:

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 TCSG 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.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties State Board
POLICY: 4.4.4. Performance Management

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

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TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 4.5
Employee Leave 2/2

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Procedure: 4.5.1p. (III.U.7)
Family and Medical Leave Act Leave [FMLA]

Revised: September 15, 2015; May 21, 2009; October 3, 2001; September 11, 1990

Last Reviewed: September 15, 2015

Adopted: April 2, 1987

I.PURPOSE:

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. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

29 C.F.R. Part 825, Family and Medical Leave Act of 1993, Final Rule Published November 17, 2008

III. APPLICABILTY:

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

IV. DEFINITIONS: n/a

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 service-member in the following situations:

- the family member or covered service-member 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 service-member 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 service-member'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 service-member, 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 service-member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and, first cousins, unless the service-member 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 Service-member: a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service-member.

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 in a lawful marriage including a common law marriage in Georgia and other states where it is recognized. NOTE: in Georgia, common law marriages are those that were established before January 1, 1997.

V. ATTACHMENTS:

Attachment: 4.5.1p.a1. Leave Request Form
Attachment: 4.5.1p.a2. Child's Birth, Adoption, or Foster Care Form
Attachment: 4.5.1p.a3. Certification of Health Care Provider Form for Family Member's Serious Health Condition
Attachment: 4.5.1p.a4. Certification of Health Care Provider Form for Employee's Serious Health Condition
Attachment: 4.5.1p.a5. Certification for Serious Injury or Illness of Covered Service-member for Military Family Leave
Attachment: 4.5.1p.a6. Certification of Qualifying Exigency for Military Family Leave
Attachment: 4.5.1p.a7. Notice of Eligibility and Rights and Responsibilities Form
Attachment: 4.5.1p.a8. FMLA Designation Notice
Attachment: 4.5.1p.a9. DOL Notice to Employees of Rights and Responsibilities under the FMLA

VI. PROCEDURE:

A. **Employee Eligibility**

To be eligible for FLMA leave, an employee <u>must:</u>

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 service-member 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 service-member 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 service-member, 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 service-member 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 service-member. 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:

a) begin on the date the child is born unless the mother is previously incapacitated;
b) 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;
c) be completed within 12 months of the date of birth or placement; or,
d) 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:

a) submit a completed Request for Family Leave Form (Attachment: 4.5.1p.a1.) as soon as the leave date (or approximate leave date) is known; and,
b) submit a Documentation of a Child's Birth, Adoption, or Foster Care Form (Attachment : 4.5.1p.a2.). The Form must be filled out completely and signed by the treating health care provider/adoption attorney/child placement agency head.

3-Leave designation:

a)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;

b)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,

c)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:

a)Intermittent or reduced schedule leave will be permitted for an employee's own incapacity related to pregnancy or prenatal care;

b)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;

c)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,

d)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:
    a) 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;
    b) submit a completed Request for Family Leave Form (Attachment: 4.5.1p.a1.). If family leave is foreseeable, the Form should be submitted as soon as the projected date of leave is known; and,
    c) submit a completed Certification of Health Care Provider Form for Family Member's Serious Health Condition (Attachment: 4.5.1p.a3.). 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:
    a) 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;
    b) submit a completed Request for Family Leave Form (Attachment 4.5.1p.a1). If family leave is foreseeable, the Form should be submitted as soon as the projected date of leave is known; and,
    c) submit a completed Certification of Health Care Provider Form for Employee's Serious Health Condition (Attachment: 4.5.1p.a4.). 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 service-member in a single 12-month period. This period begins on the first day leave is taken to care for a covered service-member 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 service-member. Therefore, an eligible employee may take separate periods of leave for each covered service-member, and/or for each serious injury or illness of the same covered service-member. 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:

a) submit a Request for Family Leave Form (Attachment 4.5.1p.a1). If the need for leave is foreseeable, the Form should be submitted as soon as the projected date of leave is known; and,
b) submit a completed Certification for Serious Injury or Illness of Covered Service-member for Military Family Leave (Attachment: 4.5.1p.a5.). The Form must be filled out completely and signed by the health care provider within 15 days.

c) 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.
d) 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, Nary 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:
    a) **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;
    b) **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;
    c) **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;
    d) **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;
    e) **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;
    f) **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;

g) **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;

h) **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:
   a) submit a Request for Family Leave Form (Attachment: 4.5.1p.a1.). If the need for leave is foreseeable, the Form should be submitted as soon as the projected date for leave is known; and,
   b) submit a completed Certification of Qualifying Exigency for Military Family Leave Form (Attachment: 4.5.1p.a6.). 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:
   a) 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;
   b) 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;
   c) 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;
   d) periodic reports as deemed appropriate during the leave regarding an employee's status and intent to return to work;

e) 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,

f) 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: 4.51p.a7.) 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: 4.5.1p.a8. FMLA Designation Notice.
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: 4.5.1p.a9.) 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 hire 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 supersede 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.

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Attachment: 4.5.1p.a1. Technical College System of Georgia

FAMILY AND MEDICAL LEAVE ACT
LEAVE REQUEST FORM

Employee's Name:_____ Employee ID#: _____

Work Location: _____

Dates of Leave Requested: _____ through _____

Reason for FMLA Leave (check all that apply):

- ☐ Birth of a child and to care for the newly-born child, or placement of a child with the employee for adoption or foster care
- ☐ To care for an immediate family member (employee's spouse, child or parent) with a serious health condition
- ☐ Your own serious health condition
- ☐ Because of a qualifying exigency arising out of the fact that your ☐ spouse; ☐ son or daughter; ☐ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves
- ☐ Because you are the ☐ spouse; ☐ son or daughter; ☐ parent; ☐ next of kin of a covered servicemember with a serious injury or illness

Type and Number of Hours Of Leave Requested For The Purpose Identified Above (check all that apply, if available):

- ☐ Annual Leave: _____ hours
- ☐ Unpaid family and medical leave
- ☐ Sick Leave: _____ hours
- ☐ Personal Leave: _____ hours

To receive paid leave during all or part of an FMLA leave, employees must satisfy the provisions of the State Board policy governing the use of leave as well as applicable State Personnel Board Rules.

Is intermittent leave or reduced work schedule requested? If yes, explain why it is needed and the leave schedule proposed:

_____

_____

Intention To Return To Work When The Leave Ends (select one):

- ☐ Employee will not be returning to work.
- ☐ Employee intends to return to work.

Authorization, Certification, and Signatures:

Who provided information to complete form (if other than employee)? _____

Name of person who completed form:_____ Date: _____

I certify that the above information is true and correct to the best of my knowledge. I understand that any misrepresentation concerning the above facts can result in the delivery of disciplinary action pursuant to the Positive Discipline Policy.

_____ _____
Employee's Signature Date

_____ _____
Supervisor's Signature Date

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Attachment: 4.5.1p.a2. Family and Medical Leave Act

Documentation of Child's Birth, Adoption or Foster Care Form

Employee's Name:	Employee ID #:

For Birth of a Child:

Physician/ Provider:	
Address:	
Phone No.:	
Mother's Name:	
☐ This is to certify the mother named above is expected to give birth on: (date)	☐ This is to certify the mother named above gave birth on: (date)
Health Care Provider's Signature: (No Stamp Please)	Date:

For Adoption/ Foster Care:

Foster Care of Adoption Agency/ Attorney:	
Address:	
Phone No.:	
☐ This is to certify the child will be placed for adoption with the above named employee on: (date)	☐ This is to certify the child will be placed for foster care with the above named employee on: (date)
Child Placement Agency Representative/ Attorney Signature: (No Stamp Please)	Date:

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Attachment: 4.5.1p.a3.

Family and Medical Leave Act

CERTIFICATION OF HEALTH CARE PROVIDER FOR FAMILY MEMBER'S SERIOUS HEALTH CONDITION

Section I – For completion by the System Office or Technical College

INSTRUCTIONS: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to your employee. An employer may not ask an employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. The system office or technical college must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

System Office/Technical College Contact Information: _____

Section II: For completion by the Employee

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by the system office or technical college, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 20 C.F.R. § 825.313. You must be provided at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____
First Middle Last

Name of family member for whom you will provide care: _____
First Middle Last

Relationship of family member to you: _____

If family member is your son or daughter, his/her date of birth: _____

Describe the care you will provide to your family member and estimate leave needed to provide care:

_____

_____

_____

_____ _____

Employee Signature Date

Section III: For completion by the Health Care Provider:

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Page 4 provides space for additional information should you need it. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice/Medical specialty: _____

Telephone: (____)_____ Fax: (____)_____

Part A – Medical Facts

1. Approximate date condition commenced: _____

   Probable duration of condition: _____

   Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility? ☐ Yes ☐ No If so, dates of admission: _____

   Date(s) you treated the patient for condition:

   _____

   Was medication, other than over-the-counter medication, prescribed? ☐ Yes ☐ No

   Will the patient need to have treatment visits at least twice per year due to the condition? ☐ Yes ☐ No
   Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? ☐ Yes ☐ No If so, state the nature of such treatments and expected duration of treatment:

_____

2. Is the medical condition pregnancy? ☐ Yes ☐ No If so, expected delivery date: _____

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

_____

_____

_____

Part B – Amount of care needed

When answering these questions, keep in mind that your patient's need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? ☐ Yes ☐ No

   Estimate the beginning and ending dates for the period of incapacity: _____

   During this time, will the patient need care? ☐ Yes ☐ No
   Explain the care needed by the patient and why such care is medically necessary: _____

   _____

   _____

   _____

   _____

5. Will the patient require follow-up treatments, including any time for recovery? ☐ Yes ☐ No

   Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

   _____
   Explain the care needed by the patient, and why such care is medically necessary:_____

   _____

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery? ☐ Yes ☐ No

   Estimate the hours the patient needs care on an intermittent basis, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

Explain the care needed by the patient, and why such care is medically necessary:_____

_____

_____

7. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? ☐ Yes ☐ No

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode.

Does the patient need care during these flare-ups? ☐ Yes ☐ No

Explain the care needed by the patient, and why such care is medically necessary:_____

_____

_____

Additional Information:
(Identify question number with your additional answer.)

_____

_____

_____

_____

_____

_____

_____ _____

Signature of Health Care Provider
(No Stamps Please)

Date

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[Attachment: 4.5.1p.a4.]

Family and Medical Leave Act

CERTIFICATION OF HEALTH CARE PROVIDER FOR EMPLOYEE'S SERIOUS HEALTH CONDITION

Section I – For completion by the System Office or Technical College

INSTRUCTIONS: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. An employer may not ask an employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. The system office or technical college must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: ☐

Section II: For completion by the Employee

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by the system office or technical college, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 20 C.F.R. § 825.313. You must be provided at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____
First Middle Last

Section III: For completion by the Health Care Provider:

INSTRUCTIONS to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice/Medical specialty: _____

Telephone: (____)_____ Fax: (____)_____

Part A – Medical Facts

1. Approximate date condition commenced: _____

   Probable duration of condition: _____

   Mark below as applicable:

   Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility? _____ No ____ Yes. If so, dates of admission:

   _____

   Date(s) you treated the patient for condition:

   _____

   Will the patient need to have treatment visits at least twice per year due to the condition? ☐ Yes ☐ No

   Was medication, other than over-the-counter medication, prescribed? ☐ Yes ☐ No

   Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapy)? ☐ Yes ☐ No If so, state the nature of such treatments and expected duration of treatment:

   _____

   _____

   _____

2. Is the medical condition pregnancy? ☐ Yes ☐ No If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

   Is the employee unable to perform any of his/her job functions due to the condition? ☐ Yes ☐ No

   If so, identify the job functions the employee is unable to perform:

   _____

   _____

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

   _____

   _____

   _____

   _____

Part B – Amount of Leave Needed

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ☐ Yes ☐ No

   If so, estimate the beginning and ending dates for the period of incapacity: _____

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ☐ Yes ☐ No

   If so, are the treatments or the reduced number of hours of work medically necessary? ☐ Yes ☐ No

   Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

   _____

   Estimate the part-time or reduced work schedule the employee needs, if any:

   _____ hour(s) per day; _____ days per week from _____ through _____

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7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ☐ Yes ☐ No If so, explain:

_____

_____

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode.

Additional Information:
(Identify question number with your additional answer.)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____ _____
Signature of Health Care Provider Date

(No Stamps Please)

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Attachment: 4.5.1p.a5.

Family and Medical Leave Act

CERTIFICATION FOR SERIOUS INJURY OR ILLNESS OF COVERED SERVICEMEMBER FOR MILITARY FAMILY LEAVE

INSTRUCTIONS: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave due to a serious injury or illness of a covered servicemember to submit a certification providing sufficient facts to support the request for leave. An employer may not ask an employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. § 825.310. The system office or technical college must generally maintain records and documents relating to medical certification, recertifications, or medical histories of employees or employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Section I: For completion by the EMPLOYEE and/or the COVERED SERVICEMEMBER for whom the Employee is Requesting Leave.

INSTRUCTIONS to the Employee or Covered Servicemember: Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a serious injury or illness of a covered servicemember. If requested by the system office or technical college, your response is required to obtain or retain the benefit of FMLA-protected leave. 29 C.F.R. §§ 2613, 2614(c)(3). Failure to do so may result in a denial of an employee's FMLA request. 29 C.F.R. § 825.310(f). You must be provided at least 15 calendar days to return this form.

Section II: For completion by a UNITED STATES DEPARTMENT OF DEFENSE ("DOD"), HEALTH CARE PROVIDER or a HEALTH CARE PROVIDER who is either: (1) a United States Department of Veteran's Affairs ("VA") health care provider; (2) a DOD TRICARE network authorized private health care provider; or (3) a DOD non-network TRICARE authorized private health care provider.

INSTRUCTIONS to the Health Care Provider: The employee listed on Page 2 has requested leave under the FMLA to care for a family member who is a member of the Regular Armed Forces, the National Guard, or the 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. For purposes of FMLA leave, a serious injury or illness is one that was incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

A complete and sufficient certification to support a request for FMLA leave due to a covered servicemember's serious injury or illness includes written documentation confirming that the covered servicemember's injury or illness was incurred in the line of duty on active duty and that the covered servicemember is undergoing treatment for such injury or illness by a health care provider listed above. Answer, fully and completely, all applicable parts. Several questions seek a response as to frequency or duration of a condition, treatment, etc. Your answer should your best estimate based upon your medical knowledge, experience, and examination of

the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave.

Section I – For completion by the Employee and/or the Covered Servicemember for whom the Employee is Requesting Leave.

(This section must be completed first before any of the below sections can be completed by a health care provider.)

Part A - Employee Information

Name and Address of Employer (this is the employer of the employee requesting leave to care for covered servicemember):

_____

Name of Employee Requesting Leave to Care for Covered Servicemember:

_____

First Middle Last

Name of Covered Servicemember (for whom employee is requesting leave to care):

_____

First Middle Last

Relationship of Employee to Covered Servicemember Requesting Leave to Care:

☐ Spouse ☐ Parent ☐ Son ☐ Daughter ☐ Next of Kin

Part B – Covered Servicemember Information

1. Is the Covered Servicemember a current member of the Regular Armed Forces, the National Guard or Reserves? ☐ Yes ☐ No

   If yes, please provide the covered servicemember's military branch, rank and unit currently assigned to:

   _____

   Is the covered servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit)? ☐ Yes ☐ No

   If yes, please provide the name of the medical treatment facility or unit: _____

   _____

Attachment: 4.5.1p.a5.

2. Is the Covered Servicemember on the Temporary Disability Retired List (TDRL)? ☐ Yes ☐ No

Part C – Care to be Provided to the Covered Servicemember

Describe the care to be provided to the Covered Servicemember and an Estimate of the leave needed to provide the care:

_____

_____

_____

_____

_____

Section II: For completion by a United States Department of Defense ("DOD") Health Care Provider or a Health Care Provider who is either : (1) a United States Department of Veterans Affairs ("VA") Health Care Provider; (2) a DOD TRICARE Network Authorized Private Health Care Provider; or (3) a DOD Non-Network TRICARE Authorized Private Health Care Provider.

If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator). (Please ensure that Section I above has been completed before completing this section.) Please be sure to sign the form on the last page.

Part A – Health Care Provider Information

Health Care Provider's Name and Business Address:

_____

Type of Practice/Medical Specialty: _____

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; or (4) a DOD non-network TRICARE authorized private health care provider: _____

Telephone: (___)_____ Fax: (___)_____ E-mail: _____

Part B – Medical Status

1. Covered Servicemember's medical condition is classified as (check one of the appropriate boxes):

   ☐ **(VSI) Very Seriously Ill/Injured** – Illness/injury is of such a severity that life is imminently endangered. Family members are requested at bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD health care providers.)

   ☐ **(SI) Seriously Ill/Injured** – Illness/injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD health care providers.)

   ☐ **Other Ill/Injured** – A serious injury or illness that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating.

   ☐ **NONE OF THE ABOVE** – (Note to Employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a "serious health condition" under § 825.113 of the FMLA. If such leave is requested, you may be required to complete DOL FORM WH-380 or an employer-provided form seeking the same information.)

2. Was the condition for which the Covered Servicemember is being treated incurred in the line of duty on active duty in the armed forces? ☐ Yes ☐ No

3. Approximate date condition commenced: _____

4. Probable duration of condition and/or need for care: _____

5. Is the covered servicemember undergoing medical treatment, recuperation, or therapy? ☐ Yes ☐ No

   If yes, please describe medical treatment, recuperation, or therapy:

   _____

   _____

   _____

Part C – Covered Servicemember's Need for Care by Family Member

1. Will the covered servicemember need care for a single continuous period of time, including any time for treatment and recovery? ____ Yes ____ No

   If yes, estimate the beginning and ending dates for this period of time: _____

2. Will the covered servicemember require periodic follow-up treatment appointments? ☐ Yes ☐ No

Attachment: 4.5.1p.a5.

If yes, estimate the treatment schedule: _____

3. Is there a medical necessity for the covered servicemember to have periodic care for these follow-up treatment appointments? ☐ Yes ☐ No

4. Is there a medical necessity for the covered servicemember to have periodical care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)?
☐ Yes ☐ No

If yes, please estimate the frequency and duration of the periodical care:

_____

_____

_____

_____ _____

Signature of Health Care Provider Date

(No Stamps Please)

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Attachment: 4.5.1p.a6.

Family and Medical Leave Act

CERTIFICATION OF QUALIFYING EXIGENCY FOR MILITARY FAMILY LEAVE

Section I – For completion by the System Office or Technical College

INSTRUCTIONS: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave due to a qualifying exigency to submit a certification. Please complete Section I before giving this form to your employee. An employer may not ask an employee to provide more information than allowed under FMLA regulations, 29 C.F.R. § 825.309.

System Office or Technical College Contact Information: _____

_____

Section II: For completion by the Employee

INSTRUCTIONS to the EMPLOYEE: Please complete Section II fully and completely. The FMLA permits an employer to require that you submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a qualifying exigency. Several questions in this section seek a response as to the frequency or duration of the qualifying exigency. Be as specific as you can; terms such as "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Your response is required to obtain a benefit under 29 C.F.R. § 825.310. While you are not required to provide this information, failure to do so may result in a denial of your request for FMLA leave. You must be provided at least 15 calendar days to return this form.

Your name: _____
First Middle Last

Name of covered military member on active duty or call to active duty status in support of a contingency operation:

_____
First Middle Last

Relationship of covered military member to you: _____

Period of covered military member's active duty: _____

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A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a covered military member's active duty or call to active duty status in support of a contingency operation. Please check one of the following:

☐ A copy of the covered military member's active duty orders is attached.

☐ Other documentation from the military certifying that the covered military member is on active duty (or has been notified of an impending call to active duty) in support of a contingency operation is attached.

☐ I have previously provided my employer with sufficient written documentation confirming the covered military member's active duty or call to active duty status in support of a contingency operation.

Part A – Qualifying reason for leave

1. Describe the reason you are requesting FMLA leave due to a qualifying exigency (including the specific reason you are requesting leave):

_____

_____

_____

_____

_____

2. A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counsellor or school official, or a copy of a bill for services for the handling of legal or financial affairs. Available written documentation supporting this request for leave is attached. ☐ Yes ☐ No ☐ None available

Part B – Amount of Leave Needed

1. Approximate date exigency commenced: _____

   Probable duration of exigency: _____

2. Will you need be absent from work for a single continuous period of time due to the qualifying exigency? ☐ Yes ☐ No

   If so, estimate the beginning and ending dates for the period of absence:

_____

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3. Will you need to be absent from work periodically to address this qualifying exigency? ☐ Yes ☐ No
Estimate schedule of leave, including the dates of any scheduled meetings or appointments:

_____

_____

Estimate the frequency and duration of each appointment, meeting, or leave event, including any travel time (i.e., 1 deployment-related meeting every month lasting 4 hours):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per event.

Part C

If leave is requested to meet with a third party (such as to arrange for childcare, to attend counseling, to attend meetings with school or childcare providers, to make financial or legal arrangements, to act as the covered military member's representative before a federal, state, or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address, and appropriate contact information of the individual or entity with whom you are meeting (i.e., either the telephone or fax number or email address of the individual or entity). This information may be used by the system office or technical college to verify that the information contained on this form is accurate.

Name of Individual: _____ Title: _____

Organization: _____

Address: _____

Telephone: (____)_____ Fax: (____)_____

E-mail: _____

Describe nature of meeting: _____

_____

_____

Part D

I certify that the information I provided above is true and correct.

_____ _____
Signature of Employee Date

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Attachment: 4.5.1p.a7.

Family and Medical Leave Act

NOTICE OF ELIGIBILITY AND RIGHTS & RESPONSIBILITIES

(For Completion by the System Office or Technical College)

In general, to be eligible for FMLA leave an employee must have worked for any State of Georgia agency, department, etc. for at least 12 months and must have worked at least 1,250 hours in the 12 months preceding the leave.

TO: _____

FROM: _____

DATE: _____

Part A - Notice of Eligibility

On _____, you informed us that you needed leave beginning on _____ for:

☐ The birth of a child, to care for the newborn child, or placement of a child with you for adoption or foster care

☐ Your own serious health condition

☐ Because you are needed to care for your ☐ spouse; ☐ child; ☐ parent due to his/her serious health condition

☐ Because of a qualifying exigency arising out of the fact that your ☐ spouse; ☐ son or daughter; ☐ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves

☐ Because you are the ☐ spouse; ☐ son or daughter; ☐ parent; ☐ next of kin of a covered servicemember with a serious injury or illness

This Notice is to inform you that you:

☐ Are eligible for FMLA leave (See Part B below for Rights and Responsibilities).

☐ Are **not** eligible for FMLA leave because (only one reason need be checked, although you may not be eligible for other reasons):

☐ You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately _____ months towards this requirement.

☐ You have not met the FMLA's 1,250-hours-worked requirement.

☐ You do not work and/or report to a site with 50 or more employees within 75 miles.

If you have any questions, contact _____ or view the FMLA poster located in _____.

Part B – Rights and Responsibilities for Taking FMLA Leave

As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period. **However, for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by** _____. (If a certification is requested, the system office or technical college must allow at least 15 calendar days from receipt of this notice; additional time may be required in some circumstances.) If sufficient information is not provided in a timely matter, your leave may be denied. Please be advised that you must provide:

☐ Sufficient certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request ☐ **is** ☐ **is not** enclosed. You must return the certification form within 15 calendar days of our request to provide the certification (additional time may be permitted in some circumstances). If you fail to do so, we may delay the commencement of your leave, withdraw any designation of FMLA leave, or deny the leave. If your leave is denied, your absence would be treated in accordance with applicable State Board policies relating to leave and time and attendance. Additionally, you may be subject to disciplinary action.

☐ Sufficient documentation to establish the required relationship between you and your family member.

☐ Other information needed: _____

_____

_____

☐ No additional information requested

If your leave does qualify as FMLA leave, you will have the following **responsibilities** while on FMLA leave (only checked blanks apply):

☐ Contact _____ at _____ to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on an unpaid leave. If premium payment(s) are not made in a timely manner, your health insurance coverage may be impacted.

☐ Consistent with State Board Policy and applicable State Personnel Board Rules, you may use available ☐ **sick**, ☐ **annual**, or ☐ **personal leave** during your FMLA absence or you may request placement on family leave without pay. While in a paid or unpaid leave status, your leave will be considered protected and count against your FMLA leave entitlement.

☐ While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every _____. (Indicate interval of periodic reports, as appropriate for the particular leave situation.)

If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

Information Regarding Family and Medical Leave

If your leave does qualify as FMLA leave, you will have the following **rights** while on FMLA leave:

- You have a right under the FMLA for up to 12 weeks of unpaid leave in a "rolling" 12-month period measured backward from the date of any FMLA leave taken.
- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on _____.
- Your health benefits must be maintained during any period of FMLA leave under the same conditions as if you continued to work, subject to conditions established by the State Health Benefit Plan.
- You will typically be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA.
- Consistent with State Board Policy, applicable State Personnel Board Rules, and the provisions of the Family Leave Procedure, you have the ability to use accrued annual leave, personal leave or, as applicable, sick leave during a FMLA absence. If you do not meet the requirements for taking paid leave or paid leave is not available or has been exhausted, you will be placed on family leave without pay.

☐ For a copy of conditions applicable to sick/annual/other leave usage, please refer to _____ available at _____.

☐ Applicable conditions, if any, for use of paid leave: _____

_____

_____

_____

When the above information is obtained, we will inform you, within 5 business days, whether your leave will be designated as FMLA leave and counted towards your FMLA entitlement. If you have any questions, please do not hesitate to contact _____ at _____.

Attachment: 4.5.1p.a8.

Family and Medical Leave Act

DESIGNATION FORM

(For Completion by the System Office or Technical College)

Leave covered under the Family and Medical Leave Act (FMLA) must be designated as FMLA-protected and the employer must inform the employee of the amount of leave that will be counted against an employee's FMLA leave entitlement. To determine whether leave is covered under FMLA, the system office or technical college may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employee must be informed, in writing, what additional information is necessary to make the certification complete and sufficient.

TO: _____

FROM: _____

DATE: _____

We have reviewed your request for leave under the FMLA and any supporting documentation that you have provided. We received your most recent information on _____ and decided:

☐ **Your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave (subject to the maximum amount of FMLA available to you).**

The FMLA requires that you notify us as soon as practicable if dates of your scheduled leave change or are extended, or were initially unknown. Based on the information you have provided thus far, we are providing the following information regarding the amount of time that will be counted against your leave entitlement:

☐ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement: _____.

☐ Because the schedule of the leave you will need is uncertain, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period.).

Please be advised (check if applicable):

☐ You have requested to use sick, annual, and/or personal leave during your FMLA leave. All such leave taken will count against your FMLA leave entitlement.

☐ You have requested to be placed on family leave without pay during this absence and all time spent in this employment status will count against your FMLA leave entitlement.

☐ You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. Should you not return this certification as requested, you may no longer be entitled to reinstatement under FMLA. A list of the essential functions of your position or a copy of your job description ☐ **is** ☐ **is not** attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.

☐ **Additional information is needed to determine if your FMLA leave request can be approved:**

☐ The certification you provided is not complete and sufficient to determine whether your leave should be considered FMLA-qualifying. Unless it is not practical to do so under the particular circumstances of your absence (despite your diligent, good faith efforts), you must provide the following information no later than _____ (provide at least seven calendar days). Failure to follow through as requested may result in the denial of your leave.

_____

_____
(Specify information needed to make the certification complete and sufficient.)

☐ We are exercising our right to have you obtain a second or third opinion medical certification at our expense. Further detail will be provided at a later time.

☐ Your FMLA leave request is Not Approved.

☐ The FMLA does not apply to your leave request.

☐ You have exhausted your FMLA leave entitlement in the applicable 12-month period.

Attachment: 4.5.1p.a9.

EMPLOYEE RIGHTS & RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement
FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements
Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections
During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee has continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements
Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition
A serious health conditions is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave
An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as to not unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave
Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities
Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the 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, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities
Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers
FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement
Any employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Wage and Hour Division

POLICY: 4.5.2. (III.U.6.)
Leave

Revised: September 15, 2015; October 1, 2001; September 11, 1990
Last Reviewed: September 15, 2015
Adopted: April 2, 1987

Leave shall be administered in accordance with Rule 18 of the State Personnel Board, except as modified by System procedures. TCSG shall administer leave in compliance with state and federal law including the Family and Medical Leave Act.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
Rules 18 of the State Personnel Board
TCSG Procedure: 4.5.2p4. Annual, Sick, and Personal Leave
- Annual Leave
- Forfeited Leave
- General Limitations
- Personal Leave
- Sick Leave
- Terminal Leave
- Transfer of Leave

TCSG Procedure: 4.5.2p2. Leave Donation
TCSG Procedure: 4.5.2p5. Authorized and Contingent Leave without Pay
TCSG Procedure: 4.5.2p6. Military Leave
TCSG Procedure: 4.5.2p3. Court Leave
- Administrative Leave
- Blood Donation
- Disaster Volunteer Leave
- Grievance Preparation Time
- Personal Leave
- Kidney Donation
- Voting Time

State Board POLICY: 4.9.5. Staff Development

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Attachment: 4.5.2.a1.

TECHNICAL COLLEGE SYSTEM OF GEORGIA

PERSONNEL LEAVE REPORT

EMPLOYEE NAME		
Last	First	Middle

Beginning				Comments:
Month	Day	Year	Time	
Returning				
Month	Day	Year	Time	

Type of leave and number of hours to be charged

	Hours ANNUAL LEAVE		Hours PERSONAL LEAVE
	Hours SICK LEAVE		Hours UNAUTHORIZED Leave Without Pay
	Hours SICK LEAVE used for family: (Check reason below)		Hours Authorized Leave Without Pay *
	☐ Illness ☐ Accident		Hours MILITARY LEAVE
	☐ Death: Date:		Hours COURT LEAVE
	Relationship:		Hours OTHER *
	Other: *		Hours PERSONAL LEAVE
	TOTAL LEAVE HOURS		

**** EXPLAIN IN REMARKS (BELOW)***

Remarks:

☐ APPROVED with the following conditions

☐ APPROVED

DISAPPROVED

(Employee's Signature) (Date)

(Supervisor's Signature) (Date)

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

Revised: September 15, 2015
Last Reviewed: September 15, 2015
Adopted: October 2, 2001

I. PURPOSE:

This procedure pertains to education support leave, voting leave, blood donation leave, organ and bone marrow donation leave, disaster volunteer leave, and special injury leave. Each category of leave addresses the conditions for the use of paid and/or unpaid leave for eligible employees who are absent from work to participate in the stated activity or in response to an injury suffered in the line of duty.

II. Applicability:

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

III. Related Authority:

O.C.G.A. §38-3-90 et seq. (Disaster Volunteer Leave)
O.C.G.A. §45-7-9 (Special Injury Leave)
O.C.G.A. §45-20-30 (Blood Donation Leave)
O.C.G.A. §45-20-31 (Organ/Bone Marrow Leave)
O.C.G.A. §45-20-32 (Education Support Leave)
State Personnel Board Rule 16 – Absence from Work
TCSG Procedure: 4.1.4p. – Categories of Employment
TCSG Procedure: 4.5.1p. – Family Leave
TCSG Procedure: 4.9.9p. – Workers Compensation and Return to Work
TCSG Procedure: 4.6.2p. – Reasonable Accommodations in Employment

IV. Definitions:

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

Eligible Employee: An individual appointed to a full- or part-time salaried position in a TCSG work unit and who is eligible for State of Georgia-sponsored benefits as provided in the TCSG procedure governing Categories of Employment. Within the parameters of this procedure, an individual appointed to a full-time position has a work commitment of thirty (30) or more hours per week. NOTE: with respect to eligibility for Education Support Leave, a full-time, non-temporary employee must have a work commitment of forty (40) or more hours each week.

Granulocytes: a type of white blood cell consisting of small granules which contain protein and which help the body fight infections.

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

Injured in the Line of Duty: an injury which arises out of or in the course of employment. Pursuant to the provisions of O.C.G.A. §45-7-9, traveling to and from work is not considered as being "in the line of duty".

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

Apheresis: a procedure in which blood is filtered and separated with a portion retained and the remainder returned to the donor.

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

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

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

V. Attachments: N/A

VI. Procedures:

A. Education Support Leave

1. For purposes of administering education support leave, an eligible employee:

(a). is a full-time, non-temporary employee of a TCSG work unit who works a minimum of forty (40) hours or more per week to include a Campus Police Officer in a technical college police department whose law enforcement work period ranges from a minimum of seven (7) days to twenty-eight (28) consecutive days with a maximum hours worked ranging from 43 hours to 171 hours. NOTE: compensation for hours worked by non-exempt employees which exceed these thresholds will be delivered as FLSA Compensatory Time;

(b). can be a parent of one or more student(s) or a non-parent who desires to support public, private and home school achievement through any level of education, within the state of Georgia, from pre-kindergarten/early care and learning through higher education; and,

(c). can utilize a total of eight (8) hours of education support leave in a calendar year, inclusive of education support leave taken while working for another state agency during the same calendar year. NOTE: Office of Human Resources staff in the System Office or the employing technical college are responsible for determining how much education support leave has been used, if any, by an employee transferring to a TCSG work unit from another state agency or another TCSG work unit.

2. Education support leave may be requested in increments no smaller than a quarter-hour/fifteen (15) minutes.

3. Only activities directly related to student achievement and academic support within the state of Georgia will qualify for education support leave. Related activities include, but are not limited to:

(a). attendance at parent/teacher conferences;

(b). participation in classroom activities such as reading to a class or presenting on career day;

(c). tutoring students;

(d). proctoring examinations;

(e). attending award and recognition ceremonies or graduation exercises;

(f). participating in field day activities or field trips; and,

(g). attending open house functions.

4. While using education support leave, an employee may not receive pay from an educational entity for any activity/service performed.

5. Before providing any covered activity/service, an employee must request and receive approval for the use of available education support leave from his/her immediate supervisor, reviewing manager, or other designated TCSG work unit official.

6. A TCSG work unit may require written verification form a school administrator, teacher, or other school official prior to approving a request for education support leave.

7. A TCSG work unit may approve or deny a request for education support leave based on the operational requirements of the work unit or for any other job-related reason to include established behavior/conduct issues, attendance concerns (e.g., prior placement on an attendance plan), or unsatisfactory work performance.

8. The use of education support leave for any political purpose or agenda is strictly prohibited by the provisions of O.C.G.A. §45-20-32.

B. Voting Leave

1. All TCSG employees are encouraged vote in primary and general elections at the local, state, and national level.

2. Absent the restrictions outlined in Paragraph VI.B.3., an eligible employee may request to use up to two (2) hours of paid leave to vote. NOTE: the TCSG work unit may specify the hour(s) during which paid voting leave will be provided (e.g., at the beginning or end of his/her scheduled work day).

3. An eligible employee who is scheduled to begin work at least two (2) hours after the polls open or end work at least two (2) hours before the polls close are not eligible for voting leave.

4. An employee who is not eligible for voting leave may request to use accrued annual leave, personal leave, compensatory time or, as applicable, leave without pay to vote.

C. Blood Donation Leave

1. An eligible employee is permitted to donate blood during his/her regularly scheduled work hours without the need to take annual leave, personal leave or compensatory time is as follows:

(a). he/she is permitted to take up to two (2) hours of paid time off up to four (4) times per calendar year;

(b) the maximum amount of paid time off which can be taken in a calendar year is eight (8) hours; and,

(c). an employee who does not use the entire eight (8) hours in a given calendar year does not accrue any right to any additional paid or unpaid leave.

2. An eligible employee is permitted to donate blood platelets through (platelet) apheresis or granulocytes through (plasma) apheresis during his/her regularly scheduled work hours without the need to take annual leave, personal leave or compensatory time is as follows:

(a). he/she is permitted to take up to four (4) hours of paid time off up to four (4) times per calendar year;

(b). the maximum amount of paid time off which can be taken in a calendar year is sixteen (16) hours; and,

(c). an employee who does not use the entire sixteen (16) hours in a given calendar year does not accrue any right to additional paid or unpaid leave.

3. An employee who donates blood, blood platelets, or granulocytes on non-work time is not eligible to receive paid time off work at a later date.

4. An employee must request and receive approval from his/her immediate supervisor, reviewing manager, or other designed TCSG work unit official to make a donation under these provisions. Time away from work to make a donation shall be scheduled so as not to interfere with work unit operations.

D. Organ Donation Leave

1. An employee who donates an organ for transplantation shall be placed on an authorized leave of absence with pay for a period of thirty (30) calendar days. Pursuant to applicable provisions of O.C.G.A. §45-20-31, the employee's absence shall not be charged against or deducted from his/her accrued annual or sick leave balance and all such time shall be considered (compensable) service with respect to the computation of retirement benefits.

2. An employee shall not receive a leave of absence with pay for this purpose unless he/she first furnishes his/her immediate supervisor, Human Resources Director (or his/her designee), or other designated System Office/Quick Start or technical college official with a written statement (e.g., correspondence, memorandum, or, as applicable, FMLA documentation) from the medical practitioner who is to perform the transplant procedure or from a hospital administrator indicating that the employee is making an organ donation.

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

E. Bone Marrow Donation Leave

1. An employee who donates his/her bone marrow shall be placed on an authorized leave of absence with pay for a period of seven (7) calendar days. Pursuant to applicable provisions of O.C.G.A. §45-20-31, the employee's absence shall not be charged against or deducted from his/her accrued annual or sick leave balance and all such time shall be considered (compensable) service with respect to the computation of retirement benefits.

2. An employee shall not receive a leave of absence with pay for this purpose unless he/she first furnishes his/her immediate supervisor, Human Resources Director (or his/her designee), or other designated System Office/Quick Start or technical college official with a written statement (e.g., correspondence, memorandum or, as applicable, FMLA documentation) from the medical practitioner who is to perform the transplant procedure or from a hospital administrator indicating that the employee is making a bone marrow donation.

3. If the bone marrow donation does not occur, the provisions of Paragraph VI.E.1. shall not be initiated.

F. Disaster Volunteer Leave

1. An eligible employee who is a certified disaster service volunteer of the American Red Cross is eligible for an authorized leave of absence with pay to participate in specialized disaster relief activities based on the following conditions:

(a). there must be a disaster within Georgia or within a contiguous state which has a reciprocal statutory provision;

(b). there must be a formal disaster declaration issued by the President or the Governor;

(c). the American Red Cross must request the employee's services; and,

(d). the employee must submit a written request for disaster volunteer leave with supporting documentation to include his/her certification by the American Red Cross. NOTE: The request for leave must specify the number of work days the employee plans to be absent from work.

2. The request for leave may be approved or denied based on the operational requirements of the work unit or for any other job-related reason to include established behavior/conduct issues, attendance concerns (e.g., prior placement on an attendance plan), or unsatisfactory work performance.

3. If a request for disaster volunteer leave is approved, the employee is eligible for paid leave for up to fifteen (15) workdays as determined by his/her work unit.

4. While on paid leave, the employee will receive his/her regular rate of pay/salary for each scheduled work day he/she is absent from work. NOTE: no employee may be compensated more than the equivalent of eight (8) hours per day.

5. Disaster volunteer leave is limited to no more than fifteen (15) work days in a twelve (12) month period.

6. Employees who are not eligible for disaster volunteer leave but who wish to participate in disaster relief activities may request to use annual leave, personal leave, compensatory time or leave without pay.

G. Special Injury Leave

1. General Provisions

(a). pursuant to the provisions of O.C.G.A. §45-7-9, an eligible employee who becomes physically disabled as a result of a physical injury incurred in the line of duty and caused by a willful act of violence committed by a person other than a fellow employee shall be entitled to receive his/her regular compensation for the period of time he/she is physically unable to perform the duties of his/her position up to a maximum of 180 work days.

(b). special injury leave shall be subordinate to any workers' compensation benefits which the employee is awarded and shall be limited to the difference between the amount of worker's compensation benefits actually paid and the amount of the employee's regular compensation.

(c). special injury leave shall not be delivered for injuries resulting from a single incident beyond the 180 work day threshold referenced in Paragraph VI.G.1. NOTE: an employee who remains physically disabled after 180 work days may continue to receive workers' compensation benefits. In this instance, the employee should be transitioned from special injury leave (i.e., a leave of absence with pay) to a leave of absence without pay or, as applicable, sick or annual leave or compensatory time if the employee elects to suspend his/her worker's compensation salary benefits to receive his/her regular salary.

(d). while on special injury leave, the System Office or technical college Office of Human Resources should (as applicable) assist the employee with efforts to continue his/her health insurance and/or flexible benefits either through payroll deduction or through direct payments.

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

(a). special injury claims should be reported in the same manner as other workers' compensation claims following the provisions of TCSG Procedure 4.4.4p. and corresponding Georgia Department of Administrative Services' (DOAS) Risk Management Division guidelines.

(b). any request for special injury leave potentially meeting the provisions of Paragraph VI.G.1.(a). should be carefully reviewed with particular attention paid to the circumstances relating to the injury and associated medical documentation provided by the employee's treating health care provider(s).

(c). the employee should be notified in writing by the System Office or technical college Office of Human Resources as to whether he/she is eligible for special injury leave. If he/she is eligible for special injury leave, the notification should include the time frame the benefit will be delivered if this information is known.

(d). if supported by satisfactory evidence of physical disability, any absence during the first seven (7) days of the disability is covered by special injury leave and must not be charged to sick leave, annual leave, personal leave compensatory time or leave without pay. Any

leave charged in error should be restored and a salary adjustment made if the employee was inadvertently placed on leave without pay.

(e). during the first seven (7) days of physical disability, the employee is not eligible for workers' compensation benefits and should, instead, receive his/her regular compensation.

(f). if the period of disability extends beyond seven (7) days, the System Office or technical college Office of Human Resources must coordinate with DOAS Risk Management regarding the coordination of benefits. From the eight (8th) day forward an employee eligible for special injury leave benefits will receive one-third (1/3) of his/her regular salary in conjunction with Worker's Compensation salary benefits equaling two-thirds (2/3) of his/her regular salary. An appropriate transaction should be entered into PeopleSoft by the System Office or technical college reducing the employee's pay as noted in this paragraph.

(g). if the employee is physically disabled for twenty-one (21) consecutive calendar days, he/she then becomes eligible for worker's compensation salary benefits for the for the first seven (7) days of his/her physical disability. NOTE: if an employee has already received his/her regular salary for the first seven (7) days, an adjustment to the employee's next pay check should be initiated to recoup the overpayment.

C. Return to Work

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

VII. Records Retention

All employment related documents collected pursuant to this procedure shall be maintained in a manner consistent with the Georgia Archive's Retention Schedule for State Government Paper and Electronic Records. NOTE: all medical information obtained/collected in conjunction with an employee's return to work after a period of special injury leave/worker's compensation salary benefits shall be maintained in a file separate from the employee's official personnel file.

Procedure: 4.5.2p2. (III.U.6.a)
Leave Donation

Revised: September 15, 2015; July 15, 2015; January 13, 2005
Last Reviewed: September 15, 2015
Adopted: October 2, 2001

I. PURPOSE:
The State of Georgia's leave donation program has been established in applicable State Personnel Board Rules and permits eligible employees to assist other eligible employees who are or will be absent from work for an extended period of time due to a personal illness or disability or the illness/disability of a qualifying family member.

Within the Technical College System of Georgia, an eligible employee may request that other eligible employees working in the same business unit (i.e., the System Office or, as applicable, a technical college) to donate leave (i.e., annual, sick, or personal leave) for use by the recipient as sick leave.

II. RELATED AUTHORITY:
State Personnel Board Rule 17 – Leave Donation
State Board Policy 4.5.2. – Leave
TCSG Procedure 4.5.1p. – Family and Medical Leave Act

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

IV. DEFINITIONS:
Donor: an eligible employee who has elected to donate leave to another employee. Recipient: an eligible employee who has been authorized to solicit donations of leave from other employees.

V. ATTACHMENTS:
Attachment: 4.5.2p2.a1. – Request to Solicit Leave Donations Form
Attachment: 4.5.2p2.a2. – Solicitation for Leave Donations Notice Form
Attachment: 4.5.2p2.a3. – Leave Donation Authorization Form

VI. PROCEDURES:
General Provisions

1. Pursuant to the provision of this procedure, an employee desiring to participate in the leave donation program must formally request and be approved for donated leave before any solicitation can commence.
2. Eligibility for requesting donated leave alone does not ensure that that a request will be approved.

3. The donation of leave by eligible System Office or technical college employees is voluntary.
4. All donated leave (i.e., annual, sick or personal leave) shall be credited to a recipient as sick leave.
5. For purposes of this procedure, an employee is considered to be on an approved leave of absence without pay if the employee's absence has been designated as family leave without pay or, if ineligible for family leave, the employee has requested and been approved for a regular leave of absence without pay.
6. While in either employment status referenced in Paragraph VI.A.5., the recipient's current position or a position of equal grade, pay, benefits and comparable working conditions will be available for the employee upon his/her return to work at the conclusion of his/her family leave or regular leave of absence without pay.
7. An eligible employee may request that other eligible employees in the same business unit (i.e., the System Office or, as applicable, a technical college) donate leave (i.e., annual, sick, or personal leave) for use by the recipient as sick leave. For purposes of this procedure the System Office includes employees working in the Quick Start Headquarters and all Quick Start Regional Offices and training centers.
8. Donated leave cannot be requested or used by employees who are on a contingent leave of absence without pay.
9. Donated leave can be used by a recipient only for absences that qualify as sick leave and for the specific sick leave purpose for which donations were solicited.
10. The identity of donors is confidential and will not be provided by individual(s) administering this program in the System Office or a technical college to the recipient or to any other employee unless necessary to administer the donation or as required by law.
11. No more than 520 hours of donated leave may initially be received and credited as sick leave to any recipient. Although multiple donations are permitted for the same recipient, no recipient will be credited with more than 1,040 hours of donated leave in any consecutive two (2) calendar year period
12. After a recipient has returned to work, no more than forty (40) hours of previously donated leave may be retained for the recipient's use.

B. **Eligible Recipient**

All criteria referenced below must be met for an employee to be eligible to solicit and use leave donation.

1. An employee must be employed in a position entitled to earn and use leave.
2. An employee must have been continuously employed by a State of Georgia agency in position(s) entitled to earn and use leave for at least twelve calendar (12) months immediately preceding a request to solicit leave donations.
3. An employee must be in pay status or on an approved leave of absence without pay (i.e., a regular leave of absence without pay) to solicit leave donations. NOTE: An employee in a non-pay status but who has not requested or been designated for placement on family leave or, who has

not requested and been approved for placement on a regular leave of absence without pay is not eligible to solicit or use leave donations.

4. To use donated leave, an employee must first have exhausted all accrued annual and sick leave, all available personal leave, as well as all available forfeited leave and, as applicable, FLSA Compensatory Time.
5. To use donated leave, an employee must first have been on approved leave without pay for eighty (80) consecutive hours; however, the use of any leave accrued after placement in a leave without pay status has commenced may be deferred until the previously referenced eighty (80) hour requirement has been satisfied.
6. An employee can only use donated leave while absent for the specific sick leave purpose for which the donations were solicited (i.e., due to a personal illness/disability or for the necessary care due to the illness/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.
7. An employee is not eligible to solicit or use leave donations if on a contingent leave of absence without pay.
8. An employee is not eligible to solicit or use leave donations if the employee was on an attendance plan or under disciplinary or other corrective action for leave abuse or misuse in the twelve (12) month period preceding the request.
9. An employee is not eligible to solicit or use leave donations for an absence due to a job-related injury or illness for which Worker's Compensation benefits may be received or a disability incurred while committing a felony or assault.
10. An employee cannot solicit leave donations after returning to work to retroactively cover a period of absence. Due to the nature of intermittent leave, leave donations are also not appropriate to cover intermittent absences form work.
11. A recipient may initiate a request for donated leave no earlier than forty calendar (40) days prior to transitioning into a leave without pay status.

C. **Eligible Donor**

All criteria referenced below must be met for an employee to be eligible to donate leave pursuant to the provisions of this procedure.

1. A donor must work in the same TCSG business unit (i.e., the System Office or a technical college) as the recipient.
2. A donor must have worked continuously for a State of Georgia agency for a period of twelve (12) calendar months in a position entitled to earn and use leave.
3. If donating annual leave, a donor must have a leave balance of at least sixty (60) hours after a donation has been transacted.
4. If donating sick leave, a donor must have a leave balance of at least sixty (60) hours after a donation has been transacted.

D. **Request**

1. As provided in Paragraph VI.B.11., an employee may request to solicit leave donations no more than forty (40) calendar days prior to moving into an authorized leave without pay status.

2. A completed Request to Solicit Leave Donations Form (Attachment: 4.5.2p2.a1.) must be submitted to the donor's immediate supervisor by the employee or the employee's designee if the employee is unable to personally submit the request. The request must describe the reason the request was initiated and include a medical statement from the employee's attending health care professional supporting the need for the leave of absence.
3. All medical information associated with a request for donated leave shall be considered confidential and may only be shared with other System Office or technical college officials on a need-to-know basis. The request and accompanying medical statement and/or medical information shall not be maintained in the employee's official personal file. Instead, the materials shall be maintained in a separate file with other medical information/documents.
4. The employee's immediate supervisor shall forward a submitted Request to Solicit Leave Donations form to his/her reviewing manager or other designated System Office or technical college official authorized by the Commissioner or technical college president to make a determination as to whether the request should be approved or denied.

E. **Determination**

1. In consultation with the System Office or technical college Director of Human Resources (or his/her designee), requests to solicit leave donations shall be approved or denied at the discretion of the designated System Office or technical college official pursuant to the provisions of this procedure.
2. When reviewing the request, the reviewing official should consider the following information:
   a. the reason for the absence;
   b. the employee's years of service in the applicable TCSG work unit;
   c. the employee's documented performance, as applicable, disciplinary history, and attendance records; and,
   d. the needs of the System Office or technical college.
3. If the request to solicit leave is approved, the authorized Request to Solicit Leave Donations Form and supporting documentation should be forwarded to the System Office or technical college Office of Human Resources within the pay period during which the request was approved. Staff in the System Office or technical college Office of Human Resources will assist the employee in developing a Solicitation for Leave Donations Notice (Attachment 4.5.2p2.a2.).
4. If the request to solicit leave is not approved, the reviewing System Office or technical college official, with assistance from the System Office or technical college director of human resources, will notify the employee of the decision in writing. The correspondence/memorandum will include the reason(s) the request was not approved.

F. **Solicitation Notice**

1. The Solicitation for Leave Donations Notice (Attachment 4.5.2p2.a2.) must include the following information:
   a. the posting date;
   b. the deadline to receive leave donations;

c. the employee's (recipient's) name, work location, and position title;
d. the reason leave donations are requested; and,
e. the name of the staff member in the System Office or technical college Office of Human Resources responsible for receiving completed Leave Donation Authorization Forms.

2. The employee or employee's designee must agree, in writing, that the solicitation notice is satisfactory prior to the notice's circulation.
3. The System Office or technical college director or human resources or his/her designee will circulate the solicitation notice for a minimum of ten (10) business days in an effort to encourage donations.
4. If an employee does not receive the maximum amount of donated leave, he/she may request that the solicitation notice be circulated one additional time (for a minimum of ten [10] business days) 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 can only be donated to another eligible employee in response to a specific solicitation.
2. Annual, sick, or personal leave donations must be made in whole, eight (8)-hour increments.
3. A donor can donate any amount of personal leave in conjunction with the requirement of Paragraph VI.G.2.
4. A donor can donate any amount of annual leave, provided that he/she has an annual leave balance of at least sixty (60) hours after the donation has been accomplished.
5. A donor can donate up to one hundred twenty (120) hours of sick leave in a calendar year provided he/she has a sick leave balance of at least sixty (60) hours after the donation has been accomplished.
6. A donation cannot be made from a forfeited leave balance.
7. No exceptions may be made to the established leave donations limits for an employee who is leaving State of Georgia employment and who wishes to donate more sick leave than permitted in Paragraph VI.G.5. or whose available sick leave balance after the donation falls below the sixty (60) hour threshold.
8. A donor must complete a Leave Donation Authorization Form (Attachment 4.5.2p2.a3.) to:
   a. authorize the deduction of leave from his/her accrued leave balance(s);
   b. identify the recipient; and,
   c. specify the type and amount of leave to be donated.
9. The completed Leave Donation Authorization Form must be submitted to the System Office or technical college office of human resources for processing to:
   a. certify the donor's initial leave balance(s) before donations are made;
   b. to make appropriately adjustments to the donor's leave balance(s) after deductions are made;
   c. to ensure that the donated leave is added to the recipient's sick leave balance; and,

d. to report to the amount of leave to be deducted from the donor's leave balance's in PeopleSoft.

10. It is permissible to fax the completed Form to the Office of Human Resources to ensure receipt before the established deadline date. The donor must, however, ensure that the original document is submitted to the Office of Human Resources as quickly as possible after the fax is submitted.
11. Staff in the System Office or technical college's Office of Human Resources will time stamp and date each Leave Donation Authorization Form upon receipt to determine the order of donations received.

H. **Crediting Donated Leave**

1. All 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.
2. Donations received after the maximum has been reached or after the posted deadline date will not be accepted or processed. In these instances, the completed Forms will be returned to each donor.
3. 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.
4. The recipient will be advised in writing by a representative of the System Office or technical college Office of Human Resources of the amount of leave donated.
5. Each individual leave donation will be credited in its entirety. 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.
6. An exception occurs when a leave donation from one donor would result in over 520 hours being received. In this instance, the recipient's sick leave balance is credited up to the maximum and the excess amount of leave is returned to the donor.
7. 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.

J. Multiple Donations

1. Multiple donations will be permitted for the same recipient; however, no recipient can be credited with more than 1,040 hours of donated leave in any consecutive two (2) calendar year period.
2. Multiple donations can be solicited for the same absence if the recipient receives and uses the maximum 520 hours of donated leave and continues to be absent from work.
3. In conjunction with the provisions of Paragraph VI.I.2., the recipient must submit a new Request to Solicit Donated Leave (4.5.2p2.a1.); a new Solicitation for leave Donations Notice (Attachment 4.5.2p2.a2.) must be posted/circulated; and, 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.
4. In the event that a multiple leave donation requests are initiated for the same recipient based on different criteria (e.g., one request based on an employee's personal illness and a second request based on the

employee's need to care for his/her child with an illness), 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.

K. Placement on Family Leave

1. In conjunction with staff in the System Office or technical college Office of Human Resources, an employee's supervisor must determine if an employee requesting/using donated leave is absent for a reason that qualifies as family leave.
2. In these instances, the employee must be placed on family leave provided all or a portion of the twelve (12) week family leave entitlement is available for the employee's use.
3. An employee may be placed on family leave without a request (from the employee) or the employee's concurrence.

L. Return to Work

1. If an employee was receiving donated leave due to a personal illness or disability, the employee is required to submit a return-to-work statement or, as applicable, a fitness for duty certificate from his/her attending health care provider prior to returning to work. This requirement also pertains to an employee returning to work directly from family leave.
2. In these instances, the health care provider must certify that the employee can perform the essential functions of his/her position with or without a reasonable accommodation.

M. 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, the use of donated leave. Such prohibited actions will include, but not be limited to, promising to confer or conferring a benefit such as appointment, promotion or salary increase, or making a threat to engage in, or engaging in an act of retaliation against an employee.
2. Donors are prohibited from accepting compensation or gifts from recipients in exchange for leave donations.
3. Any employee who violates these provisions will be subject to disciplinary action up to and including dismissal from employment.

VII. RECORD RETENTION:

All employment-related documents created or collected pursuant to this procedure shall be maintained in a manner consistent with the Georgia Archive's Retention Schedule for State Government Paper and Electronic Records. NOTE: all medical information obtained/collected in conjunction with a donated leave request shall be maintained in a file separate from the employee's official personnel file with limited access.

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Attachment: 4.5.2p2.a1.

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Request to Solicit Leave Donations

Employee Name:____ Employee ID:_______________

Work Location:___________________________________ Phone Number:____________________

Position Title:____

I request to solicit and receive donated leave from other System Office or, as applicable, technical college employees for my use as sick leave due to the following:

€ Personal illness or disability

€ Care of my:
€ Child € Spouse € Parent € Brother/Sister € Other legal dependent

I understand that to solicit leave donations, my attending health care provider MUST provide a medical statement supporting the need for my absence. As evidenced by my signature below, I authorize the release of information from the attending health care provider concerning (1) my medical care and/or treatment, or (2) the medical care and/or treatment of my family member or dependent to my employer.

____ Date_____________________________________
Signature of Requesting Employee or Designee

Employee's Supervisor:____________________________ Date Request Received:____________________

____
Signature of Commissioner/President or Designated System Office or Technical College Official

____
Date

€ Request Approved € Request Denied (reason for denial required)

Note: A medical statement supporting the need for absence must be submitted with this request.

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Attachment: 4.5.2p2.a2.

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Solicitation for Leave Donations Notice

Name of Employee (Recipient):_____

Work Location: _____ Position Title: _____

Posting Date: _____ Deadline for Receiving Donations: _____

The TCSG employee listed above has been authorized to solicit accrued leave for the following reason:

€ The employee's personal illness or disability or

€ To care for the employee's:
€ Child € Spouse € Parent € Brother/Sister € Other legal dependent

The donation of accrued leave is voluntary. All leave donated by System Office or, as applicable, technical college employees to the above referenced employee will be credited as sick leave and may only be utilized (by the employee) for the purpose stated above.

To donate accrued leave to this employee, please complete and submit the TCSG Leave Donation Authorization Form to your leave keeper at least one (1) week prior to the posted deadline date.

Any questions regarding the leave donation process or to obtain necessary forms, please contact _____ in the System Office or, as applicable, technical college Office of Human Resources.

All completed Leave Donation Authorization Forms should be submitted to _____ in the (System Office/technical college) Office of Human Resources no later than the deadline date referenced above.

NOTE: this notice will be posed for a period of ____ days beginning on _____ and ending on _____.

I agree that this Solicitation for Leave Donations Notice is satisfactory and should be posted/circulated as written.

_____ _____
Signature of Requesting Employee or Designee Date

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Attachment: 4.5.2p2.a3. Leave Donation Authorization Form

Technical College System of Georgia

LEAVE DONATION AUTHORIZATION FORM

SECTION I: ***To be completed by the donor***		
Pursuant to the Leave Donation Procedure, I will donate: *(must be in 8 hour increments)*		
	☐ hours of my annual leave *(requires balance of 60 hours after donation)*	
	☐ hours of my personal leave	
	☐ hours of my sick leave *(requires balance of 60 hours after donation)*	
To be used by: (list name below)		
Name of Employee (Recipient)		**Work Location**
I understand that the above amount(s) of donated leave will be deducted from my accrued annual, and/or personal, and/or sick leave balance(s) and will not be available for my use.		
Printed Name of Donor	**Work Phone #**	**Employee ID #**
System Office/Technical College Work Unit		
Signature of Donor		**Date**
This donation will not be processed without a signature		

SECTION II: ***To be completed by the donor's Personnel Leave Keeper***		
Date & Time Received by Leave Keeper	**Leave Balance(s) AFTER Donation**	
		ANNUAL
		PERSONAL
		SICK
Signature of Leave Keeper		**Date**

SECTION III: ***To be completed by the recipient's Human Resource Office, or other designated individual.***		
	Amount of Leave Donated	**Date & Time received by Human ResourcesOffice, or designated individual**
	Amount of Leave Returned	

Procedure: 4.5.2p3. (III.U.6.b.)
Court Leave

Revised: September 15, 2015
Last Reviewed: September 15, 2015
Adopted: September 15, 2015 (Removed from Miscellaneous Leave)

I. PURPOSE:

Any TCSG employee ordered to attend a judicial proceeding in response to a subpoena, summons for jury duty, or other court ordered or court mandated process during scheduled work hours shall be permitted to attend the proceeding.

Pursuant to the provisions of O.C.G.A. §34-1-3, an employee may not be discharged, disciplined or otherwise penalized because of an absence (from work) to attend a judicial proceeding. Further, an employee may not be threatened with any action declared to be unlawful by the provisions of O.C.G.A. §34-1-3. NOTE: NOTE: The prohibitions of this statute and corresponding provisions of State Personnel Board Rule 16 do not pertain to an employee charged with a crime.

II. APPLICABILITY:

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

III. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. §34-1-3
State Personnel Board Rule 16 – Absence from Work
TCSG Procedure: 4.1.4p. - Categories of Employment

IV. DEFINITIONS:

Court Order: is an official proclamation issued and signed by a judge (or, as applicable, a panel of judges) that defines the legal relationship between parties to a hearing, a trial, an appeal or other court proceeding.

Court/Judicial Proceeding a lawsuit or all or some part of a cause (of action) heard and determined by a court to include any legal action taken at the direction of or by the authority of a court.

Eligible Employee: an individual appointed to a full- or part-time salaried position and eligible for State of Georgia-sponsored benefits as outlined in the TCSG Procedure governing Categories of Employment.

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

Jury Summons: a process issued by a court commanding the appearance of an individual to attend and be available for jury duty at a specified place, time, and date. The appearance is mandatory unless a potential juror is excused from appearing.

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.

Subpoena: a court-ordered demand that an individual appear in court or other legal proceeding.

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

V. ATTACHMENTS: N/A

VI. PROCEDURES:

A. General Provisions

1. Absent the specific exceptions outlined in Paragraphs VI.C.2. and VI.C.3., a full- or part-time salaried employee shall be granted paid court leave for an absence from work on day(s) that he/she is subpoenaed, summoned for jury duty or otherwise ordered to attend a judicial proceeding.

2. It is permissible for paid court leave to be delivered for an out-of-state legal proceeding.

3. Hourly-paid employees and adjunct faculty are not eligible to receive paid court leave for jury duty service or in response to a subpoena or an order to attend a judicial proceeding (e.g., as a witness in a trial/hearing).

4. Given the restrictions outlined in Paragraph VI.C.4., an eligible employee who is not eligible for paid court leave may request annual leave, personal leave, as applicable, compensatory time or leave without pay to attend a judicial proceeding.

5. An eligible employee who is summoned to appear in court or serve on jury duty on a State holiday or on a scheduled day off are not entitled to additional time off.

6. An eligible employee who is a victim of a crime and summoned/subpoenaed to a judicial proceeding shall be granted paid court leave.

B. Jury Duty

1. An eligible employee will be placed on paid court leave and receive his/her normal compensation for scheduled work day(s) his/her presence is required by the court in conjunction with jury duty service. A non-exempt employee will receive his/her salary for the number of

hours he/she would otherwise have worked up to a maximum of eight (8) hours for each day of service. An exempt employee will receive his/her normal salary for all time spent in this activity.

2. An eligible employee will also be compensated for any additional hour(s) that are reasonably necessary to prepare for and/or return from jury duty as determined by his/her immediate supervisor or other TCSG work unit official.

3. Upon receipt of a jury duty summons, an employee must notify his/her immediate supervisor and human resources director of the projected dates of his/her service via e-mail. An employee eligible for paid court leave must also submit a leave request form and attach a copy of the summons.

4. An employee is required to update his/her immediate supervisor and/or as applicable, his/her reviewing manager or other work unit official of his/her jury duty status. An employee is expected to report for work whenever his/her jury duty schedule permits; he/she is released from jury duty; or, when he/she is not required to report for jury duty on a day or days of potential service.

5. Upon completion of jury duty, the TCSG work unit may request the employee to provide documentation from the court verifying dates of attendance/service.

6. An employee who serves on jury duty may retain the nominal daily fee paid by the court for service to offset his/her incidental expenses associated with such service (e.g., gas, food, etc.).

C. Court Attendance/Service as a Witness

1. An eligible employee subpoenaed/summoned to appear in court as a witness or otherwise required to attend a judicial proceeding shall be placed on paid court leave and receive their full salary (for such service) in the same manner as provided in Paragraph VI.B.1. Absent the exception noted in Paragraph VI.C.2., the employee may receive and retain a witness fee and an accompanying mileage reimbursement provided in response to a subpoena.

2. An eligible employee required to appear in court as a witness in a judicial proceeding on behalf of the Technical College System of Georgia is considered to be at work and all time spent in court is considered “hours worked”. The employee is also eligible for a travel reimbursement for associated expenses incurred consistent with State of Georgia travel regulations. For this reason, the employee is not eligible to retain a witness fee and an associated mileage reimbursement provided in response to a subpoena. Any payment made to the employee for a witness fee/mileage reimbursement must be submitted to the System office or technical college.

3. An hourly-paid employee or adjunct faculty member is considered to be “at work” when representing the Technical College System of Georgia in a judicial proceeding in response to a subpoena or a court- or agency-ordered appearance. An hourly-paid employee shall be compensated at his/her regular rate of pay for the additional hours worked up to forty (40) in a given work week. If an employee’s total hours worked exceeds forty (40) hours, he/she shall receive overtime pay for the additional hours worked calculated at time and a half his/her regular rate. If an adjunct faculty member is unable to hold his/her class(es) on the day(s) his/her presence in court is required, his/her compensation shall not be reduced for having not held class(es).

4. An eligible employee will not receive paid leave to appear in court as a witness or when required to attend a judicial proceeding when he/she:

a. is charged with a crime;

b. is a plaintiff or defendant;

c. voluntarily appears as a witness absent a subpoena;

d. is a witness in a case arising from or related to his/her outside employment or outside business activity;

e. is testifying for a fee as an expert witness; or,

f. has a personal or familial interest in the proceeding.

5. As provided in Paragraph VI.A.5., an eligible employee who is not eligible for paid court leave may request annual leave, personal leave, as applicable, FLSA Compensatory Time or leave without pay to attend a judicial proceeding.

6. After receiving written notice of his/her required appearance in a judicial proceeding (e.g., through a subpoena, summons, or other court order or process), an employee must provide his/her immediate supervisor and Human Resources Director (or designee) with a copy of the written notice. Additionally, the employee must complete a leave request form stating the reason of the requested leave. NOTE: a copy of the documentation should be attached to the leave request form.

7. Employees are required to updated their immediate supervisor and/or as applicable, their reviewing manager or other work unit official of the status of their required service as a witness, etc. Employees are required to report for work when released from their court-ordered appearance to include service as a witness.

8. An employee who is required to appear in an administrative hearing representing the Technical College System of Georgia (e.g., before the Commission on Equal Opportunity, Georgia Department of Labor, the Georgia Board of Workers' Compensation, etc.) is considered to be at work and shall not be placed on Court Leave or on a leave of absence without pay for time spent in this activity or travel to and from the proceeding.

9. Upon completion of the required court attendance/service as a witness, the TCSG work unit may require an employee to obtain documentation from the court verifying date(s) of attendance/service.

VII. RECORD RETENTION:

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

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

[Previously titled Accrued Leave]

Revised	January 12, 2016; August 29, 2002
Reviewed	January 12, 2016
Adopted	

I. PURPOSE:

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

II. RELATED AUTHORITY:

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

III. APPLICABILITY:

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

IV. DEFINITIONS:

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

EEOC: the Equal Employment Opportunity Commission

Eligible Employee: An individual appointed to a full- or part-time salaried position in a TCSG work unit and who is eligible for State of Georgia-sponsored benefits as provided in the TCSG procedure governing Categories of Employment. Within the parameters of this procedure, an individual appointed to a full-time position has a work commitment of thirty (30) or more hours per week. An individual appointed to a part-time position has a work commitment of at least twenty (20) but no more than twenty-nine (29) hours each week.

Immediate Family: an employee's spouse, child, parent, brother and sister, as well as any other person who resides in the employee's household and is recognized by law as a dependent of the employee.

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

Medical Examination: pursuant to EEOC guidelines, a procedure or test that seeks information about an individual's physical or mental impairments or health.

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

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

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

V. ATTACHMENTS:
Attachment 4.5.2p4.a1. Selection of Payment Option – Work-Related Injury or Illness

VI. PROCEDURE:

A. General Provisions

1. An employee serving in a salaried position in a TCSG work unit with a work commitment of twenty (20) or more hours each week is eligible to accrue annual and sick leave as provided in this procedure.

2. Individuals who are not eligible to accrue leave include: temporary, hourly-paid employees; adjunct faculty members; part-time salaried employees with a work commitment of less than twenty (20) hours per week; and, employees receiving service retirement, disability retirement, or involuntary separation benefits.

3. An eligible employee who has accumulated more than 120 hours of sick leave as of November 30 of any calendar year is eligible to convert up to twenty-four (24) hours of sick leave to personal leave as provided in Paragraph VI.D. *NOTE: after the conversion an employee's sick leave balance must remain at or above 120 hours.*

4. A full- or partial day absence from work will be charged to available annual, sick, or personal leave only on the day(s) in which an eligible employee would otherwise work and receive pay.

5. In the event a TCSG work unit opens late, has an early release, or is closed for an entire work day due to such factors as inclement weather or other emergency situation, an employee on an existing period of approved leave or who was absent from work and whose request for leave had been previously approved in writing (e.g., a leave request form or by e-mail) or verbally (e.g., a telephone conversation) shall not have the authorized amount of leave reduced for such an occurrence.

6. An employee who is away from his/her regular worksite on official business is in work status and shall not be charged leave for time away from the worksite.

7. Leave cannot be used before it's accrued or converted.

8. Annual, sick, and personal leave may be requested in increments no smaller than a quarter-hour/fifteen (15 minutes) minutes.

9. When a break-in-service occurs (e.g., a resignation, dismissal, etc.), an employee shall be paid for all accrued but unused annual leave as provided in Paragraph VI.B.4. Absent the possible exception of a service retirement, all accrued but unused sick leave as well as all

forfeited leave is lost unless the employee returns to State service at a later date in a position eligible to earn leave.

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

B. Annual Leave

1. Accrual of Annual Leave

a. an eligible full-time employee shall accrue annual leave at the end of each established pay period provided he/she is in pay status for the required number of hours as follows:

1. an employee who is paid semi-monthly must be in pay status for at least forty (40) hours during the pay period; and,
2. an employee who is paid monthly must be in pay status for at least eighty (80) hours during the pay period.

b. based upon the length of continuous service, full-time employees paid on a semi-monthly basis are eligible to accrue annual leave at the following rates: 5 hours of leave each pay period through 60 months of service; 6 hour of leave each pay period after 60 months of service through 120 months of service; and, 7 hours of leave for each pay period after 120 months of service.

c. based on the length of continuous service, full-time employees paid on a monthly basis are eligible to accrue annual leave at the following rates: 10 hours of leave each pay period through 60 months of service; 12 hours of leave after 60 months of service through 120 months of service; and, 14 hours of leave for each pay period after 120 months of service.

d. an eligible employee begins accruing leave at the higher rate on the first day of the pay period following completion of the required months of continuous service.

e. the length of continuous service begins on the first day an employee reports to work in a position eligible to earn leave. Accrual is based on continuous, unbroken service. If there is a break-in-service, the length of continuous service starts over on the date of rehire. Following a break-in-service, an employee who is rehired begins to accrue annual leave at the lowest semi-monthly or monthly accrual rate.

f. when the first day of the pay period is a regularly scheduled non-work day and an employee reports to work on the first scheduled work day of the pay period, the length of continuous service is calculated from the first day of the pay period.

g. the minimum period an eligible part-time employee must be in pay status to accrue prorated annual leave is a percentage of time/hours worked calculated by dividing the scheduled work hours per work week by forty (40).

h. an eligible part-time employee who works twenty (20) or more hours per week shall accrue annual leave at the end of each established pay period as follows: the amount of leave is calculated by dividing the scheduled work hours per week by forty (40); and, the resulting number is then multiplied by the employee's accrual rate based upon his/her years of continuous service. For example, a ¾ time, thirty (30) hour per week employee paid monthly with three (3) three years of continuous service shall accrue

7.5 hours of annual leave: 30 hours per week divided by 40 = .75 which is multiplied by ten (10) hours which equals 7.5 hours.

i. the minimum period an eligible part-time employee must be in pay period to accrue prorated annual leave is the percentage of time/hours worked in the pay period calculated by dividing the scheduled work hours per work week by forty (40). A ¾ time, thirty (30) hour per week employee paid semi-monthly must remain in pay status for 30 hours during the pay period and if paid monthly, the employee must remain in pay status for 60 hours during the pay period (i.e., .75% of the minimum requirements referenced in Paragraph VI.B.1.a.).

j. an employee eligible to accrue leave who is not in pay status for the minimum amount of hours referenced in Paragraph VI.B.1.a. or VI.B.1.i. shall not accrue annual leave for that pay period.

k. accrued annual leave will be available for use at the beginning of the pay period after it's earned.

l. an eligible employee can accrue up to a maximum of 360 hours of annual leave. Any annual leave accrued in excess of 360 hours is forfeited at the close of business on the last day of the month. Forfeited leave can be restored in instances of illness or disability as provided in Paragraph VI.F.

2. Use of Annual Leave

a. an employee may use annual leave for any purpose and he/she is not required to provide a reason for requesting leave absent one of the following circumstances:

1. the leave is for an unscheduled/emergency absence;
2. the work unit is short-staffed or the employee has a major assignment pending; or,
3. the employee is working under the restrictions of an attendance plan.

b. an employee should plan time off in advance and notify his/her supervisor of the need for leave when these plans are finalized to minimize the interruption of work during a projected absence.

c. an employee must receive prior approval from his/her immediate supervisor or other designated work unit official before using annual leave except in instances of a bona fide emergency.

d. an employee's supervisor should, when appropriate, approve a request for annual leave; however, as provided in Paragraph VI.A.2.a., the supervisor should consider the impact of the employee's absence on work unit's business needs as well as the timeliness of the request when making a determination to approve or deny an annual leave request.

e. a non-exempt employee with an existing FLSA Compensatory Time balance must use these hours before using accrued annual leave.

f. a technical college may prohibit or significantly limit the ability of faculty members to use annual leave during an academic term.

g. absent an emergency, an employee who is absent from work without providing sufficient advance notice or without the approval of his/her supervisor; who calls in at the start of the business day and leaves a voice mail message; who leaves a message

with another employee; or, who sends an e-mail to his/her supervisor indicating that he/she is taking leave may have the leave request denied, may be placed in a non-pay status for the day(s) in question, and may be subject to disciplinary action as provided in the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

3. Lump Sum Payment for Annual Leave

An employee who has been granted a leave of absence without pay for a period of thirty (30) or more calendar days may, upon written request, receive a lump sum payment for all accrued, but unused, annual leave up to 360 hours minus regular deductions. Any such payment will be calculated in the same manner as terminal leave. NOTE: an employee initiating a request under this Paragraph must be paid for his/her entire annual leave balance. Partial annual leave payouts are not permitted.

4. Terminal Leave

a. when an employee has a break-in-service for any reason, he/she will receive a lump sum payment for all accrued but unused annual leave, up to a maximum of 360 hours minus regular deductions. *NOTE: the employee has the option of making a deduction from his/her terminal leave pay into the Peach State Reserves (PSR) 457 Plan and (with the exceptions noted below) defer paying taxes on this lump sum. The amount to be deducted is subject to annual plan contribution limits, including monies that have already been contributed, if any, during the calendar year. Additionally, Social Security and Medicare taxes must be paid on the full value of the leave balance. To be eligible to make a payment to the 457 Plan, an employee must be previously enrolled in the PSR 457 Plan or he/she may enroll with a 0% contribution rate prior to separating from State service.*

b. when an employee's separation date has been formally established (e.g., a resignation has been accepted), the pay status of the employee may not be extended to permit the employee to be paid for a state holiday or an unanticipated non-work day occurring after his/her last day in pay status.

c. when an employee has notified his/her supervisor or other work unit official of his/her decision to leave employment, he/she cannot be continued in pay status for the purpose of increasing the rate of leave accrual or the rate at which accrued leave will be delivered in the form of terminal leave or a deferral to his/her 457 Plan.

d. terminal leave shall be delivered by multiplying the number of accrued, but unused, hours of annual leave by the employee's regular hourly rate (of pay). The regular rate is calculated by dividing the annual salary last received by the employee by 2,080 hours.

e. forfeited annual leave is not considered when calculating terminal leave pay; instead, forfeited annual leave may only be restored/used for those purposes established in Paragraph VI.F.

C. Sick Leave

5. Accrual of Sick Leave

a. an eligible full-time employee begins earning sick leave on his/her hire date and shall accrue leave at the end of each established pay period provided he/she is in pay status for the required number of hours as follows:

1. an employee who is paid semi-monthly must be in pay status for at least forty (40) hours during the pay period; and,
2. an employee who is paid monthly must be in pay status for at least eighty (80) hours during the pay period.

b. full-time employees paid on a semi- monthly basis are eligible to accrue five (5) hours of sick leave at the end of each pay period.

c. full-time employees paid on a monthly basis are eligible to accrue ten (10) hours of sick leave at the end of each pay period.

d. unlike annual leave, the sick leave accrual rate of does not increase based on years of continuous service.

e. the minimum period an eligible part-time employee must be in pay status to accrue pro-rated sick leave is a percentage of time/hours worked calculated by dividing the scheduled work hours per week by forty (40).

f. an eligible part-time employee who works twenty (20) or more hours per week shall accrue sick leave at the end of each established pay period. The rate of accrual is prorated by the percentage of time worked. For example, a thirty (30) hour per week employee paid monthly shall accrue 7.5 hours of sick leave: 30 hours per week divided by 40 = .75 which is multiplied by ten (10) hours which equals 7.5 hours.

g. the minimum period an eligible part-time employee must be in pay status to accrue prorated sick leave is the percentage of time/hours worked in the pay period calculated by dividing the scheduled work hours per week by forty (40). A ¾ time, thirty (30) hour per week employee paid semi-monthly must remain in pay status for 30 hours during the pay period and if paid monthly, the employee must remain in pay status for 60 hours during the pay period (i.e., 75% of the minimum requirements referenced in Paragraph VI.C.1.a.).

h. an employee eligible to accrue leave but who is not in pay status for the minimum amount of hours referenced in Paragraph VI.C.1.a or Vi.C.1.f. shall not accrue sick leave for that pay period.

i. accrued sick leave will be available for use at the beginning of the pay period after it's earned.

j. an eligible employee can earn up to a maximum of 720 hours of sick leave. Any sick leave accrued in excess of 720 hours is forfeited at the close of business of the business on the last day of the month. Forfeited leave can be restored in instances of illness or disability as provided in Paragraph Vi.F.

2. Use of Sick Leave

a. an employee should contact his/her immediate supervisor or other designed work unit official as soon as possible when sick leave is needed. It is permissible for another individual initiate this contact when an employee is incapacitated or otherwise unable

due to illness or injury. *NOTE: a TCSG work unit may, based on established organizational and business needs, establish additional protocols/practices an employee must follow to request sick leave.*

b. after receiving approval from the immediate supervisor or other designated work unit official to be absent from work, an employee may use sick leave for absences due to:

1. personal illness or disability;
2. exposure to a contagious disease when being present at work would potentially endanger the health of others;
3. dental or medical care;
4. dental or medical care, illness, accident or death in the employee's immediate family which requires his/her presence.
5. during the adoption process when the employee's presence is required due to a child's health-related issues; and,
6. a death in the employee's immediate family. NOTE: sick leave used for this purpose is limited to a period not to exceed five (5) days unless the employee is under the care of a health care provider due to a serious health condition.

c. sick leave for medical or dental care should be limited to the time necessary for the appointment(s) and related travel.

d. absent an emergency situation and/or in instances in which an employee is incapacitated due to injury or illness, an employee who is absent from work without providing sufficient notice or without the approval of his/her supervisor; who calls in at the start of the business day and leaves a voice mail message; who leaves a message with another employee; or, who sends an e-mail to his/her supervisor indicating that he/she is taking leave may have the leave request denied, may be placed in a non-pay status for the day(s) in question, and may be subject to disciplinary action as provided in the TCSG Procedure governing Positive Discipline or the TCSG Procedure governing Adverse Employment Actions.

e. an employee who is injured/ill for three (3) or more scheduled work days during a period of annual leave may substitute sick leave for the annual leave during the period of injury/illness provided:

1. the employee submits a request to his/her supervisor to substitute sick leave for annual leave within two (2) weeks after returning to work; and,
2. a statement/documentation from the employee's treating health care provider that supports the (employee's) use of sick leave during this time period.

f. an employee may request to use annual leave, personal leave, or compensatory time in lieu of sick leave. NOTE: a non-exempt employee is not required to use FLSA compensatory time prior to using his/her accrued sick leave.

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

3. Documentation to Support Use of Sick Leave

a. an employee may be required to report each day by telephone to his/her supervisor or other designated work unit official and/or submit documentation to support the use of sick leave for an absence from work to include:

1. a completed Certification of Health Care Provider Form for an Employee's or Family Member's Serious Health Condition when the reason for the absence is considered qualifying under the provisions of the Family and Medical Leave Act; or,
2. medical documentation submitted by a health care provider to support an employee's absence from work which may not be considered FMLA qualifying or an absence following placement of an employee on an attendance plan or an absence following a determination that an employee has engaged in excessive or abusive use of leave or a pattern of sick leave use.

b. all submitted medical documentation referenced in Paragraph VI.C.3.a.1 and VI.C.3.a.2. must be signed by the treating health care provider. For example, a stamped physician's signature on a required FMLA form or a medical statement is not acceptable. Similarly, a required form or a medical statement signed by a nurse or signed by a nurse or any other office staff member on behalf of a physician is not acceptable.
NOTE: an employee will not generally be required to provide documentation for the use of fewer than seventeen (17) hours of sick leave in a thirty (30) calendar day period unless he/she has demonstrated excessive or abusive use of sick leave to include placement on an attendance plan.

c. excessive or abusive use of sick leave is considered a pattern of intermittent, short-term sick leave usage. Potential examples include, but are not limited to:
1. frequent use of sick leave in conjunction with holidays or scheduled days off (e.g., Mondays or Fridays);
2. frequent use of sick leave when scheduled for an undesirable work assignment, during a peak work load period, etc.;
3. initiating a request for sick leave for an absence for which annual leave has previously been denied;
4. frequent occurrences of illness during the workday;
5. peculiar and increasingly improbably excuses;
6. repetitive use of fewer than seventeen (17) hours of sick leave in a thirty (30) day period; or,
7. an absence after receiving prior written notification of failure to adhere to procedures for approval of leave, inappropriate attendance or, prior placement on an attendance plan.

d. an employee's submission of medical documentation or a medical statement from his/her attending health care provider does not ensure that his/her use of sick leave will be approved if there are questions regarding the appropriateness of the referenced information.

4. Disapproving Sick Leave

a. sick leave may be denied and an employee placed in a non-pay status for reasons including, but not limited to, the following:
1. excessive or abusive use of sick leave;
2. failure to follow procedures for reporting the absence or requesting the use of sick leave; or,
3. falsification of documents or submission of medical documentation or a medical statement in conflict with the provisions of this procedure.

b. a supervisor's recommendation/decision that an employee's use of sick leave be denied should be discussed with other work unit official(s) [e.g., a representative of the Office of Human Resources] before a final decision is made.

5. Medical Examinations, Fitness-for-Duty Assessments and Other Medical Inquiries

a. an employee may be directed to undergo a medical examination (i.e., a physical or psychological examination or a fitness-for-duty assessment) and/or provide additional medical documentation in conjunction with: a request for sick leave/family leave; an existing period of leave; a return from a period of paid or unpaid leave or family leave; during a period of employment; or, other designated purpose only in the following circumstances:

1. a request for a second opinion associated with a request for family leave. Any such request must follow the guidelines outlined in the TCSG Procedure governing the Family and Medical Leave Act:

2. a mandatory Employee Assistance Program (EAP) referral initiated in response to documented concerns regarding an employee's deteriorating job performance, behavior/conduct, or pattern of attendance deficiencies/difficulties. The process to initiate a mandatory referral is outlined in TCSG Procedure 4.9.4p. NOTE: a mandatory referral may only be made with the prior approval of the TCSG General Counsel or Legal Services Officer.

3. pursuant to the provisions of TCSG Procedure 4.6.2p., additional medical documentation may be requested from an applicant's or employee's treating health care provider/professional when the information is needed to make a determination as to whether an applicant or employee has a disability or impairment as defined by the Americans with Disabilities Act (ADA) and this determination cannot be made without this information. Specific guidelines for requesting, managing, and retaining this information are addressed in the referenced procedure.

4. before an employee may return to work following a period of family leave, a TCSG work unit may first require a fitness-for-duty certification from the employee's treating health care provider/professional provided the employee was first notified of this requirement in the FMLA Designation Notice. The scope of the certification and additional considerations are as follows:

a. unless the work unit provides the employee with a list of the essential functions of his/her position/job or a copy of his/her job description in conjunction with the FMLA Designation Notice, the employee need only present a certification indicating that he/she may return to work. The work unit must accept the health care provider's/professional's certification and return the employee to the same or an equivalent position. NOTE: with the employee's permission, it is permissible to obtain clarifying information (if needed), but his/her return to duty may not be delayed while seeking such clarification;

b. if the work unit provides the employee with a list of the position's/job's essential functions or an up-to-date job description at the time of the Designation Notice, the treating health care provider/professional must address whether the employee can perform the essential functions and return to duty with or without reasonable accommodation(s). Any fitness-for-duty certification stating the need for a reasonable accommodation will activate the reasonable accommodations process outlined in the TCSG Procedure 4.6.2p. *N*OTE: a second or third opinion may not be required with respect to a fitness for duty determination.

c. an employee's return to work following a period of family leave cannot be predicated upon his/her ability to return without restrictions/limitations. A work unit must, instead, perform an individual assessment required by TCSG Procedure 4.6.2p. before making a determination as to whether the employee can return to duty.

5. after an individual has been hired and started work or has returned to work following a period of family leave, a TCSG work unit can make a disability-related inquiry and/or require a medical examination (at the work unit's expense) under the provisions of the ADA provided there has first been a determination that the inquiry/examination is job-related and consistent with business necessity and approval has been sought and received from the TCSG General Counsel or Legal Services Officer. In these instances, the work unit must have a reasonable belief of the need for an inquiry/examination based on objective evidence that:

a. an employee is unable to perform the essential functions of his/her job because of a medical condition: or,

b. an employee poses a direct threat to himself/herself or others because of a medical condition.

NOTE: after an employee has returned to work after a period of family leave, the FMLA's fitness for duty regulations are no longer applicable; therefore, any subsequently required medical examination, fitness for duty assessment or disability inquiry must follow the guidelines and restrictions imposed by the ADA.

c. all medically-related information received by a TCSG work unit in conjunction with the provisions of Paragraph VI.E. shall be maintained in a confidential manner and released only to those employee's with a "need to know".

d. if an employee is unable to return to work in response to the findings of a fitness-for-duty certification/assessment or the results of a medical examination or other disability inquiry, options available to the employee include, but are not limited to:

1. continued placement on family leave with or without pay for a qualified absence if his/her family leave entitlement is not exhausted;
2. use available accrued leave, forfeited leave or, as applicable, donated leave (after the designated period in a leave without pay status); or,
3. the submission of a request for placement on a leave of absence without pay.

D. Personal Leave

1. Eligibility to Convert Sick Leave to Personal Leave

a. an eligible employee who has accrued more than 120 hours of sick leave as of November 30 of any calendar year is eligible to convert up to twenty-four (24) hours of sick leave in excess of the required 120 hours to personal leave.

b. the conversion must be authorized no later than December 31 of the calendar year and the personal leave will be available for use in the following year.

2. Conversion Process

a. an eligible employee must provide written authorization for the conversion to take place. After the transaction has been accomplished and the sick leave converted, the conversion cannot be rescinded.

3. Use of Personal Leave

a. personal leave may only be used in the calendar year following the conversion request. Any personal leave that is not used by the end of the calendar year is lost.

b. personal leave may be used for any purpose and an employee is not required to provide a reason for requesting leave absent one of the following circumstances:

1. the leave is for an unscheduled/emergency absence;
2. the work unit is short-staffed or the employee has a major assignment pending; or
3. the employee is working under the restrictions of an attendance plan.

c. an employee should generally plan time off using personal leave in advance and notify his/her supervisor of the need for leave when these plans are finalized to minimize the interruption of work during his/her absence.

d. an employee must receive prior approval from his/her immediate supervisor or other designated work unit official before using personal leave except in instances of a bona fide emergency.

e. an employee's supervisor should make every effort to approve a request for personal leave

E. Limitations on the Use of Paid Leave

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

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

F. Restoration of Forfeited Leave

1. Conditions governing the restoration of an employee's forfeited annual and/or sick leave are as follows:

a. all paid leave and accumulated compensatory time must be exhausted before forfeited leave can be restored;
b. only leave forfeited during an employee's current period of employment is eligible to be restored; and,

c. the amount of leave which may be restored is limited to the period of an absence resulting from an employee's personal illness/disability or the illness/disability of immediate family member(s);

2. in conjunction with a projected absence from work for a purpose that would support the use of sick leave, an employee should submit a written request to his/her immediate supervisor that his/her forfeited leave be restored to cover the projected period of absence. A copy of the request should also be submitted to his/her Director of Human Resources. Additionally, documentation from the employee's health care provider/professional supporting the projected period of absence should be attached unless the reason for the absence has been satisfactorily established. If approved, a sufficient amount of forfeited leave will be restored by the System Office or technical college Office of Human Resources to cover the absence and all such leave will be designed as sick leave.

G. Transfer of Leave

1. As provided in State Personnel Board Rule 16, all accrued and unused annual and sick leave, converted personal leave, and forfeited leave of an employee transferring without a break-in-service between a position entitled to earn leave in one state agency or entity of state government to a position entitled to earn leave in another agency or entity of state government will follow the employee to his/her new agency or entity. Additionally, the employee will be given credit toward graduated annual leave accrual for all time he/she was continuously employed in a position eligible to earn leave.

2. An employee transferring to a TCSG work unit from another state agency/entity will not be given credit for more leave than he/she could have earned had the employee been continuously employed in a TCSG work unit.

3. No TCSG employee transferring without a break-in-service to another state agency/entity in a position eligible to earn leave may be paid for his/her accrued, but unused, annual leave.

4. An employee transferring without a break-in-service from a TCSG work unit to an State of Georgia Authority (e.g., the Georgia Building Authority) or a unit of the University System of Georgia must be paid for all accrued, but unused annual leave that cannot be transferred with the employee. The payment for the annual leave will be calculated in the same manner as referenced in Paragraph VI.B.4.d.

5. An employee hired from a University System of Georgia (USG) college or university is considered by applicable provisions of State Personnel Board Rule 16 to be a new hire and, therefore, cannot transfer any leave earned/accrued/accumulated with the USG to a TCSG work unit. As a new hire, the employee will earn leave at the same rate as any newly hired State of Georgia employee. These provisions will be consistently applied throughout the TCSG and no exceptions will be authorized.

H. Employment in Two Positions

1. An individual who is employed in a TCSG work unit in a position eligible to earn leave and, simultaneously, with another State agency/entity in a position eligible to earn leave shall accrue and use leave independently in each position.

2. If employment is terminated with one agency but not the other, all leave accruals will be combined and available in the remaining position.

3. If employment is terminated with both agencies, each agency is responsible for the delivery of terminal leave as provided in the provisions of State Personnel Board Rule 16 and, as applicable, the provisions of this Procedure.

I. Restoration/Divestment of Leave

1. The following leave provisions apply to a former TCSG employee who is subsequently reinstated/re-employed with a TCSG work unit in a position eligible to earn leave within one (1) year following a staff reduction/reduction-in-force initiated in response to downsizing, reorganization, or the abolition of an academic program and which resulted in the individual's separation from employment:

a. all previously accrued but unused sick leave will be restored;
b. any personal leave converted but unused will be restored except for instances in which an employee failed to use the leave prior to its expiration as provided in Paragraph VI.D.3;
c. any forfeited leave accumulated at the time of the individual's separation will be credited to the employee but such leave can only be restored and used pursuant to the provisions of Paragraph VI.F; and,
d. the period of absence between an individual's separation and reinstatement/re-employment within the defined one (1) year period shall not constitute a break-in-service for the purpose of graduated annual leave accrual.

2. The following leave provisions apply to an individual with previous State service in a position entitled to earn leave who returns to State employment in a TCSG work unit on or after July 1, 2003 in a position entitled to earn leave and remains employed for two (2) consecutive years:

a. as provided in Paragraph VI.I.2., the employee is eligible to regain accrued sick leave divested when his/her previous period of employment/State service ended;
b. to regain the sick leave, the employee must request the restoration of the leave, in writing, to the System Office or technical college Director of Human Resources and provide/attach documentation regarding the amount of divested sick leave to which he/she is entitled;
c. for purposes of this procedure, divested sick leave includes any sick leave that was available for use at the time of the employee's last separation but does not include sick leave forfeited prior to the employee's last separation;
d. the maximum amount of divested sick leave an employee may regain is 720 hours; and,
e. the total amount of divested sick leave and an employee's current sick leave balance cannot exceed 720 hours. Any balance of sick leave above 720 hours will be forfeited.

J. Accrued and Forfeited Leave for Retirement Purposes

<u>1. Membership in the Employees' Retirement System of Georgia</u>

a. a TCSG employee who is an active member of the Employees' Retirement System of Georgia (ERS) shall, in conjunction with his/her retirement, receive additional creditable service for forfeited annual and sick leave, as well as accrued, but unused sick leave (to include, in certain circumstances, sick leave that was previously accrued before a break-in-service), provided these leave balances total at least 960 hours.
b. if the provisions of Paragraph VI.J.1.a. apply, an ERS member receives one month of creditable service for every 160 hours of leave.
c. all forfeited leave must be certified by a member's last employer before he/she receives service credit for the accumulated hours.

<u>2. Membership in the Teachers Retirement System of Georgia</u>

1. for a TCSG employee to receive unused sick leave credit to apply to his/her creditable service for retirement purposes, each Teachers Retirement System of Georgia (TRS) covered employer, including one or more TCSG work unit(s), must certify the member's sick leave as part of the retirement process.
2. unused sick leave credit is awarded on the basis of one (1) month of service for every twenty (20) days of unused sick time.
3. nine (9) months of sick leave credit equals one (1) year of creditable service.
4. a TRS member must have at least sixty (60) days of unused sick leave combined from all TRS covered employers to be eligible for a sick leave credit at retirement.

VII. RECORD RETENTION:

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

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

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

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

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

OR

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

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

_____
Signature of Injured and/or Ill Employee

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

_____ _____
Signature of Representative Relationship to Employee

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

Procedure: 4.5.2p5. [III.U.6.e.] Authorized and Contingent Leaves of Absence Without Pay

[Previously Titled: Leave of Absence without Pay]

Revised: January 12, 2016
Last Reviewed: January 12, 2016
Adopted:

I.PURPOSE:

The Commissioner (or his/her designee) or a technical college president (or his/her designee) may grant an eligible employee an authorized (regular) or contingent leave of absence without pay pursuant to the provisions of this procedure and corresponding State Personnel Board Rules.

An employee's placement on a continuous period of leave without pay is usually associated with a medically-related issue/situation in which the projected absence is for a limited time period and the employee is reasonably expected to return to work at the conclusion of the leave.

In all such instances, the TCSG work unit is responsible for paying the employer's portion of associated health insurance costs, whether or not the employee is a current member of the State Health Benefit Plan or whether he/she currently carries health insurance and elects to continue his/her coverage while on a leave of absence without pay.

II. RELATED AUTHORITY:

Employee Benefit Council Rules – Flexible Benefits Program
State Health Benefit Plan Rules and Regulations
State Personnel Board Rule 16
TCSG Procedure 4.1.4p. – Categories of Employment

III. APPLICABILITY:

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

IV. DEFINITIONS:

Break-in-Service: a voluntary or involuntary separation from employment for at least one full business day. For purposes of this procedure, an authorized (regular) or contingent leave of absence without pay is not considered a formal break-in-service.

Eligible Employee: an individual appointed to a full- or part-time salaried position in a TCSG work unit and who is eligible for State of Georgia-sponsored benefits as provided in the TCSG procedure governing Categories of Employment.

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).

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

V. ATTACHMENTS:

Attachment 4.5.1p.a4. FMLA Certification of Health Care Provider Form for Employee's Serious Health Condition Form
Attachment 4.5.1p.a3.FMLA Certification of Health Care Provider Form for Family Member's Serious Health Condition Form
Attachment 4.5.2p5.a1. – GTLI Continuation While on Leave of Absence without Pay Form
Attachment 4.5.2p5.a2. – Employer's First Report of Injury or Occupational Disease Form (WC1)
Attachment 4.5.2p5.a3. – Notice of Payment or Suspension of Benefits Form (WC2)
Attachment 4.5.2p5.a4. – Request to Continue Health Benefits during Leave of Absence without Pay

VI. PROCEDURE:

A. General Provisions

1.An eligible employee who has exhausted all available paid leave or elects not to use available paid leave to cover a long term absence of more than fifteen (15) calendar days may not be placed on an authorized or contingent leave of absence without pay by a TCSG work unit absent a written request (from the employee) and approval from a designated System Office or technical college official.

NOTE: pursuant to State Accounting Office guidelines, short-term absences without pay which total of which is less than fifteen calendar (15) days should be recorded in *Absence History* with accompanying "salary docks". Examples would be one or more day(s) in a non-pay status initiated in response to a furlough imposed in response to an approved temporary reduction-in-force plan or when an employee is not permitted to return to work after exhausting all available paid leave while awaiting documentation from his/her attending physician or other health care provider/professional.

2. An eligible System Office employee may submit a written request for a leave of absence without pay to the Commissioner or his/her designee for a specified, continuous period of time not to exceed twelve (12) calendar months.

3. A technical college employee may submit a written request for a leave of absence without pay to the technical college president or his/her designee for a specified, continuous period of time not to exceed twelve (12) calendar months.

4. An employee may request either an authorized (regular) leave of absence without pay or a contingent leave of absence without pay.

5. When an employee is eligible for family leave and is absent from work is due to a qualifying reason, he/she should be placed on family leave (with or without pay) prior to placement on a leave of absence without pay.

6. If an employee's family leave entitlement has been exhausted and he/she remains unable to return to work, he/she may then request a leave of absence without pay consistent with the provisions of this procedure.

7. A leave of absence without pay does not result in a break-in-service for employment-related purposes.

B. Authorized (Regular) Leave of Absence Without Pay

1.An authorized leave of absence without pay may not exceed twelve (12) calendar months.

2. If an employee's request for an authorized leave of absence without pay is approved, the position which the employee occupies or a comparable position in terms of title, duties and responsibilities and pay shall be held for the employee's return.

3. At the expiration of an authorized leave of absence without pay, an employee shall be returned to work without loss of any rights provided he/she has complied with all terms and conditions outlined in the notice of approval.

C. Contingent Leave of Absence Without Pay

1.A contingent leave of absence without pay may not initially exceed twelve (12) calendar months.

2. As provided in Paragraph VI.F., an employee may request an extension of an approved leave of absence without pay for an additional period of time, the total of which may not exceed twenty-four (24) calendar months unless otherwise required by state of federal law. Any proposed extension beyond the initial twelve (12) months may only be requested as a contingent leave of absence without pay

3. If an employee's request for a contingent leave of absence without pay is approved, the position which the employee occupies is not held.

4. The TCSG work unit may elect to fill the employee's position at any time during his/her contingent leave of absence.

5. An employee placed on a contingent leave of absence without pay may return to work only if a "suitable vacancy" (as defined in the notice of approval) is available at the expiration of the leave and/or when written notice of his/her intent to return to work is initiated before the period of approved leave has concluded.

D. Request for a Leave of Absence Without Pay

1.As provided in Paragraph VI.A.1., a System Office employee must submit a written request for a leave of absence without pay to the Commissioner or his/her designee.

2. As provided in Paragraph VI.A.2., a technical college employee must submit a written request for a leave of absence without pay to the technical college president or his/her designee.

3. A copy of the written request must be provided to the employee's immediate supervisor and the System Office or technical college Director of Human Resources.

4. A written request must include the following information:
   a.the type of leave of absence without pay requested, i.e., authorized (regular) or contingent.
   b.the reason for the leave of absence without pay;
   c.the length of the leave of absence;
   d.the start date and the projected date of return; and,
   e.any other information relevant to the request.

5. A request based on an employee illness or disability or the health condition of a family member should be accompanied by a completed Certification of Health Care Provider Form for Serious Health Condition (Attachment 4.5.1p.a3 or Attachment 4.5.1p.a4.) or other documentation from a health care provider/professional supporting the need for a leave of absence.

6. If an employee does not specify in his/her request the type of leave of absence he/she desires, the designated reviewing official should attempt to discuss the request with the employee before he/she determines the type of leave of absence without pay that will be approved and the accompanying terms and conditions.

E. Review Process:

1.A designated official's review and determination of an employee's request of a leave of absence without pay shall include the following considerations:
   a.the reason(s) for the proposed leave of absence;
   b. the amount of time requested;
   c. the employee's documented job performance, behavior, and attendance;
   d. the operational needs of the TCSG work unit;
   e. the employee's years of State service; and,
   f. any previous accommodation efforts by the TCSG work unit.

2. As provided in Paragraph VI.B.3., a leave of absence without pay is generally approved only for medically-related reasons when an employee is reasonably expected to return to work at the conclusion of the leave. Similarly, a leave of absence should be for a short period of time.

3. An employee's request for a leave of absence without pay will not be approved for the following reasons:
   a.relocation;
   b. incarceration;
   c. accepting another job; or,
   d. participation in an academic program of study at a college or university which primarily benefits the employee and is not directly related to the employee's current job responsibilities with the System Office or technical college.

4. The designated official's review should be completed in a timely manner and the approval or denial must be communicated to the employee in writing.

5. The written notification for an approved authorized or contingent leave of absence without pay shall specify the following terms and conditions:
   a.whether the leave of absence is designated as authorized (regular) or contingent;
   b. the beginning date and end date;

c. the date whereby written notice must be provided to the named official(s) of the employee's intent to return to work at the expiration of the leave of absence (e.g., no later than ten [10] calendar days prior to the expiration of the leave); and,
d. when applicable, the date a return-to-work statement signed by the employee's treating health care provider/professional must be submitted. Additionally, the statement must indicate whether the employee can return to work and perform the essential functions of his/her job with or without reasonable accommodation(s). If reasonable accommodation(s) are recommended, the written statement must outline the specific accommodation(s) needed.

6. If an authorized (regular) leave of absence without pay is approved, the written notification must also identify the location and job/position which will be available upon an employee's return to work.

7. If a contingent leave of absence without pay is approved, the written notification must define the term "suitable" vacancy to include the specific job title, the organizational work unit location where the position resides, as well as the requirement that the position be vacant, properly budgeted, and otherwise available for the employee.

8. if an employee's request for an authorized (regular) leave of absence without pay will not be approved, the designated reviewing official must notify the employee, in writing of his/her decision and, when circumstances dictate, offer the employee an opportunity to request a contingent leave without pay.

F. Extension of an Authorized or Contingent Leave of Absence Without Pay

1. An employee may initiate a written request for an extension of his/her approved leave of absence without pay beyond the initial approval period or the established twelve (12) months maximum consistent with the provision of this paragraph.

2. An extension will be considered only in response to an employee's or his/her family member's serious health condition provided there is a reasonable expectation that he/she will be able to return to work at the conclusion of the continued leave of absence.

3 The written request must be for a contingent leave of absence without pay must include the following:
a.the number of calendar months requested (not to exceed a total of twenty-four consecutive calendar months); and,
b. documentation from the treating health care provider/professional supporting the need for a continued leave of absence;

4. The designated System Office or technical college official should, after his/her review, approve or deny the request in writing and if approved specify the accompanying terms and conditions consistent with the provisions of Paragraph VI.E.

5, An approval notice should also include a statement that this action does not extend the time period an employee is eligible to continue his/her health insurance coverage under State Health Benefit Plan (SHBP) or flexible benefits insurance options as administered under the Flexible Benefits Program (i.e., twelve (12) calendar months). NOTE: the SHBP will provide the employee with information regarding his/her ability to continue health insurance coverage beyond this period through COBRA.

G. Continuation of Benefits:

1.An eligible employee on an authorized or contingent leave of absence without pay may maintain his/her health insurance (through the State Health Benefit Plan) and continue his/her flexible benefits insurance benefit options (through the Flexible Benefits Program) as well as his/her health care spending account contributions.

2.An employee shall be advised of the cost of maintaining health insurance and flexible benefits insurance options, the process for making premium payments, the consequences for not making required payments in a timely manner, the impact of Open Enrollment on benefit elections during an unpaid leave of absence without pay and, as applicable, the actions that will be taken when an employee returns to work from an unpaid leave of absence without pay during the current SHBP or Flexible Benefits Plan Year or when a return crosses Plan Years if premium payments have not been continued.

3.Group Term Life Insurance (GTLI) Under the Employees' Retirement System of Georgia

a.an employee who is a member of the Employees' Retirement System of Georgia (ERS) with one or more years of creditable service in the Old or New Plan may maintain group term life insurance coverage while on an approved leave of absence without pay.
b.a request to continue coverage must be made in writing to ERS prior to beginning the leave of absence using Attachment 4.5.2p5.a1. (Group Term Life Insurance Continuation While on Leave Without Pay Form). GTLI coverage will terminate if a written request is not filed with ERS in a timely manner.

NOTE: ERS members of the Georgia State Employees' Pension and Savings Plan (GSEPS) are not provided group term life insurance coverage.

4. State Health Benefit Plan Coverage

a.as provided in Paragraph VI.G.1. an active employee who is an enrolled member of the State Health Benefit Plan (SHBP) may continue his/her SHBP coverage during the approved period of an authorized or contingent leave of absence without pay.
b.an employee desiring to continue his/her SHBP coverage should complete Attachment 4.5.2p5.a4. (Request to Continue Health Insurance During Leave of Absence Without Pay Form). The form will be retained in his/her medical file. Pursuant to the Rules of the SHPB, an active employee can elect to continue SHBP coverage within thirty-one (31) calendar days after beginning an unpaid leave of absence.
c.an employee on an unpaid leave of absence without pay for reasons of disability/illness (as well as family leave and military leave) will pay the same premium amount as when actively working in addition to any processing fee established by the State Board of the Department of Community Health.
d.premium payments for employees of the System Office, Quick Start Headquarters or a Quick Start Regional Office or training center shall be made directly to the System Office each month. A technical college employee shall pay his/her monthly SHBP premium directly to his/her technical college. Pursuant to SHBP Rules, an employee who fails to submit a premium payment in a timely manner will lose coverage. The System Office or technical college must notify SHBP/ADP an employee's loss of eligibility.

e. except for military leave, continued coverage outlined in Paragraph VI.G.4.a. shall not be extended/provided to an employee who is self-employed or gainfully employed by another entity during the leave of absence without pay.
f. unless otherwise provided by state or federal leave (e.g., military leave), the total period of SHBP coverage on an approved leave of absence without pay shall not exceed twelve (12) calendar months.
g. an eligible employee who did not continue SHBP coverage while on an approved leave of absence without pay which included the annual Open Enrollment period shall be offered the opportunity to enroll, discontinue, or change coverage within fifteen (15) calendar days after returning to work.

5. Flexible Benefits Program

a.an active employee who is eligible to participate in the Flexible Benefits Program may continue all insurance options in which he/she is enrolled by paying the required after-tax premium(s) during his/her approved leave of absence without pay for a period not to exceed twelve (12) calendar months. The employee will be directly billed by Georgia Breeze/ADP for all insurance option premiums. If an employee does not receive information from Georgia Breeze/ADP he/she should contact Georgia Breeze directly to make these arrangements.

b. Return from an Approved Leave of Absence Without Pay Within the Same Plan Year

1.if an employee is returning from an approved leave of absence without pay during the same Plan year in which she/she previously participated, the benefit options and coverages previously selected by the employee will be reinstated. If the employee failed to pay premiums for these insurance options and, if applicable, health care spending account contributions during the leave of absence, the System Office or technical college shall reduce the employee's salary to collect these premiums/contributions unless a contractual limitation on coverage exists.

c. Return from a Leave of Absence Without Pay Across Plan Years

1.if an employee is returning from an approved leave of absence without pay in the Plan Year following the Plan Year in which he/she previously participated, the following provisions for benefits options and coverages apply:

a.when the absence without pay is twelve (12) or less months and the employee continued premium and health care spending contributions for continuous coverage during the leave without pay period, the employee shall have an opportunity to make selection(s) pursuant to Open Enrollment provisions;

b. when the absence without pay is less than six (6) months and the employee did not pay the insurance premiums and health care spending account contributions, the employee will be provided an enrollment period. The employee can re-instate options by paying the past due insurance premiums and health care spending account contributions. The employee who chooses not to reinstate these options shall be subject to all conditions for enrollment of a current employee, such as medical underwriting, preexisting conditions and late entrant limitations; and,

c. when the absence without pay is six (6) or more months and the employee did not pay the insurance premiums and health care spending account contributions, coverages will be terminated. The employee shall be offered an opportunity to re-enroll in the same manner as is

allowed during the Open Enrollment period. The employee shall be subject to all conditions for enrollment of a current employee such as medical underwriting, preexisting conditions and late entrant requirements.

d. Return from a leave of Absence Without Pay Greater than Twelve (12) Months

1.if an employee returns from a leave of absence without pay of more than twelve (12) calendar months and the employee paid the appropriate premium amounts for the insurance options, the employee shall be offered an open enrollment period as a continuing employee.

e. Failure to Return from an Approved Leave of Absence Without Pay

1.if an employee who is on an approved leave of absence without pay fails to return to active employment or is absent more than twelve (12) months, coverage for the insurance options will terminate at the end of the month for which the premium(s) have been paid.

f. Failure to Pay Premiums While on an Approved Leave of Absence Without Pay

1.an employee's failure to pay applicable insurance option premium(s) while on a leave of absence without pay will terminate coverage at the end of the month for which the premium(s) have been paid. When premium amount(s) have not been paid, benefits will not be allowed during the period unless benefits are deliverable as a contractual provision for a total disability.

H.Creditable Service Toward Retirement

1. Teachers Retirement System of Georgia (TRS)

a.a TRS member may be eligible to establish a retirement credit for a temporary disability caused by a job-related disease or accident.

b.the maximum amount of creditable service which may be awarded is twelve (12) months and an employee must make an application for such credit within six (6) months after returning to work following a temporary disability.

c.the cost for such service credit will be the employee contributions based on the salary he/she was receiving immediately prior to the disability, plus interest.

d.in most instances the following forms will be required: the Employer's First Report of Injury Form (Attachment 4.5.2p5.a2.) and the Notice of Payment or Suspension of Benefits Form (Attachment 4.5.2p5.a3.).

2. Employees' Retirement System of Georgia (ERS)

a.an ERS member who returns to work after taking a leave of absence without pay due to certain temporary disabilities, may be eligible to receive Creditable Service for some or all of the time missed from work.

b. the amount of creditable service which may be awarded is a maximum of twelve (12) months in any five (5) year period;

c. an employee must have:

1.taken a leave of absence without pay due to either a behavioral or physical issue caused by a job-related disease or accident;

2. returned to work and applied for a service credit w/ ERS in writing;

3. paid ERS an amount equal to the applicable Employee Contribution, plus 6% interest; and;

4. made the payment within six (6) months after returning to work.

I. Return to Work

1.An employee must provide written notice of his/her intent to return to work from an authorized (regular) or contingent leave of absence without pay to the named official(s) and within the time period addressed in his/her approval notification.

2. Prior to an employee returning to duty following his/her illness, period of disability, or medical condition, he/she must provide a written release statement from his/her attending health care provider/professional indicating that he/she can return to work and perform the essential functions of his/her position/job with or without reasonable accommodation(s). If reasonable accommodation(s) are recommended, the written statement must outline the specific accommodation(s) needed.

3. An employee may request to return to work prior to the expiration of the approved leave of absence without pay. The designated official(s) may approve the request provided all terms and conditions outlined in the approval notification are met and no other factors are present that would preclude approval.

4. An employee's ability to return to work following a contingent leave of absence without pay is contingent upon the availability of a suitable vacancy as outlined in Paragraph VI.E.7.

VII. RECORD RETENTION:

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

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EMPLOYEES' RETIREMENT SYSTEM OF GEORGIA

[Attachment: 4.5.2p5.a1.] *F7$ERS*

Group Term Life Insurance Continuation While on Leave Without Pay Form

Information for this form may be typed directly onscreen before printing. This form is not valid until received by ERSGA.

SECTION 1 - MEMBER INFORMATION

Retirement Plan Type _____ SSN _____

Last Name _____ First Name _____ Initial _____

Address _____

City _____ State _____ Zip Code _____

SECTION 2 - TERMS FOR CONTINUATION OF GTLI

I choose to continue Group Term Life Insurance (GTLI) coverage for any period during which I am on Leave Without Pay (LWOP). I understand that the following conditions apply:

- **I must have one (1) year of continuous service before I can continue my GTLI coverage while on LWOP.**
- **Premiums of one percent (1%) of the monthly salary immediately prior to my period of LWOP will accrue for each month I am on LWOP.**
- **The accrued premiums will be paid to the Employees' Retirement System as follows:**
- **At termination of state employment and on application for a refund of my contributions and interest, the premiums will be deducted from my refund;**
- **Or, at my retirement, the premiums will be deducted from my monthly benefit;**
- **Or, at my death, the premiums will be deducted from the GTLI payment to my beneficiaries.**

NOTE: If I have eighteen years of creditable service and terminate state employment and do not get a refund of my contributions and interest, GTLI coverage will continue until the ERS receives my written notification declining coverage. Any premiums accrued up until that time will be payable to the ERS by the applicable method described above.

_____

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SECTION 3 -SIGNATURE & ACKNOWLEDGMENT

I have read and I understand the instructions and provisions listed above.

SIgnature **Date**

Two Northside 75 Suite 300 • Atlanta, GA 30318-7701 • PHONE (404) 350-6300 (800) 805-4609 • FAX (404) 350-6308 • www.ersga.org

Attachment: 4.5.2p5.a2.

GEORGIA STATE BOARD OF WORKERS' COMPENSATION

EMPLOYER'S FIRST REPORT OF INJURY OR OCCUPATIONAL DISEASE

NOTE: FAILURE TO SUBMIT THIS REPORT TO INSURER IMMEDIATELY MAY RESULT IN PENALTY. MUST BE TYPED OR PRINTED IN BLACK INK.

Board Claim No.	Employee Last Name	Employee First Name	M.I.	SSN or Board Tracking #	Date of Injury

A. IDENTIFYING INFORMATION

EMPLOYEE

❑ Male ❑ Female	Birthdate	Phone Number	Employee E-mail

Address	City	State	Zip Code

EMPLOYER

Name	NAICS Code	Nature of Business (Trade, Transport, Mfg., etc.)

Address	Phone Number	Employer FEIN

City	State	Zip Code	Employer E-mail

INSURER / SELF-INSURER

Name	Insurer/Self-Insurer FEIN	Insurer/ Self-Insurer File #

CLAIMS OFFICE

Name	Claims Office FEIN #	Claims Office Phone	Claims Office E-mail

SBWC ID# (five digit no.)	Address	City	State	Zip Code

EMPLOYMENT/WAGE

Date Hired by Employer	Job Classified Code No.	Number of Days Worked Per Week	Wage rate at time of Injury or Disease: ❑ per Hour ❑ per Day ❑ per Week ❑ per Month

Insurer Type Code ❑ – Insurer ❑ S-Self-insurer ❑ Group Fund	List Normally Scheduled Days Off

INJURY/ILLNESS & MEDICAL

Time of Injury ❑ am ❑ pm	County of Injury	Date Employer had knowledge of Injury	Enter First Date Employee Failed to Work a Full Day

Did Employee Receive Full Pay on Date of Injury? ❑ Yes ❑ No	Did Injury/Illness Occur on Employer's premises? ❑ Yes ❑ No	Type of Injury/Illness	Body Part Affected

How Injury or Illness / Abnormal Health Condition Occurred

Treating Physician (Name and Address)	Initial Treatment Given: ❑ None ❑ Minor: By Employer ❑ Minor: Clinical/Hospital ❑ Emergency Room ❑ Hospitalized > 24hrs	Hospital / Treating Facility (Name and Address)	If Returned to Work, Give Date:
			Returned at what wage per Week
			If Fatal, Enter Complete Date of Death

Report Prepared By (Print or Type)	Telephone Number	Date of Report

❑ B. INCOME BENEFITS **Form WC-6 must be filed if weekly benefit is less than maximum**

Previously Medical Only ❑ Yes ❑ No | Average Weekly Wage: $ _____ Weekly benefit: $ _____ | Date of disability:

Date of first Payment: _____ Compensation paid: $ _____ or Date salary paid: _____ Penalty paid: $ _____

BENEFITS ARE PAYABLE FROM _____ FOR:

❑ Temporary total disability ❑ Temporary partial disability ❑ Permanent partial disability of _____ % to _____ for _____ weeks.

UNTIL _____ WHEN THE EMPLOYEE ACTUALLY RETURNED TO WORK WITHOUT RESTRICTIONS. ALL OTHER SUSPENSIONS REQUIRE THE FILING OF FORM WC-2 WITH THE STATE BOARD OF WORKERS' COMPENSATION AND THE EMPLOYEE.

❑ C. NOTICE TO CONTROVERT PAYMENT OF COMPENSATION

Benefits will not be paid because:

❑ D. MEDICAL ONLY ❑ **No disability paid or controverted**

Insurer / Self-Insurer: Type or Print Name of Person Filing Form	Signature	Date
Phone and Ext.	E-mail	

IF YOU HAVE QUESTIONS PLEASE CONTACT THE STATE BOARD OF WORKERS' COMPENSATION AT 404-656-3818 OR 1-800-533-0682 OR VISIT http://www.sbwc.georgia.gov

WILLFULLY MAKING A FALSE STATEMENT FOR THE PURPOSE OF OBTAINING OR DENYING BENEFITS IS A CRIME SUBJECT TO PENALTIES OF UP TO $10,000.00 PER VIOLATION (O.C.G.A. §34-9-18 AND §34-9-19).

GEORGIA STATE BOARD OF WORKERS' COMPENSATION

NOTICE TO EMPLOYER

1. Provide prompt medical attention; allow the employee to select a physician from your posted panel, and explain the panel to the employee.

2. Complete Section A of this form immediately upon your knowledge of an injury and send the WC-1 to your insurance company or self-insurer claims office. **FAILURE TO DO SO MAY RESULT IN A PENALTY**.
   Do not send this form to the State Board of Workers' Compensation.

3. If you need additional help, call your insurance company or self-insurer claims office.

4. Report serious injuries immediately by telephone to your insurer's claims department, then file this form with your insurance company or self-insurer claims office.

NOTICE TO INSURER / SELF-INSURER

1. Complete Section B, C, or D.
   This form must be filed with the State Board of Workers' Compensation. A copy of both sides of this form must be sent to the claimant(s) and all counsel of record. Form W-6 must be filed if weekly benefits are less than the maximum.

NOTICE TO EMPLOYEE

1. This form is provided for your information only.

   If Section B is completed, you will receive income benefits on a weekly basis and the employer will pay medical expenses from approved doctors. If you do not receive payment of benefits, or medical bills are not paid, call your employer or your employer's insurance company or self-insurer claims office.

   If Section C is completed, your claim of injury has been denied by the employer/insurer. If you disagree with this denial, you must file a form WC-14, Notice of Claim, within one year of the accident with the **State Board of Workers' Compensation, 270 Peachtree Street N.W., Atlanta, Georgia 30303-1299.**

For Information or Assistance, contact:

STATE BOARD OF WORKERS' COMPENSATION

Toll Free Telephone: 1-800-533-0682
In Atlanta: (404) 656-3818

http://www.sbwc.georgia.gov

IF YOU HAVE QUESTIONS PLEASE CONTACT THE STATE BOARD OF WORKERS' COMPENSATION AT 404-656-3818 OR 1-800-533-0682 OR VISIT http://www.sbwc.georgia.gov

WILLFULLY MAKING A FALSE STATEMENT FOR THE PURPOSE OF OBTAINING OR DENYING BENEFITS IS A CRIME SUBJECT TO PENALTIES OF UP TO $10,000.00 PER VIOLATION (O.C.G.A. §34-9-18 AND §34-9-19).

Attachment: 4.5.2p5.a3.

GEORGIA STATE BOARD OF WORKERS' COMPENSATION

NOTICE OF PAYMENT OR SUSPENSION OF BENEFITS

☐ INITIAL PAYMENT ☐ RE-COMMENCE ☐ SUSPEND ☐ AMENDMENT: ☐ WC-1 Dated _____ ☐ WC-2 Dated _____

Board Claim No.	Employee Last Name	Employee First Name	M.I.	SSN or Board Tracking #	Date of Injury

A. IDENTIFYING INFORMATION

EMPLOYEE	Employee E-mail			EMPLOYER	Name		
Address				Address			
				City		State	Zip Code
City		State	Zip Code	Employer E-mail			
INSURER/ SELF-INSURER	Name			Address			
CLAIMS OFFICE	Name			City		State	Zip Code
Insurer/Self-Insurer File #	Claims Office E-mail			Phone Number		SBWC ID# (five digit no.)	

B. INCOME BENEFITS

☐ Benefits are being paid to this employee at the rate of $ _____ *per week based on an average weekly wage of $ _____

payable from _____ / _____ / _____ for:

☐ Temporary Total Disability

☐ Temporary Partial Disability

☐ Permanent Partial Disability of _____ % to _____ (Part of Body) to be paid for _____ weeks (**medical report attached**).

☐ Date of Disability _____

The date of the first check is, _____ / _____ / _____, the amount is $ _____, or date salary was paid _____ / _____ / _____ and this:

☐ Does not include a penalty

☐ Does include a _____ % penalty in the amount of $ _____.

***File Form WC-6, Wage Statement, if weekly benefit is less than maximum.**

C. SUSPENSION OF BENEFITS

☐ Benefits will be suspended on _____ / _____ / _____ because:

☐ 1.) Employee returned to work on _____ / _____ / _____ without restrictions from the authorized treating physician.

☐ 2.) Employee returned to work on _____ / _____ / _____ with restrictions from the authorized treating physician at pre-injury or higher rate of pay.

☐ 3.) Employee returned to work on _____ / _____ / _____ with restrictions from the authorized treating physician at reduced pay of $ _____ per week and temporary partial disability benefits are shown in Part B above.

☐ 4.) Employee was able to return to work on _____ / _____ / _____ without restrictions from the authorized treating physician, the employee is being given ten (10) days notice, and the authorized treating physician's report is attached (Board Rule 221 (i)(4)).

☐ 5.) The employee had undergone a change in condition pursuant to O.C.G.A. §34-9-104(a) (2) because the employee is not working, did not have a catastrophic injury, has been determined by the authorized treating physician to be capable of performing work with limitations or restrictions for the past 52 consecutive or 78 aggregate weeks, and was sent Form WC-104 within sixty days of the release. Temporary partial disability benefits are shown above in part B above.

☐ 6.) The employee has been offered suitable employment pursuant to O.C.G.A. §34-9-240 and has unjustifiably refused to attempt to perform the job. Form WC-240 was sent at least ten days before the employee was required to report for work. **A copy of the Form WC-240 is attached**.

☐ 7.) This was not a catastrophic injury and the maximum number of temporary total disability payments has been paid.

☐ 8.) The entire permanent partial disability benefit has been paid.

☐ 9.) The maximum of temporary partial disability payments has been paid.

☐ 10.) This claim is being controverted within sixty days of the due date of first payment. **File the Form WC-3 simultaneously and send a copy to the employee**.

☐ 11.) Other:

Insurer/Self-Insurer Type or Print Name	Signature	Date
Phone Number and ext.	E-mail	

This form must be filed with the State Board of Workers' Compensation. A copy of both sides of this form has been sent to the claimant(s) and all counsel of record.

IF YOU HAVE QUESTIONS PLEASE CONTACT THE STATE BOARD OF WORKERS' COMPENSATION AT 404-656-3818 OR 1-800-533-0682 OR VISIT http://www.sbwc.georgia.gov

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GEORGIA STATE BOARD OF WORKERS' COMPENSATION

A. OUTLINE OF BENEFITS OTHER THAN MEDICAL EXPENSE

In addition to paying your medical expenses for an injury at work, the employer will pay you for part of your lost wages if you are disabled from work for more than seven (7) calendar days because of your work-related injury.

TEMPORARY TOTAL

O.C.G.A. §34-9-261: IF YOU ARE NOT ABLE TO WORK AT ALL because of your injury, your employer/insurer must pay:

- 2/3 of your average weekly wage with a maximum of $525 per week if your date of accident was on or after July 1, 2013, and a maximum of $550 per week if your date of accident was on or after July 1, 2015.

- A minimum of $50.00 per week, or your actual weekly wage if less than $50.00 per week. If your accident occurred on or after July 1, 1992, and if your injury is not catastrophic, you are not entitled to this type of benefit for more than 400 weeks. Furthermore, your benefits may be reduced to those allowed by O.C.G.A. §34-9-262 under certain circumstances after you have been released to return to work with limitations or restrictions.

TEMPORARY PARTIAL

O.C.G.A. §34-9-262: IF YOU MUST WORK FOR LOWER WAGES because of your injury at work, your employer/insurer will pay:

- 2/3 of your wage loss (the difference between what you make after your injury and what you made before), with a maximum of $350 per week if your date of accident was on or after July 1, 2013, and a maximum of $367 per week if your date of accident was on or after July 1, 2015 for a maximum of 350 weeks from the date of accident.

PERMANENT PARTIAL

O.C.G.A. §34-9-263: IF YOU LOST A PART OR MEMBER OF YOUR BODY or lose the use of a member (such as arm, finger, eye, etc.), you will first receive benefits described above during disability, and then upon return to work or otherwise becoming ineligible for TTD or TPD benefits, you will receive payment for permanent partial disability for a certain number of weeks, based on the percentage of your loss. Multiply the permanent partial disability (%) by the maximum number of weeks listed below to determine the number of weeks you will receive PPD benefits. For example, for a 15% permanent partial disability to an arm, multiply 15% times 225 weeks. The answer of 33.75 represents the number of weeks you will receive income benefits.

Bodily Loss	Maximum Weeks
Arm	225
Leg	225
Hand	160
Foot	135
Thumb	60
Index Finger	40
Middle Finger	35
Ring Finger	30
Little Finger	25
Great Toe	30
Any toe other than great toe	20
Loss of hearing, traumatic	
One ear	75
Both ears	150
Loss of vision of one eye	150
Disability to the body as a whole	300

In all cases arising under the Workers' Compensation Law, any percentage of disability or bodily loss ratings shall be based upon Guides to the Evaluation of Permanent Impairment, Fifth Edition, published by the American Medical Association.

O.C.G.A. §34-9-220: The employer is not required to pay benefits for the first seven (7) calendar days you miss work because of your injury, unless you miss 21 consecutive days because of your injury.

O.C.G.A. §34-9-221: If income benefits are paid late, the employer/insurer will pay you a 15% penalty on all accrued benefits. If benefits are paid late after an award has been issued, the employer/insurer will pay you a 20% penalty.

B. RIGHT TO HEARING

If your benefits have been suspended and you believe that benefits were suspended incorrectly, you should request a hearing by sending Form WC-14 to the State Board of Workers' Compensation at the address below. If you need a Form WC-14, please contact the State Board of Workers' Compensation at the phone numbers listed below or visit the website.

STATE BOARD OF WORKERS' COMPENSATION
270 PEACHTREE STREET, N.W.,
ATLANTA, GEORGIA 30303-1299
In Atlanta: 404-656-3818
or: 1-800-533-0682
http://www.sbwc.georgia.gov

IF YOU HAVE QUESTIONS PLEASE CONTACT THE STATE BOARD OF WORKERS' COMPENSATION AT 404-656-3818 OR 1-800-533-0682 OR VISIT http://www.sbwc.georgia.gov

WILLFULLY MAKING A FALSE STATEMENT FOR THE PURPOSE OF OBTAINING OR DENYING BENEFITS IS A CRIME SUBJECT TO PENALTIES OF UP TO $10,000.00 PER VIOLATION (O.C.G.A. §34-9-18 AND §34-9-19).

Back

Please type or print clearly in ink

Georgia Department Of Community Health
State Health Benefit Plan

P.O. Box 1990
Atlanta, Georgia 30301

Attachment: 4.5.2p5.a4.

Request to Continue Health Benefits During Leave of Absence Without Pay

I. Member and Payroll Identification.

Provide all requested information.

Social Security Number ☐☐☐ – ☐☐ – ☐☐☐☐

Last Name | First | Initial

Apartment/Box/Route

Street Address

City, State | Zip Code (5-digit + 4-digit)

County of Residence | Daytime Telephone Number ( ) Area Code

Is this form a new application or a change to a previously approved application? (Check One)
☐ New
☐ Change
☐ Extension

Department or School System

Work Unit or School

Payroll Unit Person to Contact for Information

Payroll Unit Telephone Number

State Health Benefit Plan Payroll Location Number

II. Leave Type and Payment Information.

Check leave type. Provide information requested for the leave type and payment amount.

☐ **(01) Disability/Illness** - Attach Form SHBP 66-005 from physician describing disability/illness and periods of disability from normal job duties **IS CONDITION RELATED TO PATIENT'S EMPLOYMENT?** ☐ **YES** ☐ **NO**

☐ **(02) Educational** - Actual period of instructions: **FROM:** _____ **TO:** _____

☐ **(03) Emergency Military** - Attach copy of orders.

☐ **(04) Suspension** - Attach letter from employer stating period of suspension.

☐ **(05) Family Leave** - (Check One)
- ☐ **Birth/Adoption** (Attach copy of letter or form approving family leave.)
- ☐ **Illness** (Attach copy of letter or form approving family leave and Form SHBP 66-005 or equivalent.)
- **Military** - ☐ **Care Giver**
- **Military** - ☐ **Called to Duty**

Period of approved family leave is: **FROM:** _____ **TO:** _____

☐ **(06) Employee's Convenience** - Will you be employed by another part or self-employed during leave? ☐ **YES** ☐ **NO**

☐ **(08) Employer's Convenience** - Attach letter from Employer From:_____ To:_____

PAYMENT INFORMATION

$ _____

You will be billed monthly - all premium payments are due by the 26th of the month prior to coverage.

III. Member Certification.

Read this section carefully. Sign and date where requested.

- I understand that health benefits may be terminated if payment is not received by the 26th of the month. I also understand that health benefits will terminate at the end of the approved leave of absence without pay or at the expiration of the time allowed by the State Health Benefit Plan unless payroll deductions are resumed.
- **I understand that application for coverage while on leave without pay must be signed within thirty-one (31) days and filed with the State Health Benefit Plan within sixty (60) days after termination of paid coverage through payroll deductions.**
- I request to continue coverage of health benefits during the period of leave of absence without pay, and I certify that all statements on this application and any attachments are correct to the best of my knowledge and belief. I further certify that I have read and agree to adhere to the conditions on the reverse side of this application. I do herby attest that the above information is true and correct to the best of my knowledge. I further acknowledge and understand that I may be subject to a fine of not more than $1000 or imprisonment for not less than one and no more than five years, or both, if I knowingly and willfully make a false or fraudulent statement or representation to the Department regarding the information reported on this form or other information pursuant to O.C.G.A. Section 16-10-20.

X _____ Member Signature

_____ Date

IV. Agency Certification.

Provide current coverage and leave without pay information. Sign and date where requested.

Option			Coverage					
Leave Without Pay is Authorized Beginning On			Authorized Leave Ends On			Anticipated Last Payroll Deduction		
Month	Day	Year	Month	Day	Year	Month	Day	Year

The above named employee will be granted a leave of absence of the type indicated for the period shown at left.

X _____ Signature of Authorizing Official

_____ Title

_____ Date

Back

TERMS, CONDITIONS, AND INSTRUCTIONS

General Information

This form should be used to apply for continued health benefit coverage under the State Health Benefit Plan (SHBP) during a period of leave of absence without pay. The continued coverage will be governed by the **Leave Types and Time Limits** listed below, and shall be for the same coverage option and coverage type for which the employee is enrolled at the time the leave without pay commences (unless the employee qualifies for an option or coverage change under SHBP provisions). Health benefits may be continued for the period of leave, as approved by the SHBP, subject to the **Conditions and Documentation** requirements listed below. Premium payments for this continuation of coverage will be made directly to the SHBP.

Leave Types and Time Limits

Time limits for continued health benefit coverage during a period of leave of absence are considered to run concurrently. When an employee qualifies for continued coverage under multiple leave types, the total period of continuation may not exceed twelve (12) calendar months. See Family Leave for an exception

Disability leave of absence shall be for the period of the employee's disability due to illness, accident or disability, as certified by a licensed physician, not to exceed twelve (12) consecutive calendar months.

Educational leave of absence shall be for the period of educational leave not to exceed twelve (12) consecutive calendar months.

Emergency Military leave of absence shall be for the period during which an employee is ordered to military duty (not to exceed twelve (12) consecutive calendar months.)

Suspension leave of absence shall be for the period of the suspension, not to exceed twelve (12) consecutive calendar months.

Family leave of absence shall be for the period during which the employee is absent from work to care for the employee's child after birth or placement for adoption; the employee's seriously ill spouse, child, or parent; or when the employee is absent from work due to the employee's serious health condition or when an employee's spouse, son, daughter, or parent is called to active duty. The period during which coverage may be continued shall not exceed twelve (12) weeks in any (12) month period. Exception: An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember who is being a Care Giver to a recuperating servicemember due to an injury is entitled to (26) weeks in any (12) month period.

Employee's Convenience leave of absence shall be for the period of approved leave for the employee's convenience, not to exceed twelve (12) consecutive calendar months.

Conditions and Documentation

Withdrawal of employee contributions from a retirement system shall constitute resignation and approval of continued coverage during a period of leave without pay shall be terminated. The employee's eligibility for further coverage will then be governed by the extended beneficiary provisions of the plan. Documentation must be given to employer.

Disability leave: The period of disability must be certified by a licensed physician using Form SHBP 66-005. The SHBP may require additional information from the certifying physician, or may require review by another licensed physician, if the disability period is longer than the norm for the diagnosis.

Educational leave: The employee must certify the period of absence on Form SHBP 66-003. The absence may be only for the period of instruction.

Military leave: A copy of the appropriate orders must be provided.

Suspension leave: A letter stating the period of suspension, signed by the appropriate organizational official, must be provided.

Family leave: For family leave due to birth or adoption: A copy of the employer's letter or form approving the period of leave must be provided. At minimum, the form or letter must show the period of approved leave, the reason for the leave, and the date of birth or placement for adoption. For family leave due to illness of the employee or an eligible family member: A copy of the employer's letter or form approving the period of leave must be provided. Form SHBP 66-005 or a copy of the employer's physician certification form providing information equivalent to Form SHBP 66-005 must also be provided. Military: Copy of orders and disability letter from physician.

Employee's Convenience leave: The employee may not continue health benefits under the SHBP if self-employed or employed by another party during the period of leave.

Employer's Convenience leave a letter from employer stating the period of leave.

Premium Information

Premiums shall be payable monthly during the period of approved leave of absence without pay. Rates shall be subject to change upon notice at the beginning of any month during the leave period. Checks for premium payment should be made payable to "State Health Benefit Plan." Contact your personnel/payroll office or the State Health Plan Benefit for rates (which may include a processing fee).

Extensions and Continuations

An extension of leave may be requested if the employee is unable to return to work at the expiration of the approved leave and the maximum period has not been exhausted. The extension request must be signed by the employee and certified by the employing entity no later than thirty one (31) days following expiration of coverage under the approved leave of absence. The attending physician must complete the disability certification if the leave is due to disability, and the extension request must be filed with the SHBP within sixty (60) days following the expiration of coverage under the approved leave of absence.

Recurrent period of leave of absence without pay for the same or related illness shall be considered one approved leave period unless the employee returns to work and has coverage through payroll deductions for a period of three (3) consecutive calendar months.

Penalties

Failure to provide accurate information or failure to submit the appropriate premium payment(s) in a timely manner shall be cause for termination of coverage until such time as the member returns to active pay status. Failure to submit the premium payment(s) by the first of the month in which coverage is effective shall be cause for the SHBP to charge a late fee. Submission of a check that is not honored by the institution on which drawn shall be cause for SHBP to charge a processing fee or terminate coverage until the employee returns to active pay status.

Back

Procedure: 4.5.2p6. [III.U.6.f.]
Military Leave

[Revise and Re-Number]

Revised: January 12, 2016
Reviewed: January 12, 2016
Adopted: October 1, 2001

I.PURPOSE:

Pursuant to the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) as well as corresponding State Personnel Board Rules and state law, eligible TCSG employees ordered to perform military duties as defined in this procedure are eligible for paid and/or unpaid military leave to include going to and returning from such service.

II. RELATED AUTHORITY:
Employee Benefit Council Rules – Flexible Benefits Program
Employees' Retirement System of Georgia Plan Guidelines
O.C.G.A. §38-2-279 – Rights of Employees on Military Duty
O.C.G.A. §47-1-6 et.seq – Establishing Creditable Service by Veterans
State Health Benefit Plan Rules and Regulations
State Personnel Board Rule 19 – Military Leave
Teachers Retirement System of Georgia Plan Guidelines
U.S.C. Title 38, Chapter 43 – Uniformed Services Employment and Reemployment Rights Act (USERRA)

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

IV. DEFINITIONS:

Eligible (Covered) Employee: an individual appointed to a full- or part-time salaried position in a TCSG work unit and who is eligible for State of Georgia-sponsored benefits as provided in the TCSG procedure governing Categories of Employment. With the possible exception of re-employment rights, currently employed adjunct faculty as well as hourly-paid employees are also entitled to USERRA benefits.

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).

Military Necessity: as defined by the Secretary of Defense, a mission, operation, exercise, or requirement that is classified or a pending or ongoing mission, operation, exercise or requirement that may be compromised or otherwise adversely affected by public knowledge.

Military Order: for purposes of this procedure, a written or oral communication which conveys instructions from a superior to a subordinate. A military order is considered valid when issued by competent military authority. A military member in receipt of official orders is obligated by federal law to execute them.

Military Service/Service in the Uniformed Services: as defined in USERRA, service in a uniformed service covers all categories of military training and service, whether performed on a voluntary or involuntary basis to include: active duty and active duty for training; initial active duty for training; inactive duty training; full-time (federal) National Guard duty; absence from employment for military-fitness examinations; absence from employment under orders to perform funeral honors duty; service as an intermittent disaster-response appointee upon activation of the National Disaster Medical System or as a participant in an authorized training program by such appointee; and, attendance at a U.S. military service academy.

Ordered Military Duty: pursuant to applicable provisions of State Personnel Board Rule 19, any military duty performed in the service of the United States or a State pursuant to orders issued by a federal or state authority, including, but not limited to, attendance at any service school(s) conducted by the Armed Forces of the United States as a volunteer member of the National Guard, Georgia State Defense Force, or any reserve force or reserve component of the Armed Forces of the United States.

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

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

Uniformed Service: as defined in USERRA, uniformed services include the following: Army, Navy, Marine Corps, Air Force, or Coast Guard; Reserves (Army, Naval, Marine, Air Force or Coast Guard); Army or Air National Guard; Commissioned Corps of the Public Health Service; or, any other category of persons designated by the President in time of war or emergency.

V. ATTACHMENTS:
Attachment 4.5.2p5.a4. – Request to Continue Health Benefits During Leave of Absence Without Pay
Attachment 4.5.2p6.a - “Your Rights Under USERRA Notice”

VI. PROCEDURE:

A. Notice Requirements:

1. To maintain eligibility for USERRA re-employment rights and absent the exceptions referenced in Paragraph VI.A.2., a covered employee must (to the extent possible) provide written or verbal notification to his/her immediate supervisor, his/her reviewing manager, or other designated work unit official as soon as he/she is aware of upcoming military service that will result in an absence from work. This information should include, if known, the anticipated date of release from military service. Notice may also be provided by an officer of the appropriate uniformed services branch.

2. Advance notification is not required if military necessity precludes such notice or if notice is otherwise impossible or unreasonable. *NOTE: an employee will forfeit the protections of USERRA if he/she fails to provide notice and such notice would not have been impossible, unreasonable, or due to military necessity.*

3. An employee may also lose USERRA protections if he/she notifies the TCSG work unit he/she will not be at work but fails to indicate the absence is due to ordered military service and no such notice is provided by an officer of the appropriate uniformed services branch.

4. In instances in which verbal or written notification has been provided, the TCSG work unit should prepare a letter or memorandum to the employee authorizing his/her placement on military leave with

or without pay and place a copy of the document in the employee's official personnel file with military orders if/when they have been submitted.

B. Duration of Service:

1. To maintain eligibility for USERRA re-employment rights, an employee's cumulative length of absence for ordered military duty (to include the current leave, plus all past military leave while employed with the TCSG work unit) cannot generally exceed five (5) years. The five (5) year limit includes uniformed service leave taken before the effective date of USERRA's re-employment provisions (i.e., December 12, 1994).

2. Exceptions to the five (5) year limit outlined in Paragraph VI.B.1. are as follows:

a. service required beyond five (5) years to complete an initial period of obligated service;

b. service from which an employee/service member, through no fault of his/her own, is unable to obtain a release within the five (5) year limit;

NOTE: the five (5) year limit may be extended by up to two additional (2) years a member if hospitalized for or is convalescing from an illness or injury incurred in, or aggravated during, military service;

c. required training for Reservists and National Guard members;

d. ordered to involuntary service, or retained on active duty during a domestic emergency or in response to a national security-related matter;

e. ordered to service or to remain on active duty (other than for training) because of a war or national emergency declared by the President or Congress;

f. active duty (other than for training) by volunteers supporting "operational missions" for which selected reservists have been ordered to active duty without their consent;

g. service by members who are ordered to active duty in support of a "critical mission or requirement" of the uniformed services as determined by the Secretary of involved military branch; or,

h. federal service by members of the National Guard called into action by the President to suppress an insurrection, repel an invasion, or to execute the laws of the United States.

C. Pay Status on Military Leave:

1. A full-time salaried employee with a work commitment of forty (40) hours per week) who is ordered to perform military duties will be provided paid (military) leave for up to one-hundred forty-four (144) hours in a Federal fiscal year (i.e., October 1st through September 30th).

2. A part-time salaried employee with a work commitment of less than forty (40) hours per week who is ordered to perform military duty is eligible for prorated, paid military leave based on his/her regular work schedule.

3. For any absence by a full-time salaried employee which exceeds one-hundred forty-four (144) hours in a Federal fiscal year or any absence by a part-time, salaried employee in excess of his/her prorated amount of paid military leave in a Federal fiscal year, an employee may request to use accrued annual leave, personal leave or available compensatory time to remain in pay status or,

instead, may request to be placed on an authorized leave of absence without pay for the duration of his/her military duty (i.e., military leave without pay).

3. In the event the Governor declares an emergency and orders an employee to military service as a member of the Georgia National Guard, the employee performing such duty will be paid for up to an additional ninety-six (96) hours (i.e., up to a total of two hundred forty [240] hours of paid military leave) in a Federal fiscal year.

4. An hourly-paid employee or an adjunct faculty member who is ordered to perform military duties will be provided an authorized leave of absence without pay for all such service.

5. An employee who is absent from work because he/she is ordered to report for a pre-induction or other examination to determine physical or other fitness for service in the Armed Forces of the United States will be granted an authorized leave of absence without pay. A full- or part-time salaried employee may elect to use annual leave, personal leave or compensatory time to remain in pay status.

D. Employment Status:

1. Time spent on military leave will not be considered a break-in-service for employment purposes

2. An employee on military leave is eligible for all rights and benefits provided by state and federal law.

E. State Health Benefits Coverage:

1. While on military leave with pay, an eligible employee's monthly premiums for health insurance will continue to be deducted from his/her pay. An eligible employee on military leave without pay may elect to continue or discontinue health insurance benefits.

2. An eligible employee desiring to continue his/her State Health Benefit Plan (SHBP) coverage while on military leave without pay should complete Attachment 4.5.2p5.a4. (Request to Continue Health Insurance During Leave of Absence Without Pay Form). The form will be retained in his/her medical file. Pursuant to the Rules of the SHBP, an active employee can elect to continue SHBP coverage within thirty-one (31) calendar days after beginning an unpaid leave of absence.

3. Health insurance coverage may be continued for a period of twenty-four (24) months after the absence begins or for the period of service (plus the time allowed to apply for re-employment), whichever is shorter.

4. An employee on an unpaid leave of absence due to his/her military service and who is otherwise eligible to participate in the SHBP will pay the same premium amount as when actively working in addition to any processing fee established by the State Board of the Department of Community Health. Pursuant to applicable USERRA provisions, the total cost of such coverage may not exceed one hundred two (102) percent of the full premium.

5. Premium payments for employees of the System Office, Quick Start headquarters or a Quick Start Regional Office or training center who are on a military leave without pay shall be made directly to the System Office each month. A technical college employee shall pay his/her monthly SHBP premium directly to his/her technical college. Pursuant to SHBP Rules, an employee who fails to submit a premium payment in a timely manner will lose coverage. The System office or technical college must notify the SHBP/ADP of an employee's loss of eligibility.

F. Flexible Benefits Coverage:

1. An employee on an unpaid leave of absence due to his/her military service and who is otherwise eligible to participate in the Flexible Benefits Program may continue all insurance options in which he/she is enrolled by paying the required after-tax premiums. The employee will be billed directly by Georgia Breeze/ADP for all insurance options premiums. If an employee does not receive information from Georgia Breeze/ADP he/she or a representative (if the employee is unavailable) should contact Georgia Breeze/ADP directly to make these arrangements.

2. Some flexible benefit options do not provide coverage for claims resulting from involvement in armed conflict of war. An employee called to active military duty and whose service may result in his/her participation in an armed conflict should discuss the continuation of his/her benefits while on military leave with his/her benefits coordinator.

3. An employee is eligible to continue Group Term Life Insurance coverage under the Flexible Benefits Program while on military leave without pay.

G. Retirement Benefits:

1. While on military leave with pay, an eligible employee's contributions to the Employee's Retirement System of Georgia (ERS) or the Teachers Retirement System of Georgia (TRS) will continue to be deducted from his/her pay.

2. A qualified veteran returning (to employment) after a period of military service in a non-pay status and who desires to establish creditable service for this period of time must notify for the Board of Trustees of ERS or TRS, in writing. TRS or ERS will then calculate the amount of the member's contribution which the employee would have paid if he/she had been an active member of the retirement system during the period of qualified military service.

3. To establish creditable service, the employee must repay the calculated amount of his/her member contribution within a period up to the three (3) times the length of his/her qualified military service or five (5) years, whichever period is shorter. The time period for repayment is computed from the date the returning veteran/employee resumes employment in a TCSG work unit.

4. A qualified returning veteran shall be eligible to establish creditable service for not more than five (5) years provided, however, that the five (5) year period may (pursuant to the provisions of O.C.G.A. §47-1-61) be extended by any period of mandatory service imposed by a uniformed service.

5. Pursuant to ERS Plan Guidelines, if an employee is called to active duty in the National Guard or Reserves, he/she may make his/her contributions during his/her active duty period. The employee must provide ERS with a copy of his military orders as soon as he/she receives them.

6. Pursuant to ERS Plan Guidelines and as referenced in the TCSG Procedure governing Authorized and Contingent Leaves of Absence Without Pay, an ERS member possessing one (1) or more years of creditable service in the Old or New Plan may maintain group term life insurance coverage while on an approved leave of absence without pay (e.g., military leave without pay).

H. Re-employment Rights:

1. Timeliness of Reporting and Reapplying

a. to be eligible for re-employment under USERRA, a uniformed service member must notify his/her TCSG work unit of his/her intent to return to duty by: returning to work; providing oral or written

notification of his/her intent to return to work; or, by submitting an application for re-employment in a timely manner.

b. the time period during which a returning service member must report to work varies depending upon the duration of his/her military leave as follows:

1. service of less than thirty-one (31) days: the service member must report no later than the beginning of the first full regularly scheduled work day starting at least eight (8) hours after the employee has been safely transported home, or as soon as possible after the eight (8) hour period if reporting by that time is impossible or unreasonable through no fault of the employee. *NOTE: employees must be given a reasonable amount of time to arrive back at this/her residence, to rest, and to travel to the place of employment;*

2. fitness examinations: the provisions of Paragraph VI.F.1.a.1. also apply to an employee absent from work for any length of time for one or more fitness for duty examination(s);

3. service of more than thirty (30) days but less than one hundred eighty-one (181) days: the service member must apply for re-employment no later than fourteen (14) days after completing his/her period of uniformed service. If this is not possible or reasonable through no fault of the employee, the service member must apply for re-employment on the next calendar day when submission becomes possible;

4. service of more than one hundred eighty (180) days: the service member is required to submit an application for re-employment no later than ninety (90) days after completion of the uniformed service; and,

5. injured or Ill Employees: if a service member is hospitalized or convalescing from an injury or illness that occurred or was aggravated while he/she was on military leave, he/she is required to submit an application for re-employment at the end of the recovery period; however, this period may not exceed two (2) years from the date of the completion of the uniformed service*. NOTE: the two (2) year period will be extended by the minimum time required to accommodate a circumstance beyond an individual's control that would make reporting within the two (2) year period impossible or unreasonable*.

2. Required Documentation

a. if a service member is returning from military leave in excess of thirty (30) days, the TCSG work unit may request documentation demonstrating that:

1. the application for re-employment is timely;

2. the uniformed service has not exceeded the five (5) year limit; and,

3. the uniformed service has ended under honorable circumstances.

NOTE: disqualifying service for USERRA re-employment rights include: separation from military service with a dishonorable or bad conduct discharge; under other than honorable conditions; the dismissal of a commissioned officer under such circumstances as a court martial or by order of the President in time of war; or, when a service member has been absent without authority for more than three (3) months or is imprisoned by a civilian court.

b. a service member's failure to provide a TCSG work unit with the required documentation cannot be a basis for denying re-employment if the documentation does not exist or is not readily available at the time of the request. Instead, the work unit is required to promptly re-employ the service member.

c. If the circumstances of Paragraph VI.F.2.b. are present, the TCSG work unit may require the submission of proper documentation before treating the service member as if he/she did not have a break-in-service for retirement purposes. Additionally, if documentation later becomes available that reflects that the employee does not meet the criteria for re-employment, he/she may be separated from employment pursuant to the provisions of the TCSG Procedure governing Positive Discipline or, if applicable, the TCSG Procedure governing Adverse Employment Actions.

3. Other Qualifying Conditions:

a. in addition to the documentation requirements of Paragraph VI.F.2., an employee's reinstatement to his/her former position requires that he/she must be able to perform the essential functions of the position with or without reasonable accommodation(s).

b. If the employee is no longer able to perform the essential functions because of disability sustained during military service, the employee must be considered for another position in the work unit for which he/she is qualified unless circumstances have changed as to make it impossible or unreasonable to do so (e.g., a previously conducted reduction-in-force which would have impacted the service member).

4. Re-employment Position:

a. upon timely notice following satisfactory completion of military duty, a service member will be returned in the position that he/she would have attained with reasonable certainty if not for an absence due to military service.

b. under USERRA's "escalator principle" a returning service member must also be provided a position as well as pay, benefits and seniority at the precise step (escalator) he/she would have occupied/held if his/her employment had been continuous and he/she had never left for military service.

c. USERRA regulations are not designed to place a returning service member in a better position than he/she would have held had he/she been continuously employed. A TCSG work unit is not required to treat a returning service member differently from continuously employed "employees" in the same "seniority rank". The escalator principle may, therefore, cause a returning employee to be re-employed in a lower level position, subject to a reduction-in-force, or separated.

d. if the military leave was for ninety (90) calendar days or less, the service member must be returned to same position/job held or would have held if the military duty had not occurred to include seniority status and have his/her pay adjusted for any promotions or other salary adjustments or benefits he/she would have earned had he/she not been on military leave.

e. if the military leave was for ninety-one (91) calendar days or more, a returning service member must be qualified for re-employment and placed in the "escalator position" or the same/comparable position/job the employee held if the military duty had not occurred with similar seniority, pay, and benefits. The TCSG work unit's responsibilities for qualifying the service member for this or any other position are the same as if he/she was absent for less than ninety-one (91) calendar days.

f. before a TCSG work unit determines whether a returning service member is qualified to perform the essential functions of the job/position to which he/she is entitled, the work unit is required to provide refresher training to the employee along with any other training that he/she would have received had he/she remained on the job.

g. if a service member is not qualified to perform the essential functions of the position after additional training, he/she must be re-employed in any other position that is the nearest approximation first to

the escalator position and then to the pre-service position for which he/she is qualified to hold and which is available.

h. if a service member is not able to perform the duties of his/her job with reasonable accommodation due to a disability sustained or aggravated during military service, the employee shall be employed in another position/job in the TCSG work unit for which he/she is able to perform the essential functions with or without reasonable accommodation(s).

5. Re-employment Exceptions:

a. a TCSG work unit is required to reemploy a returning service member in all cases except:

1. if work unit circumstances have changed so drastically as to make it impossible or unreasonable to reemploy the service member (e.g., a reduction-in-force which would have included the service member to include the closing of an academic program, work unit, or satellite campus);

2. if the service member is no longer qualified for re-employment despite reasonable efforts to requalify the individual and re-employment would impose an undue hardship; or,

3. if the position the service member held as an active employee before military service was for a brief, non-recurrent period and there was no reasonable expectation that employment would have continued indefinitely for a significant period.

b. any challenge to a TCSG work unit's decision not to re-employ a returning service member is an affirmative one and the work unit bears the responsibility of proving them by a preponderance of the evidence.

NOTE: if (after completion of required training) an employee is still not qualified to perform the essential functions of the position, the work unit is not required to re-employ/retain the employee in the position.

I. For Cause Protection:

1. Under USERRA, a re-employed service member may not be separated without cause for a period of:

a. one (1) year after the date of reemployment if the individual's period of military service was for one hundred eighty-one (181) or more days; or,

b. for one hundred eighty (180) days after the date of reemployment if the individual's period of military service was for thirty-one (31) to one hundred eighty (180) days.

2. Cause for discharge may be based on behavior/conduct issues or the application of any other legitimate, non-discriminatory reason.

J. Workforce Replacements:

1. It is permissible for a TCSG work unit to fill the position of an employee on military leave; however, the replacement employee must be informed during the selection process that he/she will be assuming this role on a temporary basis and that upon the return of the military service member, he/she may be reassigned or separated. This information should also be included in the conditional offer of employment provided to replacement employee.

K. Employee Notice of USERRA Benefits

Pursuant to applicable provisions of Uniformed Services Employment and Reemployment Rights Act, all TCSG work units are required to provide individuals entitled to the rights and benefits under USERRA with notice of their rights, benefits, and obligations. This can be accomplished by posting the notice “Your Rights Under USERRA” (Attachment 4.5.2p6.a.) in the same location as other employee notices and other employment related posters are customarily placed.

VII. RECORD RETENTION:

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

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Attachment: 4.5.2p6.a1.

YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its **website at http://www.dol.gov/vets**. An interactive online USERRA Advisor can be viewed at **http://www.dol.gov/elaws/userra.htm**.
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

U.S. Department of Labor
1-866-487-2365

U.S. Department of Justice

Office of Special Counsel

1-800-336-4590

Publication Date—October 2008

POLICY: 4.5.3. (III.U.9.)

Holidays

Revised: April 4, 2013; March 14, 2001; August 3, 2006
Last Reviewed: April 4, 2013
Adopted: April 2, 1987

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 dates designated by the Governor; however, if the date of a holiday's observance will impact the continuity of instructional delivery to students in a technical college, one or more holidays may be observed later in the same calendar year consistent with a college's approved academic calendar.

RELATED AUTHORITY

Technical College Calendar
TCSG Procedure:4.5.3p. Holidays
O.C.G.A. §1-4-1

Procedure: 4.5.3p. (III.U.9)
Holidays

Revised: March 20, 2013; March 1, 2006; November 16, 2004; March 23, 2004
Last Reviewed: March 20, 2013
Adopted: October 1, 2001

I.PURPOSE:
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. 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

III. APPLICABILITY:

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

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. PROCEDURE:

A. State Holidays: The State of Georgia currently recognizes and observes the following public and legal holidays:

New Year's Day	January 1
Martin Luther King Jr.'s Birthday	3rd Monday in January
Robert E. Lee's Birthday	January 19 *(Observed in November)*
Washington's Birthday	February 15 *(Observed in December)*
Confederate Memorial Day	Confederate Memorial Day
National Memorial Day	Last Monday in May

Independence Day	July 4
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Christmas Day	December 25

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.

VII. RECORD 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.

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 4.6
Employee Medical Program

4.6.1 ..... POLICY - Medical and Physical Examination Program (MAPEP)
4.6.1p ..... Procedure - Medical and Physical Examination Program
4.6.1p.a1..... Medical And Physical Examination Program (MAPEP)
4.6.1p.a2 ..... Medical History Report
4.6.1p.a3 .....Memorandum to Examining Physician
4.6.1p.a4..... Medical Examination Report to Employing Agency
4.6.1p.a5 ..... Specialized Guidelines for Category 5 Job
4.6.1p.a6 ..... Health Information Checklist
4.6.1p.a7.....Medical Findings
4.6.1p.a8 .....General Information Form
4.6.2p .....Procedure - Reasonable Accommodations in Employment
4.6.2p.a1..... Reasonable Accomodation Request Form
4.6.2p.a2 ..... Medical Information Request Letter
4.6.2p.a3 ..... Medical Information Request Form
4.6.2p.a4.....Authorization to Release Information Form
4.6.2p.a5 .....Interactive Disability Accomodation Document
4.6.2p.a6 .....Essential and Marginal Job Function Analysis Worksheet
4.6.2p.a7.....FAQ - Applicants and Employees
4.6.2p.a8 ..... FAQ - Supervisors and Managers
4.6.2p.a9 ..... Reasonable Accomodation Review Form

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POLICY: 4.6.1. (III.B.2)
Medical and Physical Examination Program [MAPEP]

Revised: October 1, 2001
Last Reviewed: June 23, 2005
Adopted: October 1, 2001

POLICY:

In order to protect employee safety, all prospective employees shall be determined qualified under the Technical College System of Georgia's Medical and Physical Examination Program.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure 4.6.1p. Medical and Physical Examination Program (MAPEP)

Procedure: 4.6.1p. [III.B.2.]
Medical and Physical Examination Program (MAPEP)

Revised: July 26, 2016; May 17, 2016; October 1, 2001
Last Reviewed: July 26, 2016
Adopted: October 1, 2001
[Note: 7/26/16 - non-substantive number change made to three attachments a6; a7; a8]

I. **PURPOSE**:

The Medical and Physical Examination Program (MAPEP) has been developed to:

- Ensure that prospective employees are physically capable of carrying out the duties of the job;
- Protect prospective employees from possible harm associated with employment, which may occur due to pre-existing physical conditions;
- Protect the state from potential liability under workers' compensation laws for conditions arising after employment, but caused in whole or part by pre-existing physical conditions; and,
- Other related reasons.

II.RELATED AUTHORITY:
Attorney General Opinion 81-23 – Legislative Intent of O.C.G.A. § 45-2-40
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. § 45-2-40, et seq.
State Board POLICY: 4.6.1. Medical and Physical Examination Program
State Personnel Board Rule 478-4-01, et seq.
TCSG Procedure 4.1.4p. – Categories of Employment
TCSG Procedure 4.6.2p. – Reasonable Accommodations in Employment
TCSG Procedure 4.1.9p. – Background Investigations

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

IV. DEFINITIONS:

Full Physical Examination: prospective employees for positions having essential functions that require strenuous physical activity or potentially life-threatening working conditions shall undergo a Full Physical Examination following the MAPEP specialized medical guidelines as a condition of employment. NOTE: these examinations are generally limited to Category 5 jobs.

Limited Physical Examination: a prospective employee of a position having essential functions that may involve moderate to heavy physical activity or exposure to conditions that normally place the employee or public in unhealthy risk situations may be required to undergo a Limited Physical Examination as a condition of employment to ensure that he/she meets the appropriate standards of medical/physical fitness.

Prospective Employee: pursuant to the provisions of State Personnel Board Rule 478-4-01, any person other than a Department Head who has been offered employment and who will work thirty

(30) hours per week and whose employment shall not be short-term, temporary, contingent, intermittent, part-time or (of a) student nature.

(Qualified) Medical Practitioner; any medically trained person who is licensed to assess the medical and physical condition of a prospective employee, e.g., a licensed physician.

Self-Assessment: pertains to positions that require only general health conditions/standards and the prospective employee assesses himself/herself by completing a questionnaire or statement form.

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

V. ATTACHMENTS:

Attachment 4.6.1p.a1.	MAPEP Category for TCSG Jobs (excel Spreadsheet)
Attachment 4.6.1p.a2.	Medical History Report (MS 10-52)
Attachment 4.6.1p.a3.	Memorandum to Examining Physician (MS 10-55)
Attachment 4.6.1p.a4.	Medical Examination Report to Employing Agency (MS 10-57)
Attachment 4.6.1p.a5.	Specialized Guidelines for Category 5 Job
Attachment 4.6.1p.a6.	Health Information Checklist (MS 10-500)
Attachment 4.6.1p.a7.	Medial Findings Form (MS 56)
Attachment 4.6.1p.a8.	General Information Form (MS-51-03)

VI. PROCEDURE:

A. General Provisions

1) The Medical and Physical Examination Program (MAPEP) has been developed to:

* Ensure that prospective employees are physically capable of carrying out the duties of the job;

* Protect prospective employees from possible harm associated with employment, which may occur due to pre-existing physical condition(s);

* Protect the State from potential liability under worker's compensation laws for condition(s) arising after employment, but which are caused in whole or in part by pre-existing condition(s); and,

*To provide a consistent, job-related process for determining and applying the medical and physical standards.

2) MAPEP requires that prospective employees of the Technical College System of Georgia satisfactorily complete a self-assessment form or be determined qualified by a medical practitioner as meeting the standards of medical and physical fitness established for the job.

3) For purposes of this procedure and pursuant to the TCSG procedure governing Categories of Employment (III.D.), a prospective employee covered by MAPEP is an individual who has been provided a contingent offer of employment by any TCSG work unit for a full-time, benefits-eligible position which entails a work commitment of thirty (30) hours or more per week. NOTE: the position of Commissioner of the Technical College System of Georgia as well as all student appointments

and appointments to a part-time, temporary/time-limited or adjunct faculty position are excluded from MAPEP guidelines.

4) Completion of MAPEP forms and the accompanying review process should be initiated after the selected candidate has been provided a contingent offer of employment and has successfully completed all other identified conditions. NOTE: pursuant to MAPEP guidelines, these activities must be completed before an employee receives his/her first paycheck.

5) Any request for a limited or full-physical examination for a position not included in Attachment 4.6.1p.a1.as a Category five (5) job or any request for additional laboratory testing or physical examination(s) beyond those considered in a routine MAPEP physical examination must be submitted to and approved by the TCSG General Counsel or Legal Services Officer before any prospective employee is required to undergo such testing/examination. 6) Any required limited or full-physical examination must be completed prior to the date employment begins. All results must be reported to the TCSG work unit within forty (40) calendar days after the employee begins work.

7) All medical information obtained in conjunction with the administration of the Medical and Physical Examination Program is confidential and all records will be maintained separately from all other personnel records/documents. Additionally, these records may only be accessed/reviewed by System Office or technical college official(s) when there is a job-related reason to do so or, as required by federal or state law or in conjunction with a judicial proceeding.

B. Job Categories

1) Five (5) job categories have been established in MAPEP for use by all state agencies to include:

a. Category 1: Primarily sedentary jobs with little to no physical work or with limited to no unusual working conditions (e.g., desk or office jobs);

b. Category 2: Moderate to heavy physical activity and/or consistent exposure to working conditions that may interact with an employee's medical or physical fitness/condition. Physical activity may involve heavy lifting, pushing or pulling, extended climbing, crawling, or bending, exposure to excessive heat or cold, the use of knives or other sharp objects; or, the operation of potentially dangerous equipment e.g., forklifts, arc welders, or power tools.

c. Category 3: Positions involving food preparation or the handling of raw consumable animal products;

d. Category 4: Health-related positions involving direct contact with or exposure to air-borne pathogens, blood-borne pathogens human body parts or products, or hazardous chemicals or radiation; and,

e. Category 5: Strenuous physical activity and/or extreme or potentially life-threatening working conditions requiring a high level of physical capability (e.g., P.O.S.T. certified Campus Police Officers and Campus Police supervisory positions).

2) All TCSG jobs have been assigned to one of five (5) job categories as referenced in Attachment 4.6.1p.a1.

3) The designation of a specific position may differ from others in a given job dependent upon the type and level of medical/fitness screening necessary in relation to assigned duties and

responsibilities, functional requirements, working conditions and associated environmental concerns (e.g., working in excessive heat, cold, etc.). With respect to a System Office or Quick Start position, this determination may be made by the System Office Director of Human Resources or his/her designee. With respect to a technical college position, this determination may be made by the technical college Director of Human Resources, Vice President of Administration or other college official.

C. MAPEP Forms – Completion and Review

1) The following chart identifies the basic forms which must be completed by a prospective employee for a position in a Category 1-5 job:

REQUIRED MAPEP FORMS	**JOB CATEGORY**				
	1	**2**	**3**	**4**	**5**
GENERAL INFORMATION FORM (MS 10-51-03) Attachment 4.6.1p.a8.	**X**	**X**	**X**	**X**	**X**
Health Information Checklist (MS 10-500) Attachment 4.6.1p.a6.	**X**	**X**	**X**	**X**	**X**
Medical History Report (MS 10-52) Attachment 4.6.1p.a2.					**X**

NOTE: completion/submission of additional forms/documentation by a medical practitioner will accompany any limited or full physical examination.

2) As provided in Paragraph IV.A.3., a selected candidate who has accepted a contingent offer of employment and successfully met all other identified conditions should be provided all required MAPEP form(s) for completion.

3) Any unusual functional requirements or working conditions should be noted on the General Information – Medical and Physical Examination Program Form [MS 10-51-03 - Attachment 4.6.1p.a8.] to advise the prospective employee and to support a later determination that an identified medical/fitness condition should be reviewed further given one or more identified essential job function(s).

D. Types of Assessment

1) Self-Assessment - Positions in Job Categories 1-4:

a. If, after the review of submitted MAPEP forms, it is determined that a prospective employee appears capable of performing the duties of his/her position, no further assessment is needed.

2) Physician Review – Positions in Job Categories 1-4

a. If, after a review of submitted MAPEP forms, it is determined that the provided information should be reviewed further to determine if the prospective employee can perform the essential functions of the position, all completed forms should be referred to a physician under contract with the System Office or technical college for his/her review.

b. Unless additional information is provided by the System Office or technical college, the physician will assume that there are no atypical or special job duty demands or other factors affecting job performance.

c. Upon completion of the review, the physician will return the completed medical package to the identified human resources representative and include a determination on the Medical Examination Report to Employing Agency form [MS 10-57- Attachment 4.6.1p.a4.

3) Physical Examination – Positions in Job Categories 1-4

a. If, after a review of submitted MAPEP forms, it is determined that a limited or full physical examination is necessary, additional test(s) on the MAPEP Medical Findings Form [MS 10-56 - Attachment 4.6.1p.a7. will (as applicable) be identified.

b. Before a prospective employee is notified of the requirement for a physical examination, approval must be obtained from TCSG General Counsel or Legal Services Officer. If approval is obtained, the prospective employee may be referred to a physician under contract with the System Office or technical college or the prospective employee may elect to use a medical practitioner of his/her choosing and at his/her own expense. Certain forms/materials will be provided to the employee for submission to the medical practitioner and are included among those referenced in Paragraph IV.D.4.a. NOTE: the medical practitioner will assume that there are no atypical or special job duty demands or other factors affecting job performance unless this information is provided by the System Office or technical college.

c. Upon completion of the examination, the physician will return the completed medical package to the identified human resources representative and include a determination on the Medical Examination Report to Employing Agency Form [MS 10-57- Attachment 4.6.1p.a4.]

4) Physical Examination - Campus Police Positions in Job Category 5:

a. The technical college Office of Human Resources will provide the prospective employee with all necessary forms and materials to submit to the medical practitioner conducting the physical examination. Included will be a copy of the completed MAPEP General Information Form [MS 10-51-03 - Attachment 4.6.1p.a8.], any additional tests requested identified on the MAPEP Medical Findings Form [MS-56 - Attachment 4.6.1p.a7.], a copy of the completed Health Information Checklist [MS 10-500-Attachment 4.6.1p.a6., a copy of the completed Medical History Report [MS 10-52 - [Attachment 4.6.1p.a2.], a copy of the Specialized Medical Guidelines for Category 5 jobs [Attachment 4.6.1p.a5.], as well as a Memorandum to Examining Physicians [MS 10-55 - Attachment 4.6.1p.a3.],

b. Upon completion of the examination, the physician will return the completed medical package to the identified human resources representative and include a determination on the Medical Examination Report to Employing Agency Form (MS 10-57) [Attachment 4.6.1p.a4.].

E. Additional Examination/Screening Requirements

1) As provided in the TCSG Procedure governing Background Investigations (4.1.9p.), the recommended candidate for a full-time, P.O.S.T. certified law enforcement position serving in a technical college's police department shall be required to successfully complete a psychological screening as a condition of employment provided the technical college's written selection process mandates this requirement.

2) Other than as noted in Paragraph V.E.1., any System Office or technical college recommendation that a prospective employee undergo a psychological screening as a condition of employment must be based on the essential functions of the position in conjunction with the results of all MAPEP initiated assessment(s)/examination(s). No prospective employee may be directed to undergo an agency-paid psychological screening unless approval is first obtained from the TCSG General Counsel or Legal Services Officer.

3) Neither MAPEP guidelines nor the provisions of this procedure prevents a technical college from requesting a further medical assessment when the assessment is for accreditation purposes.

F. Choice of Medical Practitioner

1) A prospective employee required to undergo a limited or full physical examination may either report to a medical practitioner designated by the System Office or technical college or to a qualified medical practitioner of his/her choosing.

2) There is no cost to a prospective employee for a required physical examination conducted by a medical practitioner designated by the System Office or a technical college. The prospective employee shall be responsible for the cost of a required physical examination conducted by a qualified medical practitioner not designated by the System.

H. Review and Decision

1) The physical demands of the job and the working conditions under which work is performed shall be compared with the health status of the prospective employee. A determination shall be made regarding the prospective employee's physical capability to perform the essential functions of the job/position.

2) If a medical practitioner (in response to a review of assessment documentation, the results of a limited or full physical examination, and/or the findings of additional laboratory testing or examinations) identifies a condition that would hinder a prospective employee from fulfilling the prescribed duties of the job, reasonable accommodation(s) shall be considered pursuant to the provisions of the TCSG procedure governing Reasonable Accommodations in Employment (4.6.2p.).

3) A prospective employee who does not meet the medical, psychological or physical standards of a job, with or without reasonable accommodation(s), may not be employed in that job.

I. Appeal

1) A prospective employee may initiate an appeal contesting any requirement of the Medical and Physical Examination program.

2) Any such appeal must be submitted to the TCSG General Counsel, in writing, within ten (10) calendar days of becoming aware of the requirement.

2) Upon receipt of an appeal, the facts and circumstances contained in the appeal will be reviewed and a written response will be issued by the TCSG General Counsel or Legal Services Officer to the prospective employee within fifteen (15) business days.

3) The TCSG Office of Legal Services response is the final agency decision in this matter.

4) A copy of the appeal, any accompanying documentation/materials and, the final decision will be submitted to the Commissioner of the Georgia Department of Administrative Services as stipulated by applicable State Personnel Board Rules.

VII. RECORDS RETENTION:

All employment related documents collected pursuant to this procedure shall be maintained in a manner consistent with the Georgia Archive's Retention Schedule for State Government Paper and Electronic Records as well as accompanying statutory guidelines and State Personnel Board Rules. As provided in Paragraph IV.A.7., all medical information and documentation will be maintained/filed separately from all other personnel records.

Attachment 4.6.1p.a1. (Retitled and Revised May 2016)

MAPEP Category for TCSG Jobs

Job Code	Job Title	Category
11128	Academic Advisor	1
10305	Academic Affairs Coordinator	1
40220	Account Specialist	1
80343	Accountability Data Analyst	1
32690	Accountability Specialist	1
40844	Accountant	1
32697	Accountant, Senior	1
40843	Accounting Director	1
40865	Accounting Manager	1
40842	Accounting Technician	1
41025	Accounts Payable Specialist	1
40230	Accounts Payable Supervisor	1
40229	Accounts Receivable Supervisor	1
10318	Adjunct Faculty Hourly	1
10317	Adjunct Faculty APO	1
61723	Administrative Assistant I	1
61804	Administrative Assistant II	1
61800	Administrative Assistant III	1
61834	Administrative Assistant to VP	1
61911	Administrative Coordinator	1
60187	Administrative Operations Specialist	1
61830	Admissions Assistant	1
11212	Admissions Coordinator	1
11124	Admissions Counselor Recruiter	1
11120	Admissions Director	1
11002	Adult Education Coordinator	1
10214	Adult Education Teacher	1
TBD	Apprenticeship Specialist	1
11116	Assessment Specialist	1
30116	Assistant Athletic Coach	2
32692	Assistant to the Commissioner	1
30115	Athletic Coach	2
10610	Audio Visual IT Specialist	1
41010	Auditor	1
61829	Bookstore Assistant	1
61828	Bookstore Manager	1
10110	Budget Analyst	1
10055	Business & Industry Services Specialist	1
10070	Business Analyst	1
11121	Campus Life Director	1
7428	Campus Police Chief	5
7426	Campus Police Chief Assistant	5
7427	Campus Police Officer	5
TBD	Campus Police Sergeant	5

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11118	Career Advisor	1
11123	Career Plcement and Development Director	1
11119	Career Transactions Facilitator	1
61825	Cashier	1
32695	Chief Academic Officer	1
10611	Chief Information Officer	1
32691	Chief Operating Officer	1
10311	Child Enrichment Center Director	1
10211	Child Enrichment Center Worker	2, 3*
61826	Clerk Duplication	1
61805	Clerk Operations	1
15301	Commissioner	1
15300	Commissioner, Assistant	1
15302	Commissioner, Deputy	1
11209	Community Relations Director	1
11208	Conference Coordinator	1
11210	Continuing Education Director	1
11213	Coordinator	1
60814	Copy Center Coordinator	1
11122	Counseling & Special Services Director	1
31936	Courier	1
10313	Curriculum Program Specialist	1
30932	Custodian	2
10062	Customer Care Representative	1
80320	Data Analyst	1
80337	Data Center Manager	1
61831	Data Entry Specialist	1
80523	Data Management Assistant	1
80520	Database Administrator	1
11407	Dean for Academic Affairs	1
10036	Dean, Associate	1
10103	Dean, Adult Education	1
10615	Desktop Publisher	1
10616	Desktop Publisher/Illustrator	1
10056	Director	1
10049	Director, Assistant	1
10612	Distance Education Specialist	1
11410	Division Chair	1
32702	Driver's Education Instructor	1
10617	Editor Associate	1
10603	Educational Technology Coordinator	1
32693	Executive Assistant to the Commissioner	1
61827	Executive Assistant to the President	1
15304	Executive Director	1
61766	Executive Director, Administrative Services	1
11214	Executive Director, Economic Dev Program	1
95036	Executive Director, Legal Services	1

Back

32694	Executive Director, Senior	1
30082	Facilities Director	2
30089	Facilities Project Manager I	1
30090	Facillities Project Manager II	1
16120	Faculty Credentials Specialist	1
60130	Federal Work Study	1
10312	Financial Aid Coordinator	1
10515	Financial Aid Director	1
10514	Financial Aid Specialist	1
10511	Financial Aid Technician	1
41014	Fiscal Analyst	1
50336	Food Service Employee	3
50337	Food Service Manager	3
11314	GED Chief Examiner	1
11315	GED Examiner	1
11313	GED Testing Assistant	1
41156	Grants & Contracts Coordinator	1
10517	Grants Coordinator	1
60517	Graphic Designer	1
60518	Graphic Designer, Senior	1
30520	Groundskeeper	2
80737	Help Desk Coordinator	1,2*
10314	High School Coordinator	1
16119	Human Resources Coordinator	1
6008	Human Resources Director	1
16139	Human Resources Officer	1
16137	Human Resources Technician	1
80234	Information System Administrator	1
80832	Information Technology Director	1
30081	Institution Safety Manager	2
10913	Institution Support Coordinator	1
11221	Institutional Advancement Director	1
10047	Institutional Effectiveness Coordinator	1
10048	Institutional Effectiveness Director	1
10912	Institutional Effectiveness Specialist	1
10218	Instructional Aide	1
10217	Instructional Design Specialist	1
10215	Instructor - Child Enrichment Center	2
10606	Instructor - Computer Technology	2
10212	Instructor - Continuing Education	1
10213	Instructor - General Core	1
11413	Instructor - Technical	1,2,3,4*
11006	Interpreter - Sign Language	1
31118	Inventory Management Specialist	2
32701	Laboratory Assistant	1,2,3,4*
68885	Legal Services Officer	1
10709	Librarian	1

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10706	Library Assistant	1
10713	Library Services Director	1
30717	Maintenance Supervisor	2
30518	Maintenance Technician	2
10058	Manager	1
10060	Marketing Assistant	1
10053	Marketing Specialist	1
30317	Media Specialist	1
10608	Multimedia Developer, Senior	1
10312	Operations Director - Evening	1
16140	Payroll Specialist	1
40211	Payroll Technician	1
15303	President	1
31760	Procurement Services Officer	1
31761	Procurement Services Specialist	1
61767	Program Specialist	1
11415	Programmer Analyst	1
61774	Project Assistant	1
60770	Project Manager	1
60760	Project Specialist	1
31119	Property Accountant Specialist	1
10067	Provost	1
10068	Provost, Associate	1
60980	Public Relations & Information Director	1
31788	Purchasing Coordinator	1
31782	Purchasing Director	1
31790	Purchasing Manager	1
31772	Purchasing Technician	1
31117	Receiving and Distribution Manager	2
60825	Receptionist	1
10043	Registrar	1
10040	Registrar, Assistant	1
10057	Registrar, Office Assistant	1
80535	Research Analyst	1
80530	Research Assistant	1
10052	Satellite Operations Director	1
7425	Security Chief	2
7419	Security Officer	2
31120	Shipping & Receiving Technician	2
81031	Software Application Specialist	1
11110	Special Services Coordinator	1
61771	State Board Operations Director	1
61832	Student Affairs Assistant	1
11130	Student Affairs Coordinator	1
10106	Student Affairs Director	1
11127	Student Affairs Specialist	1
10530	Student Navigator	1

Back

81055	Systems Administrator	1
10305	Technical Education Program Coordinator	1
10609	Technical Illustrator	1
10044	Technical Prep Coordinator	1
80458	Technical Support Specialist	1
80037	Technology Support Specialist	1
11316	Testing Specialist	1
10605	Training and Communications Specialist	1
10035	Training Coordinator	1
10034	Training Specialist	1
15501	Transportation Services Driver	1,2*
11126	Tutor	1
10069	Vice President	1
10010	Vice President ,Assistant	1
61078	Vice President, Community & College Relations	1
10050	Vice President for Academic Affairs	1
10104	Vice President for Economic Develoment	1
10059	Vice President for Institutional Advancement	1
32703	Vice President for Institutional Effectiveness	1
11125	Vice President for Student Affairs	1
61912	Vice President of Administrative Services	1
10046	Vice President - Satellite Operations	1
80856	Vice President of Technology	1
80847	Web Developer	1
80835	Web Manager	1
10045	WIA Coordinator	1
10310	Youth Services Counselor	1

* A review of the position's duties and responsibilities is needed to determine the proper Category as assigned duties may vary from position to position.

Attachment 4.6.1p.a2. (MS Form 10-52)

STATE OF GEORGIA Name_____ Soc. Sec. No. _____-_____-_____

MEDICAL AND PHYSICAL Job Title _____ Department _____

EXAMINATION PROGRAM

MEDICAL HISTORY REPORT Job Category (circle one) 1 2 3 4 5

The purpose of these questions is to gather information concerning your health and physical condition, both now and in the past. This information will be used only to determine whether you can safely perform the duties of the job for which you are being considered. Please answer all of the following questions as fully and completely as you can. If you don't understand a question, or are unsure of how to answer it, leave it blank and request assistance.

I certify under penalty of perjury, that the information given by me is true to the best of my knowledge and belief. I agree and understand that any misstatements of material facts may cause forfeiture on my part of all right to employment in the service of the State of Georgia, may result in dismissal after appointment; or may result in loss of entitlement to disability retirement benefits. My signature also indicates that I understand all of the questions on this medical history form.

EMPLOYEES' SIGNATURE: _____ DATE: _____

Individual History – To Be Completed By Applicant/Employee (Use Ink)

A. MEDICAL CONDITIONS. Check every item. Do you have or have you ever had any of the following: (If "Yes," give date of most recent occurrence and explain on page 3.)

Health Condition	*Yes*	*Year*	*No*
HEAD, NOSE, MOUTH AND THROAT			
1. Persistent or severe headaches			
2. Frequent nose bleeds			
3. Frequent nasal congestion			
4. Persistent or severe sinus condition			
5. Bleeding gums			
6. Persistent or severe dental condition			
7. Hoarse when don't have cold			
8. Difficulty swallowing			
9. Persistent sore throat			
10. Loss of taste or smell			
11. Head injury			
12. Other head, nose, mouth or throat conditions:			
EARS AND HEARING			
13. Hearing difficulties			
14. Use hearing aid			
15. Ringing in ears (tinnitus)			
16. Perforated ear drum			
17. Persistent or severe ear infection			
18. Other ear or hearing conditions			
EYES AND VISION			
19. Glaucoma			
20. Cataract			
21. Eye irritations (itching or burning)			
22. Eye infection			
23. Defective vision			
24. Color blindness			
25. Injury to eye			
26. Eye surgery			
27. Double vision			

Health Condition	*Yes*	*Year*	*N o*
28. Glasses			
29. Contact lenses			
RESPIRATORY SYSTEM (lungs & breathing)			
30. Persistent or severe colds			
31. Persistent or severe cough			
32. Coughing blood			
33. Asthma or breathing difficulty			
34. Emphysema			
35. Pneumonia			
36. Tuberculosis			
37. Other lung or breathing condition:			
CARDIOVASCULAR SYSTEM (heart & blood vessels)			
39. Heart attack			
39. Hardening of the arteries (Arteriosclerosis)			
40 High or low blood pressure			
41. Heart murmur			
42. Palpitations or irregular heart beat			
43. Episodes of chest pains, tightness, discomfort			
44. Shortness of breath			
45. Varicose veins			
46. Swelling of ankles, feet or legs (edema)			
47. Leg pains, cramps			
48. Other cardiac conditions:			
GASTROINTESTINAL SYSTEM (stomach & intestines)			
49. Persistent or severe nausea or indigestion			
50. Persistent or severe stomach pain			
51. Vomiting blood			
52. Persistent or severe vomiting			
53. Hernia (rupture)			
54. Stomach or duodenal ulcer			

Back

Health Condition	Yes	Year	No		Health Condition	Yes	Year	No
55. Colitis					99. Trick or locked knee			
56. Hemorrhoids or piles					100. Knee surgery			
57. Change in bowel habits					101. Foot problems			
58. Black stool or blood in stool					102. Bone infection			
59. Persistent or severe constipation					103. Broken or fractured bone			
60. Persistent or severe diarrhea					104. Persistent or severe muscle aches or pains			
61. Pancreatitis					105. Other Musculoskeletal conditions:			
62. Appendicitis					ENDOCRINE/METABOLIC SYSTEM			
63. Other conditions of stomach or intestines					106. Diabetes			
LIVER, SPLEEN & GALLBLADDER					107. Thyroid condition or disease			
64. Cirrhosis					108. Hypoglycemia			
65. Hepatitis					109. Unexplained weight gain or loss			
66. Yellow jaundice					110. Unusual loss or growth of body hair			
67. Gallstones					111. Gout			
68. Other conditions of liver, spleen or gallbladder					112. Osteoporosis or other bone disease			
KIDNEYS & URINARY TRACT					SKIN			
69. Kidney stones					113. Rash			
70. Kidney infection					114. Hives			
71. Blood or pus in urine					115. Moles that bleed or get larger			
72. Pain or burning when urinating					116. Change in color of skin (other than suntan)			
73. Frequent urination					117. Frequent boils/abscesses			
74. Albumen or protein in urine					118. Trouble with fingernails			
75. Prostate condition					119. Small itching blisters on the side of fingers or palms			
76. Burning discharge from penis					120. Sores that do not heal			
77. Other conditions of kidneys or urinary tract					121. Other skin conditions:			
REPRODUCTIVE SYSTEM (FEMALES ONLY)					BLOOD/LYMPH (hematologic) SYSTEMS			
78. Pregnant at present					122. Anemia			
NEUROLOGICAL (Nervous) SYSTEM					123. Bleeding disorder			
79. Epilepsy, convulsions, seizures					124 Sickle cell disease or trait			
80. Periods of blackouts/loss of consciousness					125. Phlebitis/blood clot			
81. Fainting spells					126. Blood transfusion			
82. Dizzy spells (vertigo)					127. Chills, fever, night sweats			
83. Memory difficulty					128. Lymph node or glandular swelling that persists			
84. Tremor of the hands or head					129. Other conditions of blood or lymph:			
85. Paralysis of any type					CANCER			
86. Stroke					130. Surgery			
87. Severe numbness, tingling or weakness					131. Radiation therapy			
88. Dyslexia/learning difficulty					132. Chemotherapy			
89. Other conditions of neurological (nervous) system:					133. Immunotherapy			
MUSCULOSKELETAL SYSTEM					134. Hormone therapy			
90. Arthritis					135. Breast			
91. Bursitis/tendonitis					136. Bone			
92. Swollen or painful joints					137. Skin			
93. Dislocations					138. Other			
94. Painful or trick shoulder					PSYCHOLOGICAL/MOOD			
95. Elbow problems					139. mental problem requiring hospitalization			
96. Wrist or hand problems					140. Suicidal/attempted suicide			
97. Back pain					141. Active psychosis			
98. Back surgery					142. Drug, narcotic or alcohol			

Health Condition	*Yes*	*Year*	*No*		*Health Condition*	*Yes*	*Year*	*No*
143. Persistent or severe depression/worry					ALLERGIES (caused by)			
144. Other psychological conditions:					152. Medication			
INFECTIOUS OR CHILDHOOD DISEASES					147. Rheumatic fever			
Meningitis/encephalitis					153. Food			
146. Polio					154. Soaps or detergents			
148. Mumps					155. Pollen			
149. Measles					156. Insect bites/scales			
150. Venereal Disease					157. Other:			
151. Other:								

Explanation of items checked "Yes." Enter item number (1-157) before each comment.

_____

_____

_____

_____

B. CURRENT MEDICATIONS: _____

_____

C. SURGICAL HISTORY

Have you ever had surgery? ☐ **Yes** ☐ **No**

[If "Yes, complete the following information about each surgery]

TYPE OF SURGERY DATE (Mo/Yr)

1. _____ _____
2. _____ _____

D. HOSPITALIZATION HISTORY

Have you ever been hospitalized? ☐ **Yes** ☐ **No**

[If "Yes," complete the following information about each hospitalization.]

REASON FOR HOSPITALIZATION DATE (Mo/Yr)

1. _____ _____
2. _____ _____
3. _____ _____

Attachment: 4.6.1p.a3 Form MS 10-55

M E M O R A N D U M

TO: The Examining Physician

FROM: State Personnel Board and

_____
(Name of Agency)

DATE:

SUBJECT: Medical and Physical Examination Program (MAPEP)

We earnestly solicit your assistance in completing a medical and physical examination on the bearer.

Medical and physical examinations are of invaluable aid to both the employer and the employee in matching the physical and working environment demands of the job with the physical and mental capacities of the job candidate. From a health conservation standpoint, this type of pre-placement examination program is most effective when aimed at the prevention of occupational disease and injury at work.

The results of the examination should be reported on the enclosed MAPEP "Medical Findings" form (MS 10-56). All items should be completed by the examining physician except for tests listed in the "Additional Tests Requested" box at the top of the form. Those items are to be completed when the employing department has indicated that these tests are needed or if indicated as follow-up to a potential medical condition identified in the physical examination.

Please read the general and specialized standards provided. These standards identify certain assessments that should receive close attention during the physical examination.

Accompanying this memorandum and the "Medical Findings" form should be several information items and completed forms, including those indicated below:

__General Information (MS 10-50)

__ Description of Job Duties

__ Medical History Report (MS 10-52)

__General Medical Guidelines

__Specialized Medical Guidelines

__Other _____

Attached to the "General Information" form (MS 10-50) should be information on the duties and responsibilities of the job for which the bearer is being hired. This information and other job information on
form (MS 10-50) – specifically, responses to items A. 13-15 and B. 3-8 – should be carefully considered in providing your assessment of the medical implication of bearer's health history and physical condition for the job duty assignment. (To assist your understanding of item #A.13, a more detailed discussion of the job category description is provided below.)

The results of the examination may be reviewed by a medical practitioner selected by the department or under contract with the state. The responsibility for the final decision on bearer's employability in the specified positions rests with the employing department. If further examinations are indicated, the applicant will be notified.

After the examination has been completed, please return all medical materials to the address and employer representative identified at the bottom of page 2 of the "Medical Findings" form. All forms and materials are to be sent together, the bearer should not retain any of the documents

JOB CATEGORIES

Category 1:	Primarily sedentary, light physical work with limited to no unusual working conditions (e.g., SS:Secretary, MG1:Business Operations, PS:Human Resource Specialist)
Category 2:	Moderate to heavy physical activity and/or moderate to high interface with working conditions of potential concern for certain health conditions (e.g., SS:Supply/Inv/Warehse Wkr, SS:Housekeeper, TS:Engineering Tech, SS:Mechanic)
Category 3:	Positions involving food preparation or the handling of raw consumable animal products (e.g., SS:Food Svc Operation Wkr, TS: Plant Operator, TS:Agriculture Inspector)
Category 4:	Health-related positions involving direct contact with or exposure to air- borne pathogens (e.g., TB), blood-borne pathogens (e.g., HIV, viral hepatitis), human body parts or products, or hazardous chemicals or radiation (e.g., PS:Registered Nurse, some PS:Chem/Mat/Analys Spec, SS:Health Aide, TS:Radiologist, TS:Dental Hygienist)
Category 5:	Strenuous physical activity and/or extreme or potentially life-threatening working conditions requiring a high level of physical capability (e.g. PS:State Patrol, TS:Public Safety Cadet, PS: Special Investigative Agent, PS:Corrections Officer, PS:Firefight & Prevent Spec, PS:Conservation/Wildlife Ranger, PS: Compliance Investigator)

NOTE: **Unless otherwise indicated, expense for all examinations is to be paid by the prospective employee.**

Back

MEDICAL EXAMINATION

REPORT TO EMPLOYING AGENCY

M E M O R A N D U M

TO: _____
(Employing Agency)

_____
(Address)

FROM: _____
(Name)

_____
(Address)

_____
(Address)

In reviewing the medical information/examination of _____, for a _____
(Name of Applicant)

position and performed on _____ by _____, M.D., of _____,
(Date) (Name) (Address)

the physical demands of the position and the working conditions under which work is performed as approved by the State Personnel Board and described in the procedure manual, have been compared with the health status of said prospective employee and the following report is submitted for your consideration:

1. Physically capable to meet the demands of position with:

a) No limitations ( )
b) Moderate limitations (not to be transferred to another position without review of medical records). ( )

_____

_____

2. Recommend further examinations: _____

Remarks:
_____

3. Does not meet the physical standards of the position: _____

_____

4. Incomplete or inadequate information: _____

Date: _____ _____ M.D.
(Reviewing Physician)

[Attachment: 4.6.1p.a5.]

State of Georgia
Manual for Medical and Physical Examination Program (MAPEP)

SPECIALIZED MEDICAL GUIDELINES- Category 5 Positions

Candidates for "Category 5" positions must meet the requirements set forth in the General Medical Guidelines plus the following specific physical standards.

A. **General:** Height and weight should not be such as to interfere with specific job activities.

B. **Vision: 1) Distant vision** – minimum vision of 20/40 in each eye, corrected (with glasses or contact lenses) and at least 20/100 in each eye uncorrected (without glasses or contacts). **2) Near vision** – minimum of 20/40, corrected or uncorrected in each eye. **3)** Adequate depth perception and the ability to distinguish colors. **4) Peripheral vision** – at least 70 degrees in each eye.

C. **Hearing:** Hearing loss no greater than 24 dB (decibels) for the average of frequencies 500Hz, 1000Hz, 2000Hz, and 3000 Hz in the better ear, unaided (without a hearing aid) or aided (with a hearing aid).

"Normal hearing" is a hearing loss no greater than 24 dB at 250 Hz, 500 Hz, 1000 Hz, 2000 Hz, 3000 Hz, 4000 Hz, 6000 Hz, and 8000 Hz in both the right and left ears, unaided.

- An Otoscopic examination is required prior to the air conduction audiogram.
- A complete pure tone or warble tone air conduction audiogram is required and results recorded for all candidates. **The audiogram must be completed at all frequencies listed on Form MS 10-56 on both the right and left ears.** The pure tone air conduction audiogram is to be used as the baseline audiogram.
    - If the testing indicates air conduction thresholds to be within the stated hearing guidelines for employment, no further hearing testing is necessary. However, if any single air conduction threshold is obtained outside the normal, 0-24dB ranges; i.e., if hearing is not within "normal limits' the results of the test are explained to the candidate and the recommendation is made to obtain a complete audiological evaluation at the individual's expense for his/her own hearing healthcare benefits.
    - If the testing indicates air conduction thresholds to be outside the stated hearing guidelines for employment, the results of the test are explained to the

candidate and a complete audiological evaluation is recommended at the individual's expense for his/her own hearing healthcare benefit.

- In addition to the pure tone air conduction testing, warble sound field testing is required and the results must be recorded for all candidates who wear a hearing aid and do not meet the guidelines on the air conduction test, to verify if an individual meets the guideline for employment with the use of a hearing aid. If the site does not have the personnel or equipment to satisfy this requirement, then a referral is indicated.

- A qualified individual should administer the audiometric testing and perform the otoscopic examination. Qualified individuals include licensed audiologists, otolaryngologists, physicians trained in hearing conservation, technicians who are certified by the Council for Accreditation of Occupational Hearing Conservation, or technicians trained by such a physician. A technician who performs audiometric tests must be responsible to an audiologist, otolaryngologist, or physician.

- All tests should be performed in an acoustic environment to meet the current ANSI standards.

- All audiometric equipment should be calibrated annually to meet current ANSI standards.

D. **ENT:** There should be adequately free nasal breathing. The mouth should be free from deformities or conditions that interfere significantly with distinct speech.

E. **Cardiovascular:** Rheumatic and congenital heart disease should be thoroughly evaluated by the examining physician and commented on in the examination report. Atherosclerotic (arteriosclerotic) heart disease, myocardial infarction, coronary insufficiency, angina pectoris, and hypertension above 140/90 must be evaluated on an individual basis and must not be of sufficient severity to interfere with the performance of all duties.

F. **Respiratory:** Free of infectious diseases or other pulmonary processes that would interfere with the physical demands of the position.

G. **Gastrointestinal:** Must be free of any major pathological conditions that will interfere with the performance of physical requirements of the positions.

H. **Rectum and Anus:** Major hemorrhoidal conditions and symptomatic pilonidal cysts must not be of sufficient severity to interfere with the job.

I. **Hernia:** Hernia (E) which might interfere with the performance of duty would require surgical repair with clearance from operating surgeon, prior to employment.

J. **Genital/Urinary:** Large varicocele or hydrocele, which might interfere with the performance of duties, should be repaired with clearance from operating surgeon prior to employment.

K. **Back and Neck:** History of significant injury deformity, surgical procedure or other spinal pathology should be thoroughly evaluated by the examining physician and commented on in the examination report.

L. **Extremities: * If a prosthesis or orthosis is used, such prosthesis or orthosis must not interfere with the performance of duty.** 1) Upper Extremities – both hands must have at least the index, middle, and one other finger and must not interfere with the performance of duty; both thumbs must be functional; or, see (*) above. 2) Lower Extremities – both lower extremities must be free from limitation of any joint motion which would interfere with the performance of duties; both great toes must be functionally normal; or, see (*) above.

M. **Nervous System:** Central and peripheral nervous system disorders must be evaluated by the medical examiner. Applicants with seizures must be thoroughly evaluated by the examining physician and all findings included in the examination report. Special attention must be given to any history of seizure activity.

N. **Emotional Stability:** Any history of significant emotional instability or mental illness should be thoroughly evaluated by the examining physician and commented on in the examination report.

O. **Laboratory Analysis:** The following tests are not required unless medical history or physical examination results indicate that such test(s) are needed to adequately assess the applicant's physical status: 1. Urinalysis (Multi-Test Stick): Abnormalities in the sugar and albumin tests must be evaluated further. If Glucose Tolerance Test and if albuminuria, must have the cause identified; 2.Hemoglobin or Hematocrit; 3. Chest x-ray; and, 4. Resting Electrocardiogram

RELATED AUTHORITY:
State of Georgia Manual for MAPEP
Revised: May 22, 1997; December 17, 1997; October 15, 2004; February 15, 2005; July 1, 2012
Approved: February 24, 1994;

Attachment: 4.6.1p.a6. (MS Form 10-500)

MEDICAL AND PHYSICAL EXAMINATION PROGRAM (MAPEP)

Health Information Checklist

This checklist contains questions regarding your medical history and health. The primary use of this information will be to alert the employer and applicant of conditions that could negatively impact the health of customers or co-workers. This information may be used to determine fitness to perform job duties. This information will be handled in a confidential manner. It is essential that you answer all questions truthfully and completely. False or incomplete information may result in disqualification or termination if hired.

Completed by Applicant/Employee

(Type or Print in Ink)

Section I

Date: _____

Employee Name: _____ Social Security Number _____-_____-_____

Last, First Middle

Employing Agency: _____ Date Employed: _____

Section II

Have you now, or ever had the following?	Yes	No
1. Loss of sight of both eyes. Loss of uncorrected (without glasses or contact lens) vision of more than 75% bilaterally (vision of 20/160 or J* or worse using both eyes).		
2. Diabetes		
3. Tuberculosis		
4. Epilepsy (convulsions, seizures or fits)		
5. Ankylosis (immobility) of major weight bearing joints (ankles, knee, hip)		
6. Any permanent condition which causes 20% (or more) impairment of a foot, leg, hand, arm, back, or the body as a whole		
7. Arthritis which is a hindrance to employment		
9. Amputated (loss of) foot, leg, arm, or hand		
10. Parkinson's disease (Paralysis Agitans)		
11. Cerebral palsy		
12. Multiple sclerosis		
13. Mental retardation (intelligence quotient within the lowest two percent of the general population)		

	Yes	No
14. Psychoneurotic disability following confinement for treatment in a recognized medical or mental hospital for a period in excess of six months.		
15. Hemophilia		
16. Sickle cell anemia		
17. Cardiovascular (heart or blood vessel) disease		
18. Total occupational loss of hearing (loss of over half of hearing in each ear)		
19. Compressed air sequelae (damage to lungs, ruptured ear drum, etc e to air concussion, blasting, explosion, etc.)		
20. Muscular dystrophy		
21 Hyperinsulinism (hypoglycemia)		
22. Residual disability from poliomyelitis (Disability due to polio)		
23. Ruptured intervertebral (back) disc		
23. Chronic osteomyelitis (bone infection)		
24. Hepatitis		

REMARKS:_____

_____

_____

_____

_____ _____

Signature of Employee Date

Attachment: 4.6.1p.a7. (MS Form 10-56)

ADDITIONAL TEST(S) REQUESTED
Urinalysis
Pulmonary Function
Tuberculin Skin Test (TST)
EKG/Resting
EKG/Stress
Hemoglobin/Hematocrit
Chest X-Ray
Back X-Ray
Other Tests

STATE OF GEORGIA

MEDICAL AND PHYSICAL EXAMINATION PROGRAM

Medical Findings

NOTE TO EXAMINING PHYSICIAN

The person you are about to examine is being evaluated for the position described in job materials provided. In conducting your exam and reporting your findings and conclusions, take the job duty data into consideration.

ALL FIELDS IN THIS FORM MUST BE FILLED IN OR THE REVIEWING PHYSICIAN WILL RETURN THE FORM TO YOU.

1. Examinee's Name	2. SSN	3. Height (Feet, Inches)	4. Weight (pounds)

5. Vision Evaluation

Depth Perception Within Normal Limits Yes ☐ No ☐	Peripheral Vision Right Eye _____ Left Eye _____
Distant Vision	Near Vision
a. Without Glasses ☐ Right 20/ _____ Left 20/ _____	b. Without Glasses ☐ Right 20/ _____ Left 20/ _____
c. With Glasses ☐ Right 20/ _____ Left 20/ _____	d. With Glasses ☐ Right 20/ _____ Left 20/ _____
e. Is color vision normal when Ishihara or other color plate test is used? ☐ Yes ☐ No	f. If the answer is "No", can applicant pass lantern or other compatible? ☐ Yes ☐ No

6. Hearing Evaluation

a. OTOSCOPIC EXAMINATION: Right Ear _____ Left Ear _____

b. PURE TONE AIR CONDUCTION TEST RESULTS: (This section is to be used for all pre employment air conduction hearing testing.)

Right Ear								Left Ear							
250	500	1000	2000	3000	4000	6000	8000	250	500	1000	2000	3000	4000	6000	8000

c. SOUND FIELD PURE TONE/WARBLE TONE TEST RESULTS: (This section is to be used in conjunction with the pure tone air conduction testing section for all individuals with hearing aids who do not meet the guidelines on the air conduction test.)

	250	500	1000	2000	3000	4000	6000	8000
Sound Field Test								

If individual meets the stated hearing guideline, no further hearing testing is necessary for the purpose of employment. *However, if any single air conduction threshold is obtained outside the normal, 0-24dB range, the results of the test must be explained to the candidate and the recommendation made to obtain a complete audiological evaluation at the individual's expense.*

d. AUDIOMETER SERIAL #: _____ e. DATE OF CALIBRATION: _____

f. **MEETS HEARING GUIDELINES:** ☐ Yes ☐ No

RESTRICTED/MEDICAL

7. Blood Pressure/Pulse		
a. Systolic/diastolic	b. Two additional Readings if elevated	c. Pulse

8. Physical Examination

Clinical Evaluation	Normal	Abnormal	Remarks
a. Head, face, neck, and scalp			
b. Nose			
c. Mouth and Throat			
d. Ears			
e. Eyes			
f. Ophthalmoscopic			
g. Ocular motility			
h. Lungs and Chest (Breast, if indicated)			
I Heart			
j. Vascular system (Varicosities, etc.)			
k. Abdomen			
l. Anus and rectum (If indicated)			
m. Endocrine system			
n. Hernia (Any type)			
o. Upper extremities			
p. Feet			
q. Lower extremities			
r. Spine			
s. Identifying body marks, scars			
t. Skin, lymphatics			
u. Neurological			
v. Mental status			

9. Allergies

1.	3.
2.	4.

10. Surgery

Type of Surgery	Date (Mo/Yr)
1.	
2.	
3.	
4	

RESTRICTED/MEDICAL

11. Comments/Implications for Fitness for Duty

12. Physician Signature and Address

a. Physician's Name (Type or Print)	b. Physician Telephone	c. Address
d. Signature	e. Date	

13. Employer Name and Address

IMPORTANT: Examining Physician -- Return all materials supplied by the prospective employee to the employer address provided.	Return to:

In order to comply with ''The Genetic Information Nondiscrimination Act of 2008 (GINA), we ask that you NOT provide any genetic information when responding to this request for medical information. This includes family medical history, results of genetic tests, information regarding genetic services, and genetic information about an individual's or family members' fetus or embryo.

Attachment: 4.6.1p.a8.
(Form MS 10-51-003)

GENERAL INFORMATION

MEDICAL AND PHYSICAL EXAMINATION PROGRAM (MAPEP)

Inquiry Authority/Use Statement

The collection of this information is authorized by O.C.G.A. 45-2-40. This information will be used to determine fitness for duty and to provide protection to employees from potential harmful effects associated with this employment. Unless otherwise stated, this information may be disclosed to the hiring agency, State agencies responsible for State benefits and workers' compensation programs, and, where pertinent, to an appropriate law enforcement agency for investigation for prosecutive purposes or in a legal proceeding to which the hiring agency is a party. As provided by the Americans with disabilities Act of 1990 (Public Law 101-336), this information is to be filed separately from other personnel records and is to be used only for legitimate, non-discriminatory hiring and placement purposes with reasonable accommodation, where appropriate. Completion of this form is voluntary; however, if this information is not provided, the individual may not receive the requested benefits or employment.

A: Completed by Employee

1. Employee Name: _____ (Last / First / Middle) 2. _____-_____-_____ (Social Security Number)

3. Race _____ 4. Sex: ☐ Female ☐ Male 5. _____ (Date of Birth) 6. _____ (Daytime Telephone Number)

7. Address: _____
_____
_____

8. Position Title: _____
9. Position Number: _____
10. Location of Position: _____

11. Direct Contact for Position Information
   a. Name: _____
   b. Title: _____
   c. Telephone: _____
   d. E-Mail: _____
   e. Fax Number: _____
   f.. Dept.: _____
   g. Unit: _____
   h. Address: _____
   _____
   _____
   _____

12. Have you been provided detailed information on the duties of this position? □ Yes □ No
13. Do you understand the functional requirements and environmental factors of this position? □ Yes □ No
14. Are you capable of performing the duties and responsibilities of this position (with reasonable accommodations, if necessary, as described in Section A, Item #17)? □ Yes □ No

For the following questions, explain a "Yes" answer in the space provided below

15. Have you ever been employed by the State of Georgia? □ Yes □ No
16. Have you had a physical examination for employment with the State of Georgia within the past twelve month period? □ Yes □ No
17. Is there anything in your past medical history, of which you have knowledge that would prevent your being able to perform the duties of this position? □ Yes □ No

Explanation of items 15-17 checked "Yes." Enter item number before each comment.

_____

_____

_____

I certify that all information given by me in connection with this medical assessment is true to the best of my knowledge and belief. I agree and understand that any misstatements of material facts may cause forfeiture on my part of all right to employment in the service of the State of Georgia; may result in dismissal after appointment; or may result in loss of entitlement to disability retirement benefits. My signature also indicates that I understand all of the questions on this form.

20. _____ 8. _____
Signature of Employee Date

B: Completed by Employer

1. Indicate type of job information used for medical review (check all that apply):
   - □ Job description
   - □ Performance standards
   - □ Functional requirements analysis
   - □ Environmental factors analysis
   - □ Other (please specify) _____
   - _____
   - _____
   - _____

2. Check job category:
   - □ Category 1 Sedentary
   - □ Category 2 Active
   - □ Category 3 Food Handling
   - □ Category 4 Health-related
   - □ Category 5 Law Enforcement

3. Describe any notable or unusual job requirements or working conditions: (continue on separate page, if needed)

_____

_____

_____

4. Were any "reasonable accommodations" needed? If "Yes," describe: ☐ Yes ☐ No

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

5. _____
(Type or Print Official Contact's Name)

6. _____ 20. _____
Signature of Official Contact Date

Procedure: 4.6.2p. (III.U.13)
Reasonable Accommodations in Employment

Revised:
Last Reviewed: September 12, 2013
Adopted: September 12, 2013

I. PURPOSE:

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. 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

III. APPLICABILITY:

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

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 junction 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:

Attachment: 4.6.2p.a1. Reasonable Accommodation Request Form
Attachment: 4.6.2p.a2. Medical Information Request Letter
Attachment: 4.6.2p.a3. Medical Information Request Form
Attachment: 4.6.2p.a4. Authorization for Release of Information Form
Attachment: 4.6.2p.a5. Interactive Disability Accommodation Document
Attachment: 4.6.2p.a6. Essential and Marginal Job Function Analysis Worksheet
Attachment: 4.6.2p.a7. Frequently Asked Questions – Applicants and Employees
Attachment: 4.6.2p.a8. FAQ - Managers, Supervisors and HR Representatives
Attachment: 4.6.2p.a9. Reasonable Accommodation Review Form

VI. PROCEDURE:

1. **Initiating the Reasonable Accommodation Process:**
    a. 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.
    b. 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.
    c. 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.

2. **System Office/Technical College Responsibilities:**
    a. 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: 4.6.2p.a6.) 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.
    b. 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.
    c. 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: 4.6.2p.a4. (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.
    d. 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.
    e. In those circumstances in which additional medical documentation is needed, the applicant/employee will be provided with a Medical Information Request Letter (Attachment: 4.6.2p.a2.) which outlines the rationale for the System Office or technical college's request for the additional information.
    f. In conjunction with the Medical Information Request letter, the applicant/ employee should also be provided with a Medical Information Request Form (Attachment: 4.6.2p.a3.) an Authorization for Release of Information Form (Attachment: 4.6.2p.a4.), a copy of the Essential and Marginal Job Function Analysis Worksheet (Attachment: 4.6.2p.a6.), and a copy of his/her Reasonable Accommodation Request Form (Attachment: 4.6.2p.a1.) with instructions regarding completion and submission of these documents to his/her treating health care provider/professional.

3. **Applicant/Employee Responsibilities:**
    a. 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.

b. 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: 4.6.2p.a2.); 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.
c. 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: 4.6.2p.a4., any such refusal may influence forthcoming employment decisions.
d. 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.

4. **Determination of Disability:**
   a. 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.
   b. 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: 4.6.2p.a1.) and Authorization for Release of Information Form (Attachment: 4.6.2p.a4.) outlines the process to request the information from the named health care provider/professional.
   c. 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.

5. **Identification of Possible Reasonable Accommodations:**
   a. 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: 4.6.2p.a5.(Interactive Disability Accommodation Document).
   b. 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.

c. 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 work place is easily accessible and usable by individuals with disabilities.
d. 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.
e. 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.
f. 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.
g. 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.

6. **Assessment of Undue Hardship:**
   a. 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.
   b. In general, an undue hardship pertains not only to financial considerations, but also to reasonable accommodations that are unduly extensive, substantial, or disruptive.
   c. 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.
   d. 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.

7. **Review Procedure:**
   a. 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: 4.6.2p.a9. (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).

b. 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.

c. 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.

d. 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.

8. **Implementation of the Reasonable Accommodation:**

a. 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.

b. 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 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).

9. **Monitoring the Effectiveness of the Reasonable Accommodation:**

a. 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).

b. 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.

10. **Confidentially of Reasonable Accommodation Documentation:**

a. 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.

b. Access to non-medically-related information shall be limited only to those System Office or technical college employees with a “need to know”.
c. 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.
d. 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. RECORD 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.

4.6.2p.a1. Attachment

TECHNICAL COLLEGE SYSTEM OF GEORGIA
Reasonable Accommodation Request Form

This form is designed to assist the Technical College System of Georgia's (TCSG) System Office or _____ Technical College in determining whether, or to what extent, a reasonable accommodation is required for an employee to perform one or more essential functions of his/her job/position safely, effectively and efficiently. NOTE: The completed form will be filed separately and treated confidentially.

SECTION I. Applicant/Employee Information:

Applicant/Employee Name: _____
(Please Print)

Street Address/P.O. Box: _____

City/State: _____ Telephone Number: _____

Job/Position Title: _____ __ Request Date: _____

As Applicable, Supervisor Name: _____

By my signature below, I give the TCSG System Office or _____ Technical College permission to review applicability, coverage, and reasonable accommodation(s) under the Americans with Disabilities Act (ADA), as amended. I understand that all information obtained during this process will be maintained and used in accordance with the ADA and all corresponding legal and regulatory requirements pertaining to medical and genetic information and associated confidentiality.

In instances in which the TCSG System Office or _____ Technical College requires additional medical or mental health information/documentation to support a request for reasonable accommodation, I will coordinate with my treating physician or other medical/behavioral health or rehabilitation provider/professional to provide the requested information. To this end and as needed, I also agree to authorize a human resources representative of the System Office or technical college to further consult with the provider/professional who submitted the documentation within the scope of a completed Authorization for Release Information Form.

_____ _____
Applicant/Employee Signature Date

SECTION II:

Please answer the following questions to assist the System Office or technical college in understanding the basis and nature of your request for a reasonable accommodation (attach additional pages if necessary).

A. Indicate physical or mental limitation(s) and expected duration of such limitation(s). Please attach additional page(s) if necessary. NOTE: it is not necessary to indicate a medical diagnosis or condition.

_____
_____
_____

_____
_____
_____

B. Explain how the disability or limitation affects your ability to perform one or more of the essential functions of the job/position.

_____
_____
_____
_____
_____
_____

C. List accommodation(s) needed to perform the essential functions of the job/position. Please attach additional pages if needed.

_____
_____
_____
_____
_____
_____

D. Has a physician or other medical or rehabilitation provider/professional recommended one or more specific accommodation(s)? YES ___ NO ___
If yes, please attach a copy of the recommendation(s).

Please forward the completed form with any accompanying attachments to:

[Name/Title]: _____
[System Office/Technical College] _____
[Street Address]: _____
[City/State/Zip Code]: _____

Information Pertaining to Medical Documentation

In the context of assessing an accommodation request, medical documentation may be needed to determine if an employee has a disability covered by the ADA, whether an accommodation is appropriate and, if so, to work in conjunction with an employee to determine an effective accommodation.

Generally, medical inquiries related to an employee's disability and functional limitations are permissible and may include consultation(s) with a physician or other medical/rehabilitation provider/professional to include organizations with expertise in adaptations for specific disabilities.

In the event that medical documentation is required, you will be provided with the appropriate form(s) to submit your medical provider or other referenced professional. Please note that it is your responsibility to ensure that the medical provider or other provider/professional follows through on any request for medical information.

Attachment: 4.6.2p.a2.

TECHNICAL COLLEGE SYSTEM OF GEORGIA
Medical Information Request Letter

[DATE]

[Applicant/Employee Name]
[Address]

RE: Request for Medical Documentation

Dear: **[Name]**

In response to your recent request for a reasonable accommodation, the submitted information indicates that you have or may have a health condition that impacts your ability to perform the essential functions of **[your job or the job you applied for]**. To assist [**the System Office or _____ Technical College]** in identifying a reasonable accommodation, additional medical information is needed from your treating health care provider or other provider/professional. Please be advised that the accommodation procedures of the Technical College System of Georgia follow the Americans with Disabilities Act, as amended, and the additional information is needed to implement this process.

On receipt of the medical information, we will work together to identify whether accommodation(s) are needed, determine if reasonable accommodation(s) are available, and implement applicable accommodation strategies. The health information provided by your provider/professional is considered confidential and only information necessary to the implementation of a reasonable accommodation will be shared with **[the employee's supervisor or the supervisor of the position applied for]** and, as applicable, **[the reviewing manager or other designated officials]**. All written documentation accompanying your request, including associated medical information, will be maintained separately and treated confidentially. For employees, the documents will be placed in your medical file, which is separate from your official personnel file.

I encourage you to discuss your health concerns as they relate to **[your/the]** assigned job duties with your treating health care provider/professional. In addition to the enclosed Medical Information Request Form, and your completed Reasonable Accommodation Request Form and Authorization for Release of Information Form, I have enclosed the following documents to assist your provider/professional in his/her review of your request for accommodation: [**Select from among: a listing of the essential and marginal functions of the position, the Essential and Marginal Functional Analysis of the position, the accompanying job/position description or, the performance planning document]**.

[Applicant/Employee Name]
[Date]
Please have your treating health care provider/professional read this letter and respond to the questions on the attached Medical Information Request Form. Please return the completed form to me no later than **[Insert Date: fifteen (15) calendar days from the date of the letter.]**

I encourage you and/or your treating health care provider/professional to contact me with any questions regarding this process or the accompanying Medical Information Request Form.

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Sincerely,

[Human Resources Representative]

Enclosures: Medical Information Request Form
Reasonable Accommodation Request Form
Authorization for Release of Information Form
Essential and Marginal Job Function Analysis Worksheet
[Other enclosed document(s)]

Cc:

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Attachment: 4.6.2p.a3.

TECHNICAL COLLEGE SYSTEM OF GEORGIA
Medical Information Request Form

Section I: (For Completion by Human Resources Representative)

Applicant/Employee Name: _____

The **[position entails/employee works]** a regular schedule of _____ hours per day, averaging ____ per week.

Return completed form to:
_____ Human Resources Representative
_____ **[TCSG System Office or Technical College]**
Address: _____
Phone Number: _____ Fax Number: _____

Section II: (For Completion by Treating Health Care Provider/Professional)

What is the physical or mental health condition? _____

Are you the treating health care provider/professional? Yes ___ No ___

Please identify the major life activities below that are limited due to the health condition(s), the treatment for the health condition(s), or the side effect of medication(s) for the health condition(s) that may impact these major life activities.

Limitation in the number of hours worked:

___ Work no more than _____ hours per day
___ Work no more than _____ hours per week :

Frequently = 34% to 66% of the time – Occasionally = 1% to 33% of the time:

___Lift up to _____ pounds ___Frequently or ___Occasionally
___Push/pull/force up to _____ pounds ___Frequently or ___Occasionally
___Bend, twist, stoop ___Frequently or ___Occasionally
___Reaching ___Frequently or ___Occasionally

During Work Hours:

___Stand no more than _____ hours
___Walk no more than _____ hours
___Sit no more than _____ hours

Additional Major Life Activities:

___Concentration ___Think ___Hear ___Learn ___Perform Manual Tasks
___Interact with Others ___Sleep ___Eat ___Read ___Communication
___Work ___Slight ___Breathe ___Speak ___ Other: _____
___Major Bodily Functions (Please List) _____ ___Caring for Oneself

Please Provide Details:
_____
_____
_____
_____

What is the impact on the individual's ability to perform **[the or his/her]** job?
_____
_____

What is the expected duration of the limitation(s) pertaining to a major life activity as noted above?

Office Name of the Treating Healthcare Provider/Professional

Treating Health Care Provider/Professional (Printed Name)

Treating Health Care Provider/Professional (Signature)

Date

NOTE: The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of an individual, except as permitted by law. To comply with these provisions, we request that you do not provide any genetic information when responding to this request for medical information. “Genetic Information” is defined as an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus-carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

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TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Attachment 4.6.2p.a4.

TECHNICAL COLLEGE SYSTEM OF GEORGIA
Authorization for Release of Information Form

For Completion by Applicant/Employee

I, _____ authorize _____ of
Applicant/Employee Name (Please Print) Health Care Provider/Professional (Please Print)

_____ to discuss, disclose and/or provide the specific
Clinic/Medical Office (Please Print)

Information referenced below to _____
Human Resources Representative(s)

of _____at the following mailing address:
TCSG System Office or Technical College

_____

Applicant or Employee Name: _____ Birthdate: _____

Address: _____
Street/P.O. Box City State Zip Code

Telephone Number: _____ _____
(Home) (Work or Cell)

Covering the Following Periods of Health Care Services:

From (date): _____ To (date): _____

The following information will be used for the purpose of determining my employment accommodation needs:

(Check and initial each applicable section)
_____Medical
_____Psychiatric
_____Psychological
_____Other: _____

I understand that this information will include the following, if applicable:

(Check and Initial each applicable section)
_____Behavioral Health services/Psychiatric care and services
_____Treatment from alcohol and/or drug abuse/dependency

Affirmation of Release:

By my signature below, I provide the named health care provider/professional permission to release the information I have selected on this form to the individual(s) I have identified and only for the purpose stated. If additional information/documentation is required to assess my request for reasonable accommodation, I will coordinate with my treating physician or other medical/behavioral health or rehabilitation provider/professional to provide the requested information. I also authorize the designated human resources representative(s) to consult with the provider/professional as it pertains only to the information provided and within the scope of my authorization.

I understand that this release is valid only for the period of one (1) calendar year from the date of my signature. I understand that I may refuse to sign this authorization or revoke my authorization at any time for any reason. I understand that any revocation or refusal to sign this authorization will in no way affect my eligibility for benefits or my ability to obtain services or treatment from the named provider or professional.

However, I also understand that any action on my part to deny access to information that is essential to the determination of reasonable accommodation(s) may nullify the accommodation process and influence forthcoming employment decision(s). Any such revocation will take effect on the day it is received in writing by the TCSG System Office or _____ Technical College.

I further understand that the identified human resources representative(s) of the TCSG System Office or _____ Technical College who will receive this information are not a health care provider, a health plan or a health care clearinghouse and may not be covered by federal privacy regulations.

However, I further understand that all submitted documentation/information as well as this form will be filed separately and treated confidentially. If I am an employee, I understand that these documents will be placed in my medical file which is maintained separately from my official personnel file.

_____ _____

Applicant/Employee Signature Date

_____

Witness Signature (Relationship to Applicant/Employee) Date

Attachment: 4.6.2p.a5.

TECHNICAL COLLEGE SYSTEM OF GEORGIA
Interactive Disability Accommodation Document

This form is to be used by the designated human resources representative to record the results of the conversation(s) between an applicant or an employee with a disability and the System Office or employing technical college as to a reasonable accommodation required for the individual to have an opportunity for the safe, efficient and effective performance of the essential job functions of the specific position held or sought. Equipment or other material accommodations obtained by the System Office or technical college on behalf of the employee or applicant remain the property of the Technical College System of Georgia. In the event an employee transfers between System Office/technical college work units, a new request may be necessary.

NOTE: This form will be filed separately and is considered confidential. For employees, the document will be placed in the respective medical file, which is maintained separately from each employee's official personnel file.

Employee Name: _____ Agreement Date: _____

Job Title: _____ Work Unit: _____

In conjunction with the information obtained regarding the request for accommodation, list the limitation(s) and anticipated duration: _____
_____
_____
_____
_____

List the job tasks/assigned duties that are impacted and how they are impacted by the referenced limitation(s): _____
_____
_____
_____
_____

List the accommodation that will allow the employee or applicant the opportunity to perform the job task(s): _____
_____
_____
_____

As applicable, the monetary cost of the accommodation: $_____

Applicant/Employee Agreement with the Accommodation: ___Yes ___No

_____ _____
Applicant/Employee Signature Date

Signature below Indicate Agreement with Accommodation(s)

_____ _____
Immediate Supervisor Signature Date

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Human Resources Representative	Date
Commissioner/Technical College President or Designee	Date

NOTE: Immediate Supervisor's signature should be obtained before confidential medical information is attached

For an additional accommodation, please use Page 1 of Attachment D – complete and attach.

Attachment: 4.6.2p.a6.

TECHNICAL COLLEGE SYSTEM OF GEORGIA

Essential and Marginal Job Function Analysis Worksheet

SECTION I: Guidelines for Determining Essential versus Marginal Functions

Under applicable provisions of the Americans with Disabilities Act (ADA), as amended, covered employers are required to complete an essential function analysis when a disability accommodation request is made. All TCSG System Office work units and all associated technical colleges are encouraged to complete the analysis prior to advertising a vacant position and to use the information in the interviewing process, as appropriate.

Job descriptions should include references to essential job/position functions and this information is applicable to staff training and development activities as well as with the performance appraisal/evaluation processes.

Pursuant to ADA guidelines, employment decisions are to be based on the essential functions of a particular job/position. Other functions categorized as marginal or secondary are not to be used as the basis for an employment decision. Unlike an essential job/position function, a marginal function is relatively incidental to the reason the position exists. Also, unlike an essential function, a marginal function can be transferred to another position without causing an undue hardship to the work unit. Although the task must be accomplished, it can be carried out by another employee.

Used properly, the Worksheet is an effective tool to ensure the accurate identification of both essential and marginal functions, the percentage of time required to perform job-related physical activities, the physical and cognitive requirements of the job/position, the equipment used, if any, and the accompanying environmental surroundings.

SECTION II: Job/Position Information

Position #: _____ Position Title: _____

Job Code#: _____ Work Unit: _____

Incumbent Name (if applicable): _____

SECTION III: Position Summary

Provide a brief position summary which describes the purpose of the position (please attach additional page(s) if needed):

_____
_____
_____
_____
_____

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For Sections IV, V, VI, please assess and indicate whether each identified category/statement is either "Essential" (E), "Marginal" (M), or "Not Applicable" (N/A).

SECTION IV: Cognitive Processes

	E	M	N/A
1. Is the inspection of products, objects or materials necessary?			
2. Does the job require analyzing information, documents, or data?			
3. Does the job require planning sequences of operations or actions?			
a. Simple Planning			
b. Complex Planning			
4. Does the job require decision-making skills?			
a. Simple Decisions			
b. Complex Decisions			
5. Is logic required to define problems, collect information, and establish facts? draw accurate conclusions, interpret information and/or deal with abstract variables?			
6. Are basic counting, addition and/or subtraction required?			
7. Is performing algebra, geometry, and/or statistics necessary?			
a. Simple calculations			
b. Complex calculations			
8. Is the ability to comprehend written language required?			
a. Basic instructions, safety rules, correspondence			
b. Technical or professional materials, financial or legal documents			
9. Is the ability to write necessary?			
a. Compose letters or memoranda			
b. Compose and/or edit reports or other professional materials			
10. Is the ability to comprehend verbal instructions a necessary part of the job?			
a. Comprehend simple verbal instructions			
b. Comprehend technical and/or complex verbal instructions			
11. Is verbal communication a necessary part of the job?			
a. Is talking in standard English required?			
b. Is talking using complex, technical or professional English required?			
c. Is knowing a foreign language required? Is so, please identify the foreign language: _____			

Comments:

_____

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SECTION V: Position Components
(Assessment of the responsibilities and required aptitudes)

	E	M	N/A
1. Work with frustrating situations: Job objectives are often hindered by events beyond the incumbent's control.			
2. Job is a high demand position with associated stress			
3. Advising required: counsel, recommend, guide or caution others in legal, financial, scientific, technical, educational, or other professional matters			
4. Coordinate, monitor, and organize the activities of others to achieve desired objectives, without possessing supervisory authority			
5. Teaching/training others or providing academic instruction			
6. Participate in group activities requiring interpersonal skills and cooperation			
7. Working under time pressures and established deadlines			
8. Working an irregular schedule. May be required to work additional hours			
9. Must manage multiple assignments with conflicting demands or priorities			

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10. Concentration: maintain attention to detail over extended period(s) of time. Must be continually aware of variations to changing situations_ _____
11. Frequent travel is a job requirement _____
12. Reaction or response: quick reaction or immediate response to emergencies _____
13. Research and analysis: fact-finding, interpretation, and investigation required In preparing reports, documents, or evaluations _____
14. Accountability and consequence of error: responsible for money, equipment or personnel. If work objectives are not met, serious consequences may result _____
15. Work is performed independently or with minimal on-site supervision _____
16. Supervise others: recruit, screen, assign and monitor work products, train and evaluate other employees _____
17. Confidentiality: works with confidential information, material, or records _____

Comments:

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SECTION VI: Physical Requirements

	E	M	N/A
1. Is talking necessary?			
2. Is hearing necessary?			
3. Is sight necessary? (If Not Applicable, skip to 3.e.)			
a. Is the ability to distinguish between colors necessary?			
b. Is vision clarity of greater than 20 feet necessary?			
c. Is vision clarity of less than 3 feet necessary?			
d. Is depth perception necessary?			
e. Is an entire field of vision/periphery required?			
4. Is walking necessary? (If Not Applicable, skip to question #5)			
a. Is walking on ramps a regular duty assignment?			
b. Is walking distances of a mile or less daily a regular duty assignment?			
5. Is sitting a part of the job? (If Not Applicable, skip to question #6)			
a. 0-2 hours per day			
b. 2-4 hours per day			
c. 4-8 hours per day			
6. Is standing a part of the job? (If Not Applicable, skip to question #7)			
a. 0-2 hours per day			
b. 2-4 hours per day			
c. 4-8 hours per day			
7. Is a certain amount of dexterity required? (If Not Applicable, skip to Question #8)			
a. Is good balance required?			
b. Must the employee possess the ability to grip, hold and turn an object in his/her hands?			
c. Does the job require a “pinch” type activity using one’s fingers?			
8. Is climbing ladders and/or stairs a job requirement? (If Not Applicable, skip to Question #9)			
a. Will climbing involve carrying object(s) of greater than 10 lbs.?			
b. Will climbing frequency be 25 or more times per day?			
9. Does the job require the lifting of objects? (If Not Applicable, skip to Question #10)			
a. Lifting 10 - 24 lbs.			

b. Lifting 25 - 49 lbs. _____
c. Lifting greater than 50 lbs. _____
d. Is lifting a frequent task? _____
e. Is lifting an infrequent task? _____

10. Is pushing or pulling objects required? (If Not Applicable, skip to Question #11) _____
a. Is pushing or pulling objects a frequent task? _____
b. Is pushing or pulling objects an infrequent task? _____

11. Does the position require repetitive motion – excessive repeating movement of hands, wrist and arms? _____

12. Is stooping, kneeling, or crouching required? (If Not Applicable, skip to to Question #13) _____

a. Is stooping, kneeling, or crouching a frequent task? _____
b. Is stooping, kneeling, or crouching an infrequent task? _____

13. Is crawling (i.e., to crawl and move about on hands and knees) required? _____

Comments:

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_____

Physical Requirements – Definitions:

Talking: communicate verbally, converse with, convey, express oneself, exchange information.
Hearing: perceive the nature of sounds by ear.
Seeing/Sight: detect, identity, perceive with the eyes, to observe.
Walking: moving about on foot to accomplish tasks, moving from one work site to another
Sitting: remain in a seated position.
Standing: remaining on one's feet in an upright position without moving about.
Balance: maintaining body equilibrium to prevent falling when walking, standing, crouching, kneeling, running, etc., on surfaces which may be slippery, narrow, of changing elevations, of different conditions, etc.
Fingering: picking, pinching, typing or otherwise working primarily with fingers rather than with the whole arm or hand. To grip or hold an object in one's hand(s).
Climbing: ascending or descending ladders, stairs, scaffolding, ramps, poles using feet and legs and/or hands and arms. This factor is important if the amount and kind of climbing required exceeds that required for ordinary locomotion.
Lifting: raising objects from a lower position to a higher position or moving objects horizontally from position to position. This factor is important if it occurs to a considerable degree and requires the substantial use of the upper extremities and back muscles.
Pushing: to exert force against an object; uses upper extremities to press against something with steady force (i.e., to thrust forward, downward, or outward) to move the object away from the force.
Pulling: using upper extremities to exert force in order to draw, drag, haul or tug objects in a sustained motion.
Stooping: bending body downward and forward by bending spine at the waist. This factor is important if it occurs to a considerable degree and requires the full use of the lower extremities and back muscles.
Crouching: bending the body downward and forward by bending leg and spine.
Crawling: moving about on hands and knees or hands and feet.
Kneeling: bending legs at knee to come to a rest on knee or knees.

SECTION VII: Degree of Physical Activity – Indicate the percentage of time engaged in pushing and pulling activities. The total should equal 100%

		N/A	<25%	25-49%	50-74%	>75%
Sedentary	Exert up to 10 lbs. of force occasionally* or a minute amount frequently**	___	___	___	___	___
Light	Exert up to 20 lbs. of force occasionally and/or up to 10 lbs. of force frequently	___	___	___	___	___
Medium	Exert 20-50 lbs. of force occasionally and/or 10-15 lbs. of force frequently	___	___	___	___	___
Heavy	Exert 50-100 lbs. of force occasionally and/or					

	25-50 lbs. of force frequently	___	___	___	___	___
Very Heavy	Exert 100 lbs. of force occasionally and/o 50 lbs. of force frequently	___	___	___	___	___

NOTE: *Occasionally: activity or conditions exist up to 1/3 of the time
**Frequently: activity or conditions exist from 1/3 to 2/3's of the time

Comments:

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SECTION VIII: Physical Surroundings and Hazards – indicate which statements are applicable:

_____ Spends 0-2 hours per day outdoors
_____ Spends 2-4 hours per day outdoors
_____ Spends 4-8 hours per day outdoors
_____ Works in temperatures at or below 32 degrees for more than one hour at a time
_____ Works in temperatures at or above 90 degrees for more than one hour at a time
_____ Does noise require an employee to shout in order to be heard
_____ Is there exposure to vibrating movements to the extremities or the entire body
_____ Is there a risk to bodily injury due to the proximity to mechanical parts, motorized equipment, instruments, electric currents, or chemicals
_____ Are there conditions that may affect the respiratory system, skin, or allergies (e.g., fumes, odors, air particles

Comments:

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_____

SECTION IX: Equipment, Tools, Electronic and Communication Devices – List those the employee will use to perform his/her assigned duties

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____
8 _____

Comments:

_____
_____
_____
_____

Back

SECTION X: Essential and Marginal Function Statements – A job function statement should focus on the purpose (of the job), the result(s) to be accomplished, and the productivity required rather than the manner in which the function is performed. Identify whether the functions are essential or marginal and provide the projected percentage of time devoted to each in a normal work day. Please start each statement with a verb. NOTE: the Essential and Marginal Functions should total 100%

Essential (Primary) Functions	**%**	**Marginal (Secondary) Functions**	**%**
1._____		_____	
2._____		_____	
3._____		_____	
4._____		_____	
5._____		_____	
6._____		_____	
7._____		_____	
8._____		_____	
9._____		_____	
10._____		_____	
11._____		_____	
12._____		_____	
13._____		_____	
14._____		_____	
15._____		_____	

Comments:

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SECTION XI: General Information:

Must a vehicle be driven to perform the essential/primary functions of the position ? ___ Yes ___ NO

Location(s) where the work is performed: _____

Assigned work schedule: _____

Name of Immediate Supervisor: _____

Name and Title of Individual Completing this Worksheet: _____

Date: _____

Attachment: 4.6.2p.a7.

TECHNICAL COLLEGE SYSTEM OF GEORGIA
Reasonable Accommodations in Employment
Applicants and Employees
Frequently Asked Questions

Who is eligible to receive a reasonable accommodation under the ADA?

The Americans with Disabilities Act, as amended, prohibits discrimination against a qualified individual with a disability in employment practices such as an employment application process, hiring, promotion, discharge, compensation, training, benefits and other conditions of employment.

Under the ADA, what constitutes a 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 can meet this definition if the impairment would substantially limit a major life activity when active. Additionally, an individual covered only by the "regarded as" provision is not entitled to reasonable accommodation.

Are temporary conditions covered?

Temporary, minor, non-chronic conditions of a short duration, with little or no long term or permanent impact (e.g., cuts, bruises, sprains, simple infections, or short-term viruses), are not considered impairments and are, therefore, not covered.

Who is considered a qualified individual with a disability?

An individual (i.e., an applicant or employee) who meets the established minimum qualifications (i.e., the skills, experience, education, or other requirements) of a job/position he/she holds or desires to hold and who can perform the essential functions of the job/position with or without reasonable accommodation.

What is a reasonable accommodation?

A reasonable accommodation is any change or adjustment to a job/position or the work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job/position, or to enjoy benefits and other privileges of employment equal to those enjoyed by employees
without disabilities. A reasonable accommodation may include, but is not limited to: the acquisition or modification of equipment or devices; the modification or restructuring of assigned job duties; a part-time or modified work schedule; a temporary reassignment to a vacant position; an adjustment or modification to the job application process, an examination, or training materials; providing a qualified reader or interpreter; or, making the workplace more readily accessible to and usable by individuals with disabilities.

How does an applicant or employee initiate a request for a reasonable accommodation?

A request for a reasonable accommodation may initially be made orally or in writing by an applicant or employee. It is also permissible for a family member, friend, or other representative

to initiate a reasonable accommodation request on behalf of an applicant or employee with a disability. Any such request need not mention the specific phrase “reasonable accommodation” and can be made in plain language which indicates only that that the individual requires a change at the work site or assistance in the application process due to a physical or mental impairment. Upon receipt of a request, the applicant or employee will be asked to complete a Reasonable Accommodation Request Form to better enable the TCSG System Office or technical college to explore possible workplace accommodations or alternatives to established application processes and to determine if medical information/documentation is needed in this effort. In many instances, an accommodation will be obvious and can be made without the need for additional information.

What are the responsibilities of the Technical College System of Georgia and its technical colleges when a request for accommodation is received?

When a qualified individual with a disability initiates a request for accommodation or a request is made on behalf of the individual, the Technical College System of Georgia and its technical colleges must make a good faith effort to provide an accommodation that is effective for the individual. Accommodations must be considered on a case-by-case basis because of the nature and extent of a disabling condition and the requirements of the job/position in question. In many instances, an appropriate accommodation will be obvious and can be made without difficulty and at little or no cost. The TCSG and the applicant/employee will work together through an interactive process as it considers the requested accommodation. NOTE: the TCSG is only obligated to consider an accommodation request for a “known” disability of an otherwise qualified applicant or employee. When the need for an accommodation is not obvious, the TCSG may require that the individual provide documentation of the need for accommodation.

When is the Technical College System of Georgia required to make a reasonable accommodation?

The TCSG is only required to accommodate a known disability of an otherwise qualified applicant or employee. The requirement is generally initiated by a request directly from the individual or one made on behalf of an individual with a disability. If an individual does not request an accommodation, the TCSG is not obligated to provide one except for instances in which an individual ‘s known disability impairs his/her ability to know of, or effectively communicate a need for an accommodation that is obvious. The TCSG is not required to make an accommodation if it would impose an “undue hardship” on TCSG operations (i.e., one which is unduly costly, extensive, substantial, or disruptive or which would fundamentally alter the nature and structure of TCSG operations). For purposes of the TCSG, 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 the employee is working to include the impact of the accommodation on the ability of other employees to perform their duties and responsibilities. Additionally, if a particular accommodation would pose an undue hardship, the TCSG must attempt to identify another accommodation that would not pose such a hardship.

Must the Technical College System of Georgia provide an employee with his/her requested accommodation?

Any accommodation made by the Technical College System of Georgia in response to a specific request (for accommodation) must be adequate and designed to assist an employee with a disability in the performance of the essential functions of his/her job/position. The accommodation, however, does not have to be the “best” accommodation possible or the specific accommodation requested by an employee provided the accommodation is sufficient to meet the job-related needs of the individual.

How does the Technical College System of Georgia determine if an employee's request for accommodation is reasonable?

When a qualified employee with a disability requests an accommodation to assist in the performance of his/her job/position, a multi-step process is initiated to include:

1. An analysis of the particular job/position to determine its overall purpose and the identification of both essential and marginal functions;
2. Consultation with the requesting employee with a disability to determine the precise job-related limitations imposed by the individual's disability and how the limitations could be overcome with a reasonable accommodation;
3. Through this interactive process, identify potential accommodations and assess the effectiveness of each would have in enabling the individual to perform the essential functions of his/her job/position; and,
4. Consider the preference of the individual (if any) relative to the possible accommodation and, absent a determination of an undue hardship, select the accommodation that best serves the needs of the individual and the TCSG work unit.

How does the Technical College System of Georgia determine the "essential functions" of a particular job/position?

The term "essential functions" pertains to the fundamental (primary) job duties of the employment position the individual with a disability holds or desires to hold. Marginal or secondary job duties are not considered "essential functions".

In making this determination, the TCSG System Office or technical college work unit will consider the following:

1. A given function may be essential because the reason the position exists is to perform that particular function;
2. A given function may be essential because of the limited number of available employees who can perform the identified job function; and/or,
3. A given function may be so highly specialized that the position's incumbent has been/will be hired for his/her expertise or ability to perform that particular function.

Evidence of whether a particular function is essential includes, but is not limited to:

1. The judgment of the TCSG work unit as to which functions are essential and those that are considered marginal;
2. Written job descriptions or performance plans prepared before advertising or interviewing applicants for the job/position;
3. The amount of time spent on the job performing the function;
4. The consequences of not requiring the incumbent to perform the function;
5. The work experience of past incumbents in the job/position; and/or,
6. The current work experience of incumbents in similar jobs/positions.

Will an applicant or employee be requested to provide medical information to support a request for reasonable accommodation?

During the assessment of any request for a reasonable accommodation, medical documentation may be needed to determine if an applicant or employee has a disability covered by the ADA

and, as such, is entitled to an accommodation (e.g., has a permanent disability as distinguished from a temporary disability that substantially limits one or more major life activities, affects the individual's ability to perform essential job junctions, and is of sufficient severity). In these instances, the documentation will help identify an effective accommodation.

Generally in the context of analyzing a request for accommodation, medical inquiries related to an individual's disability and functional limitations are permissible and may include consultation(s) with knowledgeable professional sources such as physicians, occupational and physical therapists, rehabilitation specialists and, as applicable, organizations with expertise in adaptions for specific disabilities. If medical documentation is required, the individual will be provided with the appropriate forms to submit to his/her medical provider or other professional. The applicant or employee is responsible to ensure that the provider/professional follows through on request(s) for medical information.

If requested, how will the information be maintained and will it be treated confidentially?

Given that the Reasonable Accommodation Request Form may contain information that is considered of a medical nature and may constitute a medical record under the ADA, the form will be managed in a confidential manner and, for employees, will not be placed in his/her official personnel file. Instead, the documentation will be housed separately in a locked compartment in the System Office or technical college Office of Human Resources and treated confidentially. Access to such information will be restricted only to those System office or technical college employees who need to be aware of the information to better assess the reasonableness of the requested accommodation and, as applicable, those employees who are responsible for overseeing the implementation of any accommodation.

Attachment: 4.6.2p.a8.

TECHNICAL COLLEGE SYSTEM OF GEORGIA
Reasonable Accommodations in Employment
Managers and Supervisors
Frequently Asked Questions

Must the System Office or a technical college give preference to a qualified applicant with a disability over other applicants?

No, the System Office and its technical colleges are free to select the most qualified applicant for a given position provided such decisions are based on reasons unrelated to an applicant's disability.

Can health and safety considerations play a role in a hiring decision?

Yes, the ADA permits employers to establish qualification standards that will exclude individuals who pose a direct threat (i.e., a significant risk of potential harm) to the health and safety of the individual and others if that risk cannot be eliminated or reduced to a level below a "direct threat" by reasonable accommodation. Thus, the ADA recognizes the need to balance the interests of individuals with disabilities with the legitimate interests of an employer in maintaining a safe workplace. In this regard, the TCSG cannot simply assume that a threat exists; instead, the System Office or a technical college must establish through objective, medically-supported methods that there is a significant risk that substantial harm could occur in the workplace.

May the System Office or a technical college consider mitigating measures (e.g., medication that corrects an impairment) in determining whether an employee has a disability?

No, generally an individual's use of one or more mitigating measures (except ordinary eyeglasses or contact lenses) cannot be considered in determining whether an impairment substantially limits a major life activity. This includes, but is not limited to, such measures as medications, equipment, devices, hearing aids, use of assistive technology, and auxiliary aids or services.

May the System Office or a technical college consider mitigating measures in assessing whether an employee is entitled to a reasonable accommodation or poses a direct threat to self or others?

Yes, the ADA Amendments Act of 2008 prohibition on assessing the positive effects of mitigating measures applies only to the determination of whether an individual meets the definition of "disability". All other determinations, including the need for a reasonable accommodation and whether an individual poses a direct threat, can take into account the positive and negative effects of a mitigating measure. Thus, if an individual with a disability uses a mitigating measure which eliminates the need for a reasonable accommodation, the TCSG has no obligation to provide one.

Should a manager or supervisor voluntarily approach an employee if he/she suspects the employee may have a disability and may need an accommodation?

With the exception of a visibly obvious impairment, a manager or supervisor should not assume or speculate about an employee's physical or mental impairment. As with any other employee, the manager or supervisor should discuss the work-related issues with the employee (i.e. related to attendance, behavior/conduct, or performance difficulties). Alternatively, if an employee believes that an impairment is impacting his/her work performance, the employee should notify his/her manager or supervisor to initiate the reasonable accommodation process so that it can be determined whether the impairment is a disability and whether an accommodation is necessary.

Can the System Office or a technical college establish an attendance and leave policy even though it may have a more severe impact on an employee with a disability?

Yes, an attendance and leave policy may be developed provided it is applied in a similar and consistent manner to all employees, regardless of disability. However, if an individual with a disability requests a modification of a time and attendance policy as a reasonable accommodation, the System Office or technical college may be required to provide it unless doing so would impose an undue hardship. NOTE: the ADA does not generally require an employer to accommodate repeated instances of tardiness or absenteeism that occur with some frequency over an extended period of time and without advance notice. Under these or similar circumstances, an employee who is chronically, frequently, and unpredictably absent may not be able to perform one or more of the essential functions of his/her job/position and/or the employer may be able to demonstrate that any accommodation would impose an undue hardship, thus rendering the employee unqualified (for purposes of ADA coverage).

Can the System Office or a technical college establish and maintain performance standards/requirements for an employee with a disability?

Yes, an employee with a disability can be held to the same standards of performance as other similarly situated employees without disabilities for performing the essential functions of his/her job/position, with or without reasonable accommodation. The System Office or technical college can also hold this employee to the same performance standards as other employees regarding marginal functions unless the disability affects the individual's ability to perform one or more of the marginal functions. In the latter instance, a reasonable accommodation may be required.

Can the System Office or a technical college use the same performance evaluation criteria for employees with disabilities as for employees without disabilities?

Yes, a manager or supervisor should evaluate the job performance of an employee with a disability in the same manner as he/she evaluates an employee without a disability.

If a manager or supervisor gives a low performance rating to an employee and the employee responds by revealing that he/she has a disability that is causing the performance problem(s), may the low rating still be delivered?

Yes, the rating reflects the employee's performance regardless of what role, if any, a disability may have played.

How should a manager or supervisor respond if an employee requests an accommodation for the first time in response to a low performance rating?

The manager/supervisor may proceed with the delivery of the performance rating, but should also initiate the interactive reasonable accommodation process by discussing with the employee how the disability may be impacting his/her performance and what accommodation

the employee believes may be helpful to improve the situation. After the discussion, the manager or supervisor should consult with staff in the System Office or technical college Office of Human Resources regarding the request for reasonable accommodation.

NOTE: when an employee fails to give notice of the need for an accommodation until after a performance rating is delivered, initiating the interactive reasonable accommodation process does not require the System Office or technical college to tolerate or excuse the poor performance, raise a performance rating; or, deliver a performance evaluation/rating that does not reflect the employee's actual performance.

How should a manager or supervisor respond to an employee who mentions a disability and/or requests a reasonable accommodation for the first time in response to formal or informal counseling or the delivery of disciplinary action for unacceptable performance, behavior/conduct issues or attendance problems?

If an employee states that his/her disability is the cause of the performance, behavior/conduct, or attendance problem(s) and/or requests an accommodation, a manager or supervisor may still discipline the employee for the stated problem(s). If the appropriate disciplinary action is dismissal from employment, the ADA does not require further discussion about the employee's disability or request for reasonable accommodation.

NOTE: if the disciplinary action delivered is a Reminder I, a Reminder 2, or a Decision Making Leave, the manager or supervisor may ask about the disability in conjunction with the misconduct or problem with performance or attendance. If the employee believes that a reasonable accommodation could help correct these problems and makes such a request, the manager or supervisor should consult with staff in the System Office or technical college Office of Human Resources to initiate the interactive reasonable accommodation process.

May an employee be disciplined even if it is determined that his/her disability caused a violation of the Technical College System of Georgia's procedure governing standards of business conduct or other State Board policies and procedures?

Yes, the ADA does not protect employees who violates workplace conduct rules (to include those individuals whose conduct is caused by a disability) provided the established standards (of conduct) are job-related and consistent with business necessity and other employees are held to the same standards.

Must the System Office or a technical college grant an indefinite leave of absence without pay as a reasonable accommodation to an employee with a disability?

No, although an employee may be entitled to up to twelve (12) weeks of family leave under the Family and Medical Leave Act for a qualifying condition and the TCSG may be required to grant a leave of absence without pay as a reasonable accommodation in response to a medical condition, we have no obligation under the ADA to provide leave for an indefinite period. The primary rationale is that such a request could be considered an undue hardship similar to frequent and unpredictable requests for leave. If an approximate return date or the estimated time for return from a leave of absence is incorrect, additional medical information may be requested from the employee's treating provider/professional to determine whether the System Office or technical college can continue to extend a leave of absence without undue hardship or whether the request for a leave of absence has become a leave of an indefinite duration.

Must a technical college modify existing facilities to provide an employee with a disability reasonable access to the workplace?

Yes, a covered employer's obligation under Title 1 of the DA is to provide an employee with a disability the opportunity to perform the essential functions of his/her job/position, including access to a building, to the worksite, to needed equipment, and to all facilities used by employees. A requested modification must be provided unless the accommodation would impose undue financial or administrative hardships on the business or associated operations of the technical college.

Must the System Office or a technical college reassign an essential function of a particular job/position to another employee as a reasonable accommodation?

No, the System Office or a technical college is not required to reassign an essential function to another employee as a reasonable accommodation.

Must the System Office or a technical college permit an employee with a disability to work a modified or part-time work schedule as a reasonable accommodation, absent undue hardship?

Yes, examples could include an adjustment to an employee's arrival and/or departing times, providing periodic breaks, allowing an employee to use accrued leave for medical appointments and, providing an unpaid leave of absence for defined periods of time.

Must the System Office or a technical college provide a reasonable accommodation for an employee with a disability that is needed in response to the side effects resulting from medication or treatment or because of symptoms or other medical condition(s) resulting from the disability?

Yes, any side effects resulting from medication and/or treatment that an employee must take are limitations associated with his/her disability and, therefore, requires reasonable accommodation.

Could it be necessary to modify a State Board policy or procedure or a technical college operating procedure as a reasonable accommodation?

Yes, a reasonable accommodation could include a modification to a workplace policy or procedure when necessitated by an employee's disability-related limitations, absent undue hardship. In this instance the modification would only apply to the employee who requires the accommodation.

Is a promotion a reasonable accommodation?

No, under the ADA, the System Office or a technical college is not required to promote an employee with a disability for the sole purpose of providing an accommodation.

Must the System Office or a technical college consider a reassignment to a vacant position as a reasonable accommodation?

Yes, the ADA specifically references "reassignment to a vacant position" as a possible accommodation for an employee with a disability who can no longer perform the essential functions of his/her job/position (with or without reasonable accommodation), absent undue hardship. In this circumstance, the employee must be qualified to hold the position (i.e., he/she must meet the minimum qualifications for the position) and be able to perform the essential functions, with or without reasonable accommodation. The System Office or technical college

has no obligation to assist the individual in becoming "qualified" (for a position) nor is the System Office or technical college obligated to create a new position as a reasonable accommodation.

If the only available reasonable accommodation for an employee with a disability involves a reassignment to a lower level job/position, must the System Office or a technical college maintain the employee's current salary?

No, provided the System Office or technical college consistently follows a policy/procedure/practice in which the salary of an employee without a disability is reduced upon reassignment to a lower level position. If true, the salary of an employee with a disability can be reduced in the same manner.

Must the System Office or a technical college permit an employee with a disability to work at home or at an alternative work site as a reasonable accommodation?

In this circumstance, the System Office or a technical college must modify existing practices concerning where work is performed only if the accommodation is both effective and would not result in undue hardship. A determination of effectiveness will depend upon whether the essential functions of the job/position can be (effectively) performed at the employee's home or at an alternative worksite. Considerations can include the responsibility for the supervision of subordinate employees, the use of certain equipment or tools, and for instructional staff, the responsibility for on-site classroom instruction and accompanying office hours (to be available for and to serve the needs of his/her students).

Does the ADA protect an applicant or employee who is currently engaging in the illegal use of drugs?

No, this person is specifically excluded from the definition of a qualified individual with a disability if action (i.e., dismissal) is taken on the basis of his/her illegal drug use, to include a positive drug test.

Is testing for the illegal use of drugs permissible under the ADA?

Yes, such testing for the presence of illegal drugs is not considered a medical examination under the ADA and is otherwise permissible.

Does the ADA protect a recovered drug addict who is no longer engaging in the illegal use of drugs?

Provided that the individual meets the other requirements of the definition of "disability" and who is otherwise "qualified", he/she may be protected. The ADA exclusion of individuals currently engaging in the illegal use of drugs does not include an individual who has: successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs or has otherwise been rehabilitated successfully and is no longer engaging in such use; is participating in a supervised rehabilitation program and is no longer engaging in such use; or, is erroneously regarded as engaging in such use and is not engaging in such use.

Are alcoholics covered by the ADA?

Yes, an individual who currently uses alcohol is not automatically denied protection under the ADA. (NOTE: unlike illegal drug use, alcoholism is not subject to the "currently engaging" exception as alcohol is not a "drug" within the meaning of the ADA). An alcoholic is a person

with a disability and is protected by the ADA if he/she is otherwise “qualified” to perform the essential functions of the job/position and the addiction substantially limits a major life activity. The System Office or technical college may be required to provide an alcoholic with an accommodation; however, the employee can be disciplined or dismissed from employment if his/her use of alcohol adversely impacts job performance and/or his/her work-related conduct or attendance.

Can the Technical College System of Georgia establish a policy or procedure which prohibits the use of alcohol and the illegal use of drugs in the workplace?

Yes, both the ADA and the regulations of the EEOC provide that an employer may prohibit the illegal use of drugs and the use of alcohol in the workplace by all employees; may require that employees shall not be under the influence of alcohol or engaging in the illegal use of drugs in the workplace; may require employees adhere to the requirements of the Drug Free Workplace Act of 1988; and, may hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that it holds other employees, even if any unsatisfactory performance or behavior is related to the use of drugs or alcoholism.

NOTE: The TCSG prohibitions regarding the possession and use of alcohol and the illegal use of drugs in the workplace are referenced in the Drug-Free Workplace Policy (III.O.) and the Procedure governing Standards of Business Conduct (III.L.4.).

Attachment: 4.6.2p.a9.

TECHNICAL COLLEGE SYSTEM OF GEORGIA
Reasonable Accommodation Review Form

Review Process:

If an employee or applicant's reasonable accommodation request has been modified or denied and he/she disagrees with the decision, he/she may request a review of the determination within thirty (30) calendar days of receiving written notice as follows:

1. Answer all question on this form as accurately and completely as possible;
2. Attach documentation that supports your need for accommodation as well as documentation of the System Office/technical college decision; and,
3. Submit the completed form and supporting materials to:

   Ms. Linda Osborne-Smith
   Executive Director, Office of Legal Services
   Technical College System of Georgia
   1800 Century Place NE, Suite 400
   Atlanta, GA 30345-4304

Employee Information:

Check One: _____ Employee _____ Applicant

Name (Please Print): _____

Address: _____

Home Telephone Number: _____ Cell Number: _____

System Office Work Unit/Technical College: _____

As Applicable, Name of Immediate Supervisor: _____

As Applicable, Current Job Title: _____

Date Accommodation(s) Requested: _____

Basis for Request for Review

I request a review of the decision regarding my request for reasonable accommodation because:

_____I was granted an accommodation, but not the specific accommodation requested.

_____I was granted an accommodation, but not all of the accommodations requested.

_____I was denied an accommodation due to a determination of undue hardship.

_____I was denied an accommodation due to a determination of "direct threat" to me or others.

_____I was denied an accommodation for the following reason(s):

_____
_____
_____
_____
_____

I believe that the decision made in response to my request for one or more accommodations was incorrect for the following reasons:

_____
_____
_____
_____
_____
_____

Employees:

Describe the essential functions of your job and those functions specifically impacted by your limitations:

_____
_____
_____
_____

Describe the requested accommodation(s) and how they would allow you to better perform your assigned duties and responsibilities:

_____
_____
_____
_____

Applicants:

Describe the modification(s) or adjustment(s) to the job application process that would better enable you to be considered for employment:

_____
_____
_____

My signature below confirms that I have read and understand the Reasonable Accommodation Review Form and I certify that the information provided is accurate to the best of my knowledge.

_____
Print Name

_____
Signature

_____
Date

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 4.7
Employee Travel

4.7.1 ..... POLICY - Travel
4.7.2p ..... Procedure - Driver Qualification Procedure
4.7.2p.a1 ..... Driver Acknowledgment Form
4.7.2p.a2 ..... Driver Notification Form
4.7.2p.a3 ..... Driver Safety Tips
4.7.2p.a4 ..... Supervisor's Accident Follow up Checklist
4.7.2p.a5 ..... Driver's History Consent Form

POLICY: 4.7.1. (III.S)

Travel

Revised: February 2, 2012; April 12, 2001; February 7, 1991; July 2, 1987
Last Reviewed: February 2, 2012
Adopted: July 1, 1986

POLICY:

All Technical College System of Georgia employees shall conform to the Statewide Travel Regulations promulgated by the State Accounting Office.

All out of state travel must be approved in advance. The Commissioner shall approve out of state travel for the Presidents and Assistant Commissioners. The Presidents or their designee shall approve out of state travel for technical college employees. The Assistant Commissioners shall approve out of state travel for their staff.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
Statewide Travel Regulations
SAO Policies.

Procedure: 4.7.2p. (III.Y)
Driver Qualification

Revised: September 16, 2009
Last Reviewed: September 16, 2009
Adopted: September 16, 2009

I. PURPOSE:

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 [TCSG] 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. RELATED AUTHORITY:

State Board POLICY: 4.1.9. Background Investigations
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

III. 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.

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; or,
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: 4.7.2p.a1. Driver Acknowledgment Form
Attachment: 4.7.2p.a2. Driver Notification Form
Attachment: 4.7.2p.a3. Driver Safety Tips
Attachment: 4.7.2p.a4. Supervisor's Accident Follow Up-Checklist
Attachment: 4.7.2p.a5. Driver's History Consent Form

VI. PROCEDURE:

a. Driver Qualifications Standards– Applicants/Candidates for Employment

i. As referenced in the State Board of Technical College System 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.

ii. 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.

iii. 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:

1. completes a driver safety video offered by the Department of Administrative Services (DOAS);

2. 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

3. 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.

iv. 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

i. 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: 4.7.2p.a5., 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 TCSG policy.

ii. 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.

iii. 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.

iv. 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 TCSG policy.

c. General Provisions

i. 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.

ii. A MVR will be requested on all frequent and infrequent drivers at least yearly or in response to information provided in a submitted Driver Acknowledgment Form (Attachment: 4.7.2p.a1.) or Driver Notification Form (Attachment: 4.7.2p.a2.). Technical College Presidents may require MVR's to be run more frequently on college drivers.

iii. An employee who operates a vehicle on state business on a weekly or more frequent basis must complete a Driver Acknowledgment Form (Attachment: 4.7.2p.a1.) every six (6) months.

iv. An employee who operates a vehicle on state business infrequently must complete a Driver Acknowledgment Form before each trip.

v. 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.

vi. 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.

vii. 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.

viii. All drivers should review Attachment: 4.7.2p.a3. Drivers Safety Tips, before driving on state business

ix. **Driver Disqualification**

i. 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:

1. he/she has accumulated ten (10) or more violation points on his/her driving record; or,

2. 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.

ii. 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:

1. he/she receives a citation, ticket, or warning while driving on state business; or,

2. 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.

iii. 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: 4.7.2p.a2.

iv. 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):

1. Driving Under the Influence (DUI);
2. Driving While Intoxicated (DWI);
3. Leaving the scene of an accident;
4. Refusal to take a chemical test for intoxication;
5. Aggressive Driving (only if conviction would result in ten (10) or more violation points accumulated on his/her driving record); and
6. 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).

v. 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: 4.7.2p.a2.).

vi. 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.

vii. 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 TCSG policy.

e. On-the-Job Citations

i. 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: 4.7.2p.a2.).

ii. 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.

iii. 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.

iv. 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

i. An employee involved in a motor vehicle accident while driving on state business should obtain the following information at the scene of the accident:

1. The other driver's name, address, and telephone number; and,
2. The name of the responding police department or law enforcement agency.

ii. 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.

iii. 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: 4.7.2p.a2. Notification must be made upon returning to work or the following business day, whichever is sooner.

iv. 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.

v. 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

i. 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.

ii. 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 TCSG 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.

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ATTACHMENT: 4.7.2p.a1.

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

TECHNICAL COLLEGE SYSTEM OF GEORIGA
DRIVER QUALIFICATION PROCEDURE
DRIVER ACKNOWLEDGMENT

Before operating a vehicle for state business for the State of Georgia, employees must use this form to certify they are qualified to safely operate the vehicle. Employees who infrequently operate a vehicle for state business will be required to certify before each trip. Employees who routinely operate a vehicle for state business will be required to complete a new form every six (6) months.

By signing this form, I certify that I am qualified to safely operate a vehicle on state business. I specifically certify the following (please initial on each line):

_____ I have a valid driver's license for operating a vehicle – a photocopy of which is attached.

_____ I do not currently have 10 or more violation points on my driver history records.

_____ I agree to use vision correction measures while operating a vehicle if required by my driver's license.

_____ I do not currently have a health condition nor am I taking any medication or other substance that may impact my ability to safely operate a motor vehicle.

_____ I agree to report any traffic citation, ticket, or warning that I receive while operating a vehicle on state business.

_____ I have not had an "at fault" motor vehicle accident in the past six (6) months.

_____ I do not have pending charge(s) or a conviction within the past six (6) months for any of the following offenses: Driving Under the Influence (DUI), Driving While Intoxicated (DWI), Leaving the Scene of an Accident, Refusal to take a Chemical Test for Intoxication, Aggressive Driving*, Exceeding the Speed Limit by more than 19 MPH*. Additionally, I agree to notify my immediate supervisor no later than the next business day using the Driver Notification Form if I am charged with one or more of the above referenced offense(s).

_____ I agree to notify my immediate supervisor of any changes involving the above initialed items before I operate a vehicle on state business.

_____ I agree to notify my immediate supervisor using the Driver Notification Form if my license expires, is suspended or revoked by no later than the business day following notification of the license action.

_____	_____	_____
Printed Name	**Signature**	**Date**

*Only if conviction would result in 10 or more violation points accumulated on the driver history.

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Attachment: 4.7.2p.a2.

TECHNICAL COLLEGE
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DRIVER QUALIFICATION PROCEDURE
DRIVER NOTIFICATION

Employees are to use this form to notify their immediate supervisor of activities that may affect their eligibility to operate a motor vehicle for state business.

EMPLOYEE INFORMATION	
Employee Name:	**Employee ID:**
Work Unit:	**Frequency of driving on state business:** ☐ Weekly or more often ☐ Infrequently

REPORTED ACTIVITY (select all that apply)			
☐ ***I received a traffic citation while driving on state business***			
Date received			
For what charge?			
☐ ***I was involved in an on-the-job accident while driving on state business***			
Date of accident			
Any injuries?	☐ Yes ☐ No	Property damage?	☐ Yes ☐ No
☐ ***My driver's license has been (select one)***			
☐ Suspended ☐ Revoked ☐ Expired		Date of action:	

☐ ***I was charged with the following (select all that apply)***	Date of Charge	
☐ Driving under the influence		
☐ Driving while intoxicated		
☐ Leaving the scene of an accident		
☐ Refusal to take a chemical test for intoxication		
☐ Aggressive driving*		
☐ Exceeding the speed limit by more than 19 mph*		

* Only if conviction will result in 10 or more points accumulated on the driving record.

I understand that this notification may affect my eligibility to drive on state business. I may be required to view a driver video and successfully complete a defensive driving course, and I may be subject to other appropriate action.

_____ _____

Signature **Date**

ATTACHMENT: 4.7.2p.a3.

TECHNICAL COLLEGE
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DRIVER QUALIFICATION PROCEDURE
DRIVER SAFETY TIPS

- ✓ **Observe Speed Limits and Traffic Laws –** Allow sufficient time to reach your destination without violating speed limits or traffic laws.

- ✓ **Drivers License –** Employees who drive state, rental, or privately owned vehicles on state business must possess and carry on their person a current valid Operator's or CDL license and must present it upon request to any authorized person.

- ✓ **Insurance –** Employees who operate their privately owned vehicles on state business shall carry proof of financial responsibility at all times the vehicle is in operation and must present evidence of current insurance coverage upon request to any authorized person. It is suggested all employees driving on state business have a copy of the state's insurance card to present to the law enforcement officer in the event of an accident.

- ✓ **Seat Belts –** Each driver and front seat passenger in any motor vehicle operated on a street or highway in the State of Georgia is required by law to wear a properly adjusted and fastened seat belt.

- ✓ **Cargo –** Drivers hauling any type of cargo should ensure the cargo is properly secured, and the height of the cargo is such that it shall safely pass under obstructions such as under/overpasses along the intended route before placing the vehicle in motion.

- ✓ **Electronic Devices –** The use, operation, and manipulation of electronic devices such as cellular phones, Blackberries, or PDAs by the driver while the vehicle is in motion is strongly discouraged. Even with "hands free" equipment, conversing on the phone takes attention away from driving making it less likely the driver will notice hazardous situations. Employees are neither required nor expected to use electronic devices for work-related reasons while driving.

- ✓ **Reversing –** Whenever possible, park the vehicle where backing up is not required. Know what is beside and behind the vehicle before beginning to back up. Back up slowly, and check both sides as well as the rear while backing. Continue to look to the rear until the vehicle has come to a complete stop.

- ✓ **Intersections –** When approaching and entering intersections, be prepared to avoid crashes other drivers may cause. Take precautions to allow for the lack of skill or improper driving habits of other drivers. Potentially dangerous acts include speeding, improper turn movements, and failure to yield the right of way.

- ✓ **Weather Related Hazards –** Rain, snow, fog, sleet, or icy pavement increase the hazards of driving. Slow down and be especially alert when driving in adverse conditions.

- ✓ **Passing –** When you pass another vehicle, look in all directions, check your blind spots, and use your signal. As a general rule, only pass one vehicle at a time.

- ✓ **Front End Collisions –** By maintaining a safe following distance at all times, the driver can prevent front-end collisions in spite of abrupt or unexpected stops of the vehicle ahead. Observe the "two second rule" by following the vehicle ahead at a distance that spans at least two seconds. The following distance should be increased when driving in adverse conditions.

- ✓ **Security –** State vehicles should be locked whenever they are unoccupied.

- ✓ **Engines –** The engine of a state vehicle should always be turned off before the driver exits the vehicle.

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ATTACHMENT: 4.7.2p.a4.

TECHNICAL COLLEGE
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DRIVER QUALIFICATION PROCEDURE
SUPERVISOR'S ACCIDENT FOLLOW-UP CHECKLIST

Supervisors are to complete this checklist and forward it to the designated System office/technical college Fleet/Risk Management official who, in turn, will forward all documentation to DOAS Risk Management within two (2) business days after being advised of an on-the-job accident that occurred while driving on state business.

DRIVER INFORMATION	
Name:	**Work Unit:**
Date of Accident:	**Frequency of driving on state business:** ☐ Weekly or more often ☐ Infrequently

CHECKLIST

☐ ***Meet with the Driver to discuss the details of the accident.***

☐ ***Did the Driver meet the following requirements?*** ☐ **Yes** ☐ **No**

Requirement	Date
Obtain all necessary information at the scene.	
Call loss into 1-877-656-7475 within 24 hours.	
Respond to any acknowledgements or requests sent by DOAS RMS	
Obtain the police report, if requested.	

☐ ***Discuss the appropriate corrective action depending on whether the Driver was cited for accident.***

Recommendation	Date
❑ Defensive driving course at employee's expense.	
❑ View an appropriate driver safety video	
❑ No further action warranted	

☐ ***Forward to Chair, System Office/Technical College Accident Review Panel for the following determination(s):***

❑ Preventable
❑ Non-preventable
❑ Additional recommendation(s), if any

☐ ***Forward copy to Human Resources for placement in employee's personnel file.***

SUPERVISOR INFORMATION	
Printed Name	**Work Unit**
Signature	**Date**

Back

Attachment: 4.7.2p.a5.

Technical College System of Georgia

Driver's History Consent Form

I hereby authorize the System Office of the Technical College System of Georgia (TCSG) or _____ Technical College to receive a copy of my Georgia driver's history information (i.e., a Motor Vehicle Report) from the Georgia Department of Driver Services or comparable agency/department in my state of residence in conjunction with my application for employment or, if employed, for use relative to the performance of my official duties. I understand that my authorization shall remain in effect throughout my employment with the TCSG System Office or any associated technical college and shall permit System Office/technical college to obtain this information at any time for any valid business reason or pursuant to an applicable State Board of Technical College System of Georgia policy or procedure.

Print Full Name: _____

_____	_____	_____
Sex	Date of Birth	Driver's License Number

_____
Signature

_____
Date

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 4.8
Drug/Alcohol Free Workplace 1/2

4.8.1..... POLICY - Drug-Free Workplace
4.8.1p1..... Procedure - Drug and Alcohol Testing
4.8.1p1.a1 ..... Pre-Employment Drug Test Acknowledgment Statement
4.8.1p1.a2..... Sample Letter - Pre-Employment Drug Test Notification
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more

Section 4.8
Drug/Alcohol Free Workplace 2/2

4.8.1p2.a10 .....Sample Letter - Alcohol Test Results Unauthorized Leave w/o Pay
4.8.1p2.a11 .....Sample Letter - Separation for Refused Alcohol Test
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4.8.1p2.a13 ..... Sample Letter - Separation Based on Positive Drug Test
4.8.1p2.a14 ..... Screening Log - Reasonable Suspicion Drug
4.8.1p2.a15 ..... Screening Log - Reasonable Suspicion Alcohol
4.8.1p2.a16 .....Sample Memo - Random Alcohol Test Selection
4.8.1p2.a17 ..... Basic Information - Alcohol & Drugs
4.8.1p2.a18 .....US DOT What Employees Need to Know About Drug & Alcohol Testing
4.8.1p2.a19 .....US DOT Appendix H to Part 40 - Data Collection Form

POLICY: 4.8.1. (III.O.1)
Drug-Free Workplace

Revised: March 1, 2012; May, 2003
Last Reviewed: March 1, 2012
Adopted: August 3, 1989

POLICY

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 TCSG's Drug and Alcohol Testing Procedure 4.2.23p., 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 TCSG's Drug and Alcohol Testing Procedure 4.8.1p.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 acknowledgment 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.

Acknowledgment 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 (Please Print) | Date

_____

Applicant/Employee Signature

RELATED AUTHORITY
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

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Procedure: 4.8.1p1. (III.O.1)
Drug and Alcohol Testing: Non-U.S. DOT and FMCSA Regulated Positions

Revised: July, 15.2015; January 4, 2012;

Last Reviewed: July 15, 2015

Adopted: November 3, 2011

PURPOSE:
The Technical College System of Georgia (TCSG) is committed to providing an environment that: ensures the safety and well-being of TCGS's employees, students, and campus visitors; protects TCSG employee and student property; and, prohibits influences that may have a detrimental effect upon the orderly, safe and efficient operation of the System Office as well as all associated technical colleges.

Based on these goals, the TCSG has established drug and alcohol testing protocols to prevent the hiring and/or the continued employment of individuals who may cause harm to themselves or others, who may cause damage to system Office or technical college property, or (for current employees) whose job performance is negatively impacted due to the use/misuse of a controlled substance, an illegal drug, or alcohol.

Pursuant to related authority, it is expressly prohibited far a TCSG employee to manufacture distribute dispense, possess, or use illegal drugs, unauthorized drugs, prohibited inhalants, or other controlled substances while performing state business and during all non-working hours as this activity clearly impacts an employee's ability to perform his/her public duties. NOTE; an employee's use of another person's legally prescribed drug(s) is prohibited under Georgia law.

Also, as provided in the TCSG Procedure governing Standards of Business Conduct, an employee's possession or use of alcohol or illegal drugs in the workplace (to include any clinical/ internship/ externship site) is incompatible with the mission of the Technical College System of Georgia and is expressly prohibited.

Further, it is expressly prohibited for any TCSG employee to possess/transport alcoholic beverages or illegal drugs in a state vehicle or to use/consume alcohol or illegal drugs while traveling in a state vehicle, a state-sponsored leased or rental vehicle, or a personal vehicle upon which the state is providing or could provide a mileage reimbursement. Additionally, the unauthorized use of legally obtained drugs (including drugs prescribed by a health care provider) that may adversely affect job performance or safety is also prohibited.

II. RELATED AUTHORITY:
21 CFR Part 1308
Federal Drug-free Workplace Act of 1988
HHS Regulations, 53, Federal Register 11979, et. seq., as amended
O.C.G. A. §16-13-1 et.seq. – Dangerous Drugs
O.C.G.A. §34-9-415 – Drug-free Workplace Programs
O.C.G.A. §45-20-90 et.seq. – Random Drug Testing – High Risk Jobs
O.C.G.A. §45-20-110 et.seq. – Pre-Employment Drug Testing
O.C.G.A §45-23-1 et. seq. – Drug-free Public Work Force Act of 1990

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

IV. DEFINITIONS:

Adulterated Sample: a specimen that has been altered as evidenced by test results reflecting that it contains a substance that is not expected to be present in human urine or a substance that is expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl and isopropyl alcohol.

Alcohol Concentration: the alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred and ten (210) liters of breath as indicated by an evidential breath test.

Alcohol Confirmation Test: a breath test using an evidential breath testing device capable of printing results and approved by the National Highway Traffic Safety Administration and placed on its "conforming products List of Evidential Breath Measurement Devices". The devices are used to determine whether an individual may have a prohibited concentration of alcohol in a breath specimen. Such testing must be performed by a certified Breath Alcohol Technician (BAT).

Alcohol Screening Test: the initial procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

Alcohol Use: the drinking or swallowing of any beverage, liquid mixture, or preparation containing alcohol, including medication.

Applicant: pursuant to the provisions of State Personnel Board Rule 21, an individual who has been offered initial state employment with any work unit or technical college associated with the Technical College System of Georgia in a position subject to pre-employment drug testing; a current TCSG employee who is an incumbent of a position not subject to pre-employment drug testing and who is subsequently offered employment in a position subject to drug testing; or, a current TCSG employee who has been offered employment in a different state agency in a position subject to pre-employment drug testing.

Breath Alcohol Technician (BAT): conducts alcohol screening and confirmation tests by collecting and analyzing breath specimens using an approved evidential breath-testing (EBT) device

Business Day: Weekdays that the administrative office of a technical college or the administrative, support, and programmatic offices in the TCSG System Office are open.

Collection Site: a location where individuals present themselves for the purpose of providing a urine specimen to be analyzed for the presence of drugs/controlled substances, e.g., a physician's office, a commercial collection site or, a local hospital or clinic.

Controlled Substance: a drug, substance, or immediate precursor in Schedules 1 through V of O.C.G.A. §16-13-25 through 16-13-29 and Schedules I through V of 21 CFR Part 1308 to include opiates, depressants, stimulants, and hallucinogens.

Controlled Substances Act: a federal law that regulates the prescribing and dispensing of psychoactive drugs, including stimulants depressants, and hallucinogens. The Act lists five (5) categories of restricted drugs, organized by their medical acceptance, abuse potential, and ability to produce dependence.

Drug and Alcohol Testing Coordinator: the System Office or technical college employee who functions as the entity's "Designated Employer Representative" (DER). In this capacity, the employee receives communication from the MRO, DOAS, and the DOAS contract service agency regarding drug testing and specific test results and is authorized to facilitate actions consistent with the provisions of this Procedure.

Drug Test or Drug Testing: the collection and testing of urine administered in a manner consistent with the provisions of O.C.G.A. §34-9-415 and the mandatory Guidelines for Federal Workplace Drug Testing Programs (HHS Regulations, 53, Federal Register 11979, et. seq. as amended).

HHS: the Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

High Risk Work/High Risk Position: work/position where inattention or errors in judgment by the incumbent while on duty will have the potential for significant risk of harm to the employee, other employees, students, patients, or the general public. A position will not be designed as "high risk if an incumbent does not regularly perform high risk work regardless of the fact that others in the same job perform such tasks.

Illegal Drug: marijuana (as defined in O.C.G.A. §16-13-21), a controlled substance (as defined in O.C.G.A. §16-13-21), a dangerous drug (as defined in O.C.G.A. §16-13-71), or another controlled substance or dangerous drug that persons are prohibited from using. The term does not include any drug used pursuant to and in accordance with a valid prescription dispensed by a health care provider or when used as otherwise authorized by state or federal law. NOTE: for purposes of this procedure, an employee's use of another individual's valid prescription constitutes illegal drug use.

Invalid Drug Test: the result reported by a HHS-certified laboratory in accordance with the criteria established by HHS Mandatory guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Medical Review Officer: a properly licensed physician who: receives and reviews laboratory-confirmed drug test results; affords an applicant/employee an opportunity to discuss the test results; evaluates the results and information received in conjunction with an employee/applicant's relevant medical history information/records or any other biomedical information; and, determines whether there is a legitimate medical explanation for a laboratory-confirmed positive, adulterated, rejected, substituted or invalid test result.

Negative Drug Test Result: the result reported by an HHS-certified laboratory to a Medical Review Officer when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Positive Result: the result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the established cutoff concentrations.

Pre-Employment Drug Testing: pertains to an "applicant who has been conditionally offered TCSG employment and whose duties would be characterized by high risk work.

Random Drug Testing: is conducted on a periodic, unannounced basis on randomly selected positions subject to testing based on assigned duties.

Reasonable Suspicion Testing: a judgment that an employee has violated this procedure and the State's Alcohol and Other Drug-Free Workplace Policy. Any such determination should be based on an employee's behavior, appearance, speech, body odor, and/or job performance that is observed by a supervisor/manager and/or reported by a reliable individual and later verified by a supervisor/manager or other System Office or technical college employee. In all such instances, the employee(s) making the testing determination must have been trained in the detection of the issue of alcohol and the use of controlled substances. The decision to test must be based on specific, timely and describable observations of physical, behavioral or performance indicators. The indicators include but are not limited to:

1. an on-the-job incident such as a medical emergency that is likely attributable to an employee's improper drug use;

2. the observation of behavior exhibited by an employee that might render the employee unable to perform his/her job or that might pose a threat to the safety or health of the employee, other employees, students, or the general public;

3. verifiable information that an employee may be illegally using drugs, illegally under the influence of drugs, or under the influence of alcohol;

4. physical on-the-job evidence of drug or alcohol use by an employee;

5. documented deterioration in an employee's job performance that is likely attributable to drug or alcohol use or due to the results of such other scientific tests that may indicate the possible use of drugs or alcohol; or,

6. any other specific, timely, and describable action that would give a System Office or technical college supervisor or manager a reason to suspect that an employee may have violated a substance abuse prohibition.

Refuses Testing or Refused Testing: an applicant/employee "refuses testing" or is considered to have "refused testing" for alcohol and/or drugs when he/she:

1. expressly declines to submit to testing;

2. fails to appear/report for testing after proper notification;

3. fails to remain readily available for testing or who has left the testing site/location before submitting to the test;

4. fails to provide adequate breath for alcohol testing without a valid medical explanation;

5. fails to provide adequate urine for drug testing without a valid medical explanation;

6. provides a urine sample determined by the testing laboratory and the Medical Review Officer to have been an adulterated or substituted; or,

7. engages in conduct that clearly obstructs the testing process.

Rejected Drug Test Result: a decision by the laboratory to reject a specimen in response to an insufficient amount of urine, a temperature out of the normal range, etc.

Service Agent: any person or entity, other than an employee of the employer, that provides services to employers and/or employees in conjunction with drug and/or alcohol testing requirements promulgated under state or federal law or accompanying rules and regulations.

Screening: the collection and testing of bodily substances administered in conjunction with professionally valid procedures and acceptable medical and legal standards.

Split Specimen: a part of the urine specimen that is sent to the first laboratory and retained unopened. The specimen is transported to a second laboratory in the event that the donor requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result. System Office Employee: includes all full- and/or part-time employees working in the Commissioner's Office and all programmatic and support divisions including the headquarters and regional offices of the Office of Economic Development/Quick Start.

Substance Abuse Professional: a licensed physician or (for purposes of this procedure) a provider associated with the Technical College System of Georgia Employee Assistance Program to include a licensed or certified psychologist, social worker, employee assistance professional, addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission); or, marriage and family counselor. Consistent with the provisions of this procedure, the SAP evaluates employees and makes recommendations concerning education, treatment, follow-up testing and aftercare.

Substituted Sample: a urine specimen with creatinine and specific gravity values that are so diminished or so divergent that it is not consistent with human urine.

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 technical colleges, programs, and services. The agency consists, in part, of the Commissioner's Office, various statewide programmatic and support divisions in the System Office, technical colleges, and the Office of Economic Development/Quick Start.

Verified Test: a drug test result or validity testing result from an HHS-certified laboratory that has undergone review and a final determination by a Medical Review Officer.

V. ATTACHMENTS:

Attachment 4.8.1p1.a1. – Pre-employment Drug Testing Acknowledgment Statement
Attachment 4.8.1p1.a2. – Pre-employment Drug Testing Notification - Sample Letter
Attachment 4.8.1p1.a3. – Reasonable Suspicion Alcohol/Drug Testing Behavior/Incident Documentation Form
Attachment 4.8.1p1.a4. – Random Drug Testing Selection – Sample Memorandum
Attachment 4.8.1p1.a5. – Pre-employment Drug Testing Screening Log
Attachment 4.8.1p1.a6. – Random Drug Testing Screening Log
Attachment 4.8.1p1.a7. – Alcohol Test Results – Unauthorized Leave Without Pay – Sample Letter
Attachment 4.8.1p1.a8. – Separation for Refused Alcohol Testing – Sample Letter
Attachment 4.8.1p1.a9. – Withdrawal of Employment Offer – Positive Drug Test or Refuses/Refused Testing
Attachment 4.8.1p1.a10. –Separation for Positive Drug Test Result or a Refuses/Refused Testing

VI. PROCEDURE:

A. General Provisions

1. After a thorough analysis is performed by staff in a technical college's Office of Human Resources, each full- or part-time technical college position whose duties and responsibilities support placement in a random drug testing pool and/or pre-employment drug testing designation shall be submitted in a memorandum or letter from the college president to the Commissioner for his/her consideration. For System Office position(s), the initial analysis and accompanying written communication shall be conducted/initiated by the Deputy Commissioner, Assistant Commissioner, or his/her designee.

2. Following submission of a written request, the System Office Director of Human Resources in consultation with the System Office General Counsel will make a recommendation to the Commissioner as to whether the referenced position(s) are appropriate for drug testing.

3. All position(s) endorsed by the Commissioner will be submitted, in writing, to the Georgia Department of Administrative Services' (DOAS) Human Resources Administration (HRA) Division for review and confirmation that the identified position (s) are appropriate for testing.

4. The System Office Director of Human Resources will be notified, in writing, by DOAS after a decision has been made. Upon receipt of the notification, the technical college president or System Office official will be notified, in writing, of those position(s) which are appropriate for placement in a random drug testing pool and/or those position(s) which may be designated for pre-employment drug testing. NOTE: no position may be designated for random and/or pre-employment drug testing unless the position has been approved by the Commissioner and DOAS.

5. All TCSG System Office and technical college employees are subject to reasonable suspicion, post-traffic accident, return-to-duty, and follow-up testing for the presence of alcohol and/or illegal drugs.

6. The decision as to whether to require pre-employment drug testing for the selected candidate for a part-time, P.O.S.T. certified law enforcement worker position is left to the discretion of each technical college president whose college operates a campus police department certified by the Peace Office Training and Standards Council.

7. Any change in a position's assigned duties and responsibilities that may impact placement in a random drug testing pool and/or designation for pre-employment drug testing should be reported to the System Office Director of Human Resources within fifteen (15) calendar days of any such change(s).

8. All job announcements for positions subject to random and/or pre-employment drug testing will include a statement that informs applicants that if a conditional offer of employment is made he/she is subject to testing appropriate to the position sought.

9. At the time an interview is scheduled an applicant should be notified verbally and/or through e-mail that employment in the position of interest is subject to and contingent upon the successful completion of a drug test.

10. A TCSG Pre-Employment Drug Testing Acknowledgment Statement (Attachment: 4.8.1p1.a1.) must be completed by an applicant offered employment in a position subject to pre-employment drug testing. If an applicant refuses to sign the Acknowledgment Statement, he/she will not be considered further for the position.

11. Only a HHS certified laboratory (as selected by the State of Georgia's Department of Administrative Services and/or through its contract service agent) will be retained to perform urinalysis for the detection of the presence of illegal drugs. The laboratory will be required to maintain strict

compliance with federally approved chain-of-custody procedures, quality control, and maintenance and scientific analytical methodologies. The collection of urine samples must always be documented and sealed with a tamperproof sealing system in the presence of the donor (i.e., the applicant or employee) who provided the sample to ensure that all tests can be correctly traced to the donor. A MRO shall be designated to receive all laboratory results from every type of drug test and will ensure that an individual whose laboratory-confirmed positive test result has been afforded an opportunity to justify the test result.

12. Each technical college will make efforts to keep medical information related to drug and alcohol testing confidential; however, test results may be released as provided in federal or state law or in other administrative proceedings or law enforcement investigations and litigation arising from such testing. An employee will be asked for consent before specific medical information is released to anyone or any entity other than those referenced above. NOTE: all discussions between an employee and a MRO concerning a positive test result are confidential unless the employee is considered a potential safety-risk. In this instance, the MRO will contact a technical college's drug and alcohol testing coordinator to communicate his/her concerns.

13. An applicant who is not a current State of Georgia employee and has been provided a conditional offer of employment for a System Office or technical college position shall have his/her offer withdrawn if he/she refuses pre-employment drug testing or if a laboratory-confirmed positive test result is verified by a Medical Review Officer. Additionally, the individual will be disqualified from state employment for a period of two (2) years from the date of notice.

14. An applicant who is currently employed with a State of Georgia agency/organization and has been provided a conditional offer of employment for a System Office or technical college position shall have his/her offer withdrawn if he/she refuses pre-employment drug testing or if a laboratory- confirmed positive test result is verified by a Medical Review Officer for the presence of illegal drug(s).

15. An applicant provided a conditional offer of employment for a position subject to pre-employment drug testing may not commence employment until the technical college or, as applicable, the TCSG System Office has been notified of a negative test result.

16. A TCSG employee who, in the course of his/her System Office or technical college employment, refuses drug testing or whose laboratory-confirmed positive test result is verified by a Medical Review Officer for the presence of illegal drug(s) shall be dismissed from employment.

17. A TCSG employee who has been offered employment in a different state agency or in a different System Office or technical college position subject to pre-employment drug testing and who refuses testing or whose laboratory-confirmed positive test result is verified by a Medical Review Officer for the presence of illegal drug(s) shall be dismissed from employment.

18. A TCSG employee who refuses alcohol testing shall be dismissed from employment.

19. A TCSG employee whose alcohol test results reflect any measureable alcohol concentration will be subject to disciplinary action up to and including dismissal from employment. NOTE; the minimum sanction for an employee whose test results reflect an alcohol concentration of 0.02 percent or higher will be placement in an unauthorized leave without pay status for a minimum period of twenty-four (24) hours and/or until such time as a return-to-duty test is conducted with a negative test result.

B. Drug Testing – Categories and Provisions:

1. Pre-Employment Testing

a. For purposes of this procedure, an “applicant” is defined as an individual who has been provided a conditional offer of employment with the TCSG System Office or a technical college in a position subject to drug testing; a current TCSG employee who is an incumbent of a position not subject to pre-employment drug testing and who has been offered employment in a System Office or technical college position subject to pre-employment drug testing; or, is a current TCSG employee who has been offered employment in a different state agency/organization in a position subject to pre-employment drug testing. NOTE; pre-employment drug testing is not required when a TCSG employee who has previously been tested moves (without a break-in-service) between jobs in the System Office or a technical college that are subject to drug testing.

b. An applicant offered full- or part-time employment in one of the following occupational areas/jobs is required to undergo pre-employment drug testing and receive a negative test result:

1. a full-time law enforcement position serving in a technical college’s campus police department (e.g., a Campus Police Officer, Assistant Campus Police Chief, or Campus Police Chief position). The incumbent must be a P.O.S.T. certified peace officer whose duties and responsibilities include carrying a firearm and, as applicable, exercising arrest powers. NOTE: the selected candidate for a part-time Security Personnel or full-time Security Officer or Security Chief job is not subject to pre-employment drug testing as he/she does not engage in “high risk” work as defined in statute;

2. an adult education instructor or other instructional/support position assigned to a Georgia Department of Corrections (GDC) or Georgia Department of Juvenile Justice (DJJ) facility with responsibility for the delivery of instructional services to adult or juvenile offenders, provided such testing is mandated, in writing, by the respective GDC or DJJ facility of assignment in conjunction with established GDC or DJJ policy;

3. a health sciences faculty position assigned to/associated with a public or private clinical/internship/externship site or agency (e.g., a hospital, medical center, laboratory, etc.) with responsibility for supervising students as a part of their certificate/diploma/degree program. An applicant is subject to drug testing only if such testing is mandated by the site/agency. This requirement should be documented, in writing, in the accompanying Memorandum of Agreement or a Memorandum of Understanding between the site/agency and the college with a corresponding notation that pre-employment drug testing is also required of all site/agency employees performing similar duty assignments/tasks, e.g., direct patient care. NOTE: if these work assignments are added to a health sciences faculty member’s responsibilities after employment has commenced and the site/agency stipulates that pre-employment or pre-placement drug testing be performed consistent with these provisions, the employee is subject to such testing before beginning these duties;

4. a full- or part-time position assigned to a technical college’s child care/child enrichment center whose responsibilities include direct contact with/direct care and oversight of children including, but no limited to instructors, child care workers and, as applicable, food service employees, administrative and administrative support staff, and dedicated center maintenance staff; and,

5. any other technical college position whose duties and responsibilities are considered “high risk”.

c. An applicant provided a conditional offer of employment in a position subject to pre-employment drug testing should be directed to report for testing after the offer has been accepted but before employment begins. Formal written notification should be provided using Attachment: 4.8.1p1.a2. (Pre-employment Drug Testing Letter). Additionally, the drug and alcohol testing coordinator should complete the accompanying Pre-employment Drug Screening Log (Attachment: 4.8.1p1.a5.).

2. Random Testing

a. A random selection of positions subject to drug testing will be made periodically as outlined in Paragraph VI.B.6. Employees encumbering a position designated for testing will be required to report for testing as outlined in Paragraph VI.B.7.

b. Jobs/positions subject to random testing include:

1. full- and part-time technical college employees serving in a P.O.S.T. certified law enforcement capacity in a technical college's campus police department (e.g., a Law Enforcement Worker, Campus Police Officer, Assistant Campus Police Chief, or a Campus Police Chief) are subject to random testing. NOTE: employees in the Security Personnel, Security Officer, or Security Chief jobs are not subject to random drug testing as they do not engage in "high risk" work as defined in statute;

2. health sciences faculty assigned to/associated with a public or private clinical/internship/externship site or agency for the purposes of supervising students in on-site clinical activities associated with their certificate, diploma, or degree program(s) are subject to random drug testing only if random testing is also mandated by the site/agency for their employees performing similar tasks, e.g., direct patient care. As referenced in Paragraph VI.B.1.b.3., this requirement should be documented, in writing, in the accompanying Memorandum of Agreement or a Memorandum of Understanding between the site/agency and the college. In these settings, incumbents of these positions would regularly perform high-risk work where inattention to duty or errors in judgment while on duty has the potential for significant risk of harm to the health and safety of patients. NOTE: if such work assignments are added to a health sciences faculty member's responsibilities after employment has commenced and the clinical/internship or externship site stipulates that random drug testing be conducted consistent with these provisions, the employee must be provided written notification of this requirement; and,

3. any other positions whose job responsibilities are considered "high risk" in which an act of negligence, inattention to duty, a lapse of judgment, or an act of misconduct (by the incumbent) could jeopardize the health and safety of the employee or others. To be included in a random drug testing pool, an identified full- or part-time position must be regularly assigned high risk work irrespective of the duties and responsibilities assigned to other positions in the same job.

c. All System Office or technical college positions identified for inclusion in a random drug testing pool are subject to the analyses and approval process referenced in Paragraphs VI.A.1 through VI.A.4.

3. Reasonable Suspicion Testing

a. Reasonable suspicion testing may be required when there is reason to believe that an employee is not free of illegal drugs while in the work place or while performing assigned duties and responsibilities to include when operating a state vehicle, a state-sponsored leased or rental vehicle, or a personal vehicle upon which the state is providing or could provide a mileage reimbursement.

b. Prior approval of the System Office Director of Human Resources or General Counsel must be obtained before a reasonable suspicion drug test is conducted.

c. A reasonable suspicion determination may only be made by a supervisor, manager, or other System Office or technical college official (to include a campus police officer or security officer) who has been trained to make these determinations. The training must cover the physical, behavioral, speech and performance indicators of probable illegal drug use and must be a minimum of one hour in duration.

d. Reasonable suspicion testing may be based on an employee's appearance, behavior, speech, odors or other evidence found or reported. Factors that may lead to a reasonable suspicion determination include, but are not limited to:

1. an on-the-job accident or incident resulting in a Workers Compensation claim in which it is likely that an employee's action(s) or inaction(s) may, in whole or in part, have caused the accident/incident and the employee must have demonstrated by his/her action(s) or inaction(s) that he/she may not be free of illegal drug(s);

2. an on-the-job incident such as a medical emergency that is likely attributable to an employee's use of illegal drug(s);

3. direct observation of an employee's behavior that may render the employee unable to perform assigned duties and responsibilities or which may pose a threat to the health, safety, or welfare of the employee, other employees, students, or the public;

4. verifiable information that an employee may not be free of illegal drug(s);

5. documented deterioration in an employee's job performance that is likely attributable to his/her use of illegal drug(s);

6. conclusive proof that an employee has used illegal drug(s) while at work or while on any System Office or technical college worksite or campus location during established working hours; and,

7. any other action(s) by an employee which provide a supervisor, manager, or any other System Office or technical college official a reason to suspect that the employee is not free of illegal drug(s).

e. A Reasonable Suspicion Alcohol or Drug Testing Behavior/Incident Documentation Form (Attachment: 4.8.1p1.a3.) must be completed by the referring System Office/technical college supervisor/manager/official. NOTE: the form must be signed by the supervisor/manager/official and the employee.

f. When it is determined that an employee will be tested for the presence of illegal drug(s), the employee will not be permitted to drive to and from the testing site. Instead, the employee must be transported to and from the nearest testing site by a System Office or technical college official.

4. Self-Disclosure of a Controlled Substances Problem

a. Any System Office employee who notifies the Commissioner (or his/her designee) or, as applicable, a technical college employee who notifies his/her president (or his/her designee) of a problem involving the use of illegal drugs shall maintain his/her TCSG employment provided:

1. the notification is submitted to the Commissioner, president, or their designee in writing;

2. the written notification must occur prior to a directive to report for drug testing or before an arrest for a criminal offense involving a controlled substance, marijuana, or a dangerous drug. NOTE: in response to an arrest for a referenced criminal offense, an employee is subject to disciplinary action up to and including dismissal as provided in the TCSG Procedure governing Positive Discipline and, as applicable, the TCSG Procedure governing Adverse Employment Actions; and,

3. the employee must agree, in writing, to the following conditions:

(a). he/she must undergo an assessment by a Substance Abuse Professional (SAP) selected or approved by a System Office or, as applicable, a technical college official from the list of qualified SAP's associated with the TCSG Employee Assistance Program provider;

(b). he/she agrees to fully comply with all treatment plan recommendations developed by the SAP; and,

(c). he/she agrees to accept responsibility for all costs associated with following the treatment plan.

(d). he/she agrees to provide the Commissioner, technical college president, or their designee with written certification from the SAP regarding satisfactory completion of the recommended treatment plan;

(e). he/she agrees to undergo a return-to-duty drug test with the understanding that the result must be a "verified negative" as determined by a Medical Review Officer;

(f). he/she agrees to undergo periodic, unscheduled follow-up drug tests for up to five (5) years (pursuant to the provision of State Personnel Board Rule 21);

(g). he/she understands that if he/she refuses to submit to a drug test or fails to comply with the terms of the agreement, he/she will be dismissed from employment;

(h). he/she understands that if a laboratory-confirmed positive drug test is verified by a Medical Review Officer, he/she will be dismissed from employment; and

b. no employee may avail themselves of this entitlement more than twice in a five (5) year period.

5. Post-Traffic Accident Testing

a. Any System Office or technical college employee involved in a traffic accident while operating a state vehicle, a state-sponsored leased or rental vehicle, or a personal vehicle upon which the state is providing or could provide a mileage reimbursement is subject to drug testing if it is likely that the accident will result in more than $2,000.00 damage to the vehicle or, as applicable, other state property and/or involves an injury requiring medical attention away from the accident site.

6. Random Selection

a. The State of Georgia's contract service agent will periodically select a sample of position numbers from a pool of designated positions that are subject to random drug testing.

b. The service agent will forward a list of position(s) selected for testing to the drug and alcohol testing coordinator in the identified technical college or, as applicable, the System Office. The notification will also include the date on which incumbent(s) of these position(s) are to report for testing.

c. With the exception of those situations referenced in Paragraph VI.B.6.d., the incumbent(s) on the selected position(s) shall be directed to report for testing on the established testing date. If a selected position is vacant on the testing date, the selection of that position should be disregarded.

d. If an employee selected for testing is on any type of paid or unpaid leave; is attending mandatory training or training away from the worksite; or, is on an extended assignment away from the worksite performing duties not subject to testing, the following actions should be taken:

1. if the employee returns to work within thirty (30) calendar days of the official test date, he/she should, if at all possible, be directed to report immediately for testing. Pursuant to related authority, the testing date must be established no later than two (2) business days following his/her return to work; or,

2. if the employee returns to duty after the thirty (30) calendar day period has elapsed, he/she is not subject to drug testing and should not be notified that the position he/she encumbers was selected for random testing.

e. Drug and alcohol testing coordinators should specify the time, collection site, and deadline date that each selected employee must report for testing on Attachment 4.8.1p1.a6. making this determination the testing coordinator should consider the business hours of the selected collection site, the employee's work schedule (including an assignment to a different work location), any planned leave, and upcoming state holidays.

f. Employees must not be provided advance notice of required drug testing.

7. Directive to Report for Random Testing

a. On the designated testing date, the technical college or System Office drug and alcohol testing coordinator shall issue a memorandum (i.e., Attachment 4.8.1p1.a4.) to each affected employee directing them to report for drug testing.

b. The memorandum must be signed by the employee and the drug and alcohol testing coordinator. Included will be the date and time the test must be completed by and the penalty for refusing to take the test or for testing positive.

c. An individual directed to report for drug testing should be provided with a Forensic Drug Testing Custody and Control (CCF) Form for presentation at the testing/collection site. NOTE: the Federal CCF Form (i.e., a DOT-specific CCF Form) may not be provided to an employee who does not encumber a safety-sensitive position as this is a violation of federal testing regulations.

d. The technical college or System Office drug and alcohol testing coordinator must complete the Random Drug Screening Log (Attachment: 4.8.1p1.a6.). The employee must initial the log indicating receipt of necessary form(s) and other document(s).

e. All time spent by an employee in the drug testing process during regular work hours and during off-duty hours, to include travel time to and from the collection site, is considered "hours worked". NOTE: as referenced in Paragraph VI.B.3.f., an employee subject to reasonable suspicion testing shall be transported to and from the collection site.

f. Any employee designated as non-exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) and whose "hours worked" exceeds forty (40) during a workweek/seven (7) day work period due to required participation in alcohol or drug testing shall be provided with FLSA Compensatory Time at one and one-half hours for each additional hour worked during the workweek/work period.

g. Employees are eligible for a mileage reimbursement if a personal vehicle is used to report for testing.

h. Applicants who have not begun employment are not eligible to receive any compensation (e.g., a mileage reimbursement) due to a required pre-employment drug test.

i. The expense of drug testing is the responsibility of the TCSG and its technical colleges.

8. Drug Testing Process

a. After having been directed to report for drug testing, an applicant or employee should immediately report to an authorized collection site with a picture ID and the Forensic Drug Testing Custody and Control Form. NOTE: drug testing is conducted by collecting a urine sample. The sample is subsequently tested by a certified laboratory that follows specific chain of custody procedures to ensure that the test is not compromised. Laboratory reports (including laboratory-confirmed positive results) are forwarded to a Medical Review Officer for review and a final determination.

b. An observed sample may be required when a site collection representative determines that a sample temperature is outside of the acceptable range of 90 degrees to 100 degrees Fahrenheit; when the sample has an unusual appearance; when the test is conducted pursuant to reasonable suspicion; when the donor has previously tampered with a sample or has the equipment or items capable of tampering, altering, or substituting urine samples; or, when the donor exhibits unusual behavior during the collection process. NOTE: a sample will not be collected as an observed sample unless the necessity has been confirmed by a supervisor of the site representative or other appropriate collection site personnel.

c. Following a self-disclosure of a substance abuse problem, an observed sample will be required on a return-to-duty test and all follow-up testing.

d. After consultation with the System Office General Counsel, the Commissioner or technical college president may direct the collection site to collect an observed sample if the Commissioner or technical college president believes that the donor may attempt to alter or falsify the sample.

e. The collection site will provide the donor (i.e., an applicant or employee) with a copy of the completed Forensic Drug Testing Custody and Control Form. The applicant/employee must present his/her copy of the Form to the drug and alcohol testing coordinator at his/her technical college or, as applicable, the System Office to acknowledge that testing was completed. The testing coordinator shall retain a copy of the form and the applicant/employee shall retain the copy provided by the collection site.

9. Medical Review Officer Responsibilities

a. Upon receiving a laboratory-confirmed report for a positive, an adulterated or substituted sample/specimen, or a rejected sample, the Medical Review Officer (MRO) will attempt to contact the applicant/employee at the telephone numbers listed on the drug testing form to privately discuss the results. As applicable, the MRO will attempt to determine if there is an alternative medical explanation for test result.

b. An applicant/employee who has a laboratory-confirmed positive test result may request that the split sample of the drug test be submitted for separate analysis or that the remaining portion of the original specimen be re-analyzed. NOTE: in these instances, the cost of the additional testing shall be the responsibility of the applicant/employee and the TCSG shall seek reimbursement for the cost of such testing. The TCSG cannot, however, condition the testing on the applicant's/employee's ability or willingness to pay (for the test). The TCSG is fully responsible for ensuring that the testing is performed in a timely manner.

c. The MRO may cancel the drug test if, in his/her opinion, there was a procedural error in the testing process, i.e., the chain-of-custody was broken. In this instance, the MRO will make a recommendation

to the drug and alcohol testing coordinator as to whether it is advisable to retest the applicant or employee based on the reasons for the cancelled test. The final decision to retest the applicant/employee will be made by the Commissioner, technical college president, or their designee.

d. The MRO will make a similar recommendation to the drug and alcohol testing coordinator in instances of a rejected test result. The decision to retest the applicant/employee in response to a laboratory-confirmed rejected or unsuitable specimen shall be made by the Commissioner, technical college president, or his/her designee. The retest may, at the discretion of the Commissioner, technical college president or their designee may be conducted as an observed sample. NOTE: a laboratory-confirmed adulterated or substituted sample is not subject to a retest.

e. The MRO will report the test results as positive or, as applicable, a refusal to test if the applicant/employee:

1. expressly refuses to discuss the test results with the MRO;

2. declines the opportunity to provide an explanation for the results;

3. admits to the use of one or more illegal drug(s); or,

4. is unable to provide an alternative medical explanation for the presence of one or more illegal drug(s).

f. If the MRO is unable to contact the applicant/employee within two (2) business days after an initial attempt has been made, the technical college/System Office drug and alcohol testing coordinator will be notified. In turn, the testing coordinator will attempt to contact the applicant/employee to direct him/her to immediately contact the MRO and indicate that the test result will be reported as positive or, as applicable, a refusal to test if the MRO is not contacted by the end of the following business day.

g. If the drug and alcohol testing coordinator cannot locate the applicant/employee within two (2) business days after the initial attempt, the MRO will be notified and the test result will be reported as positive or, as applicable, a refusal to test.

h. The MRO will then notify DOAS or, as applicable, the service agent under contract to DOAS of a positive or a refusal to test result. This information will then be transmitted to the drug and alcohol testing coordinator in the employing technical college or, as applicable, the System Office.

10. Refuses Drug Testing and Accompanying Consequences

a. An applicant provided a conditional offer of employment who is not a State of Georgia employee will have his/her job offer rescinded/withdrawn if he/she refuses drug testing. The individual should be notified of this action through the use of Attachment: 4.8.1p1.a9. NOTE: pursuant to related authority, the applicant shall also be disqualified from state employment for a period of two (2) years;

b. An applicant provided a conditional offer of employment who is currently employed with another State agency/organization will have his/her job offer rescinded/withdrawn if he/she refuses drug testing. The individual will be notified of this action through the use of Attachment: 4.8.1p1.a9.

c. A TCSG employee who, in the course of his/her System Office or technical college employment, refuses testing shall be dismissed from employment. Formal, written notification should be provided to the employee using Attachment: 4.8.1p1.a10.

d. A TCSG employee who has been offered employment in a different state agency/organization or in a different System Office or technical college position subject to drug testing shall be dismissed from employment if he/she refuses testing. Formal, written notification should be provided to the employee using Attachment: 4.8.1p1.a10.

e. The dismissal action referenced in Paragraphs VI.B.10.c and VI.B.10.d. shall be initiated pursuant to TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

f. As provided in State Personnel Board Rule 21, the effective date of the dismissal for an employee covered under Positive Discipline shall be the date of notification. For tenured faculty working under the terms of an employment contract, the effective date should be established consistent with the notification requirements of the TCSG Procedure governing Adverse Employment Actions.

11. Positive Drug Test Results and Accompanying Consequences

a. An applicant provided a conditional offer of employment who is not a current State of Georgia employee will have his/her job offer rescinded/withdrawn if his/her laboratory-confirmed positive drug test result is verified by a Medical Review Officer for the presence of illegal drug(s). The individual should be notified of this action using Attachment I. NOTE: pursuant to related authority, the applicant shall also be disqualified from state employment for a period of two (2) years;

b. An applicant provided a conditional offer of employment who is currently employed with another state agency/organization will have his/her job offer rescinded/withdrawn if his/her positive drug test result is verified by a Medical Review Officer for the presence of illegal drug(s).

c. A TCSG employee who, in the course of his/her System Office or technical college employment, undergoes drug testing and whose laboratory-confirmed positive drug test result is verified by a Medical Review Officer for the presence of illegal drug(s) shall be dismissed from employment. Formal, written notification should be provided to the employee using Attachment:4.8.1p1.a10.

d. A TCSG employee who has been offered employment in a different state agency/organization or in a different System Office or technical college position subject to drug testing shall be dismissed from employment if his/her laboratory-confirmed positive test result is verified by a Medical Review Officer for the presence of illegal drug(s). Formal, written notification should be provided to the employee using Attachment:4.8.1p1.a10.

e. The dismissal action referenced in Paragraphs VI.B.11.c and VI.B.11.d. shall be initiated pursuant to the TCSG Procedure governing Positive Discipline or, as applicable the TCSG Procedure governing Adverse Employment Actions.

f. As provided in State Personnel Board Rule 21, the effective date of the dismissal of a P.O.S.T. certified employee shall be the date of notification.

C. Alcohol Testing – Categories and Provisions

1. Reasonable Suspicion

a. Alcohol testing may be required when there is reason to believe that an employee is not free of alcohol while in the work place or while performing assigned duties and responsibilities to include when operating a state vehicle, a state-sponsored leased or rental vehicle, or a personal vehicle upon which the state is providing or could provide a mileage reimbursement.

b. With the exception noted in Paragraph VI.C.1.e., prior approval of the System Office Director of Human Resources or General Counsel should be sought before a reasonable suspicion alcohol test is conducted.

c. A reasonable suspicion determination may be made by a supervisor, manager, or other System Office/technical college official (to include a campus police officer or security officer) who has been trained to make this determination. The training must cover the physical, behavioral, speech and performance indicators of alcohol misuse and must be a minimum of one hour in duration.

d. Reasonable suspicion testing may be based on an employee's appearance, behavior, speech, odor or other evidence found or reported. Factors that may lead to a reasonable suspicion determination include, but are not limited to:

1. an on-the-job accident or incident resulting in a Workers Compensation claim in which it is likely that an employee's action(s) or inaction(s) may, in whole or in part, have caused the accident/incident and the employee must have demonstrated by his/her action(s) and/or behavior(s) that he/she may not be free of alcohol.

2. an on-the-job incident, such as a medical emergency, that is likely attributable to alcohol use by an employee.

3. direct observation of an employee's behavior that may render the employee unable to perform assigned duties and responsibilities or which may pose a threat to the health, safely, or welfare of the employee, other employees, students, or the public.

4. verifiable information that an employee may not be free of alcohol in the workplace.

5. documented deterioration in an employee's job performance that is likely attributable to the use of alcohol.

6. conclusive proof that an employee has used/consumed alcohol while at work (i.e. during established working hours).

7. any other action(s) by an employee which provides a supervisor, manger, or other System Office or technical college official a reason to suspect that the employee is not free of alcohol.

e. Given that alcohol quickly metabolizes, reasonable suspicion alcohol testing should be completed at the closest testing site or, as applicable, on-site as soon as possible after the need for testing has been determined. For this reason, a supervisor/manager or other college official who has been trained to detect probable alcohol misuse and the accompanying indicators may direct an employee for testing without the prior approval of the System Office Director of Human Resources or General Counsel. In these instances, notification to one or both System Office officials should be made as soon as possible after testing has been completed.

f. A Reasonable Suspicion Alcohol or Drug Testing Behavior/Incident Documentation Form (Attachment: 4.8.1p1.a3.) must be completed by the System Office/Technical College referring supervisor/manager/official. NOTE: the form must be signed by the supervisor/manager and the employee.

g. When it is determined that an employee will be tested for the presence of alcohol, the employee will not be permitted to drive to or from the testing site; instead, the employee will be transported to and from the testing site by a System Office/technical college official. It is permissible for an on-site breath

alcohol test to be conducted by a certified Breath Alcohol Technician (BAT) using an evidential breath testing device. NOTE: a BAT conducting on-site testing may not be an employee of the technical college mandating the test.

h. An employee subject to reasonable suspicion testing is required to produce a picture ID when reporting for testing at an off-site location.

2. Self-Disclosure of an Alcohol Problem

a. Any System Office employee who notifies the Commissioner (or his/her designee) or, as applicable, a technical college employee who notifies his/her president (or his/her designee) of an alcohol problem shall maintain his/her TCSG employment provided:

1. the notification is submitted to the Commissioner, president, or their designee in writing;

2. the written notification must occur prior to a directive to report for alcohol testing or an arrest for an alcohol-related criminal offense or alcohol-related traffic citation. NOTE: in response to an arrest for an alcohol-related criminal offense or an alcohol-related traffic citation, the employee is subject to disciplinary action as provided in the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions; and

3.the employee must also agree, in writing, to the following conditions

(a). he/she must undergo an assessment by a Substance Abuse Professional (SAP) selected or approved by a System Office or technical college official from the list of qualified SAP's associated with the TCSG Employee Assistance Program provider;

(b). he/she agrees to fully comply with all treatment plan recommendations developed by the SAP; and,

(c). he/she agrees to accept responsibility for all costs associated with following the treatment plan.

(d). he/she agrees to provide the Commissioner, technical college president or their designee with written certification from the SAP regarding satisfactory completion of the recommended treatment plan.

(e). he/she agrees to undergo a return-to-duty alcohol test with the understanding that the result must reflect no measureable alcohol concentration.

(f). he/she agrees to undergo periodic, unscheduled follow-up alcohol tests for up to five (5) years (pursuant to the provisions of State Personnel Board Rule 21);

(g) he/she understands that if he/she refuses to submit to alcohol testing or fails to comply with the terms of the agreement, he/she will be dismissed from employment.

(h) he/she understands that if an alcohol test result reflects any measureable alcohol concentration, he/she shall be subject to disciplinary action up to and including dismissal from employment; and,

(b). no employee may avail themselves of this entitlement more than twice in a five (5) year period.

3. Post-Accident Testing

a. Any System Office or technical college employee involved in a traffic accident while operating a state vehicle, a state-sponsored leased or rental vehicle, or a personnel vehicle upon which the state is providing or could provide a mileage reimbursement is subject to alcohol testing if it is likely that the accident will result in more than $2,000.00 damage to the vehicle or, as applicable, to state property and/or involves an injury requiring medical attention away from the accident site.

4. Return-to-Duty Testing

a. Any employee who, in the course of his/her employment, has engaged in prohibited alcohol activity (i.e., whose breath alcohol test results reflects any measurable alcohol concentration) and who remains employed must undergo a return-to-duty alcohol test and have a negative test result prior to returning to duty.

5. Follow-up Testing

a. Any employee who, during the course of his/her employment, has engaged in prohibited alcohol activity (i.e., whose breath alcohol test results reflects any measurable alcohol concentration) and who remains employed is, in addition to a return-to-duty alcohol test, also subject to periodic, unannounced alcohol testing for a period of up to five (5) years at the discretion of the Commissioner or technical college president.

6. Refuses Alcohol Testing and Accompanying Consequences

a. An employee is considered to have refused alcohol testing under the following circumstances:

1. he/she expressly refuses to submit to testing;

2. he/she engages in conduct that clearly obstructs the testing process;

3. as applicable, he/she fails to report for testing at the identified time and date;

4. as applicable, he/she fails to remain readily available for testing or lest the testing site before submitting to the test; or,

5. he/she fails to provide adequate breath for alcohol testing without a valid medical reason/explanation (i.e., a medical statement from his/her health care provider must be received indicating that he employee is under treatment for a condition which supports the inability to provide adequate breath for the test).

b. Any employee who refuses alcohol testing shall be dismissed from employment pursuant to the provisions to the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions. Formal, written notification should be provided to the employee using Attachment 4.8.1p1.a8.

c. Pursuant to the provisions of State Personnel Board Rule 21, the effective date of the dismissal for an employee covered under Positive Discipline shall be the date of notification. For tenured faculty working under the terms of an employment contract, the effective date should be established consistent with applicable provisions of the TCSG Procedure governing Adverse Employment Actions.

7. Alcohol Testing Process and Accompanying Consequences

a. Alcohol testing will be accomplished through an alcohol breath test conducted by a certified Breath Alcohol Technician using an evidential breath testing device at a breath testing site (e.g., a medical center, testing laboratory or law enforcement agency) or, as applicable, on-site.

b. An employee subject to alcohol testing must produce a picture ID when reporting for testing.

c. If the initial test results reflect an alcohol concentration of less than 0.02 percent, the employee will be provided a copy of the completed alcohol testing form for presentation to the System Office or technical college drug and alcohol testing coordinator immediately upon returning to work. An employee with any measureable alcohol concentration will be permitted to return to duty only with the authorization of the Commissioner, technical college president, or their designee.

d. If the initial test results reflect an alcohol concentration of 0.02 percent or higher, a confirmation test shall be conducted not less than nor more than twenty (20) minutes after the first test.

e. If the alcohol confirmation test indicates an alcohol concentration of 0.02 percent or higher, the employee will be immediately removed from his/her duties and not permitted to drive a vehicle. The employee should be assisted with making necessary transportation arrangement. The employee will also be placed in an unauthorized leave without pay status for a minimum period of twenty-four (24) hours and until such time as a return-to-duty test is performed with a negative test result. Formal, written notification should be provided to the employee using Attachment: 4.8.1p1.a7.

f. Any formal disciplinary action initiated by the System Office or technical college in response to an alcohol test result reflecting any measureable alcohol concentration (in addition to placement on leave without pay as referenced in Paragraph VI.C.7.e.), shall follow applicable provisions of the TCSG Procedure governing Positive Discipline or the TCSG Procedure governing Adverse Employment Actions.

VII. RECORD RETENTION:

Pursuant to related authority governing the alcohol and drug testing of individuals applying for employment or current employees in certified identified occupational categories, associated records/documents must be maintained for the following designated periods:

Two Years
Records related to the alcohol and drug testing collection process to include: documents related to random selection, reasonable suspicion determinations; post-accident determinations; medical evaluations for insufficient amounts of urine or breath; supervisor/manager training records; records of negative and cancelled drug test results; and, alcohol test results with a concentration of less than 0.02 percent. Also included are all screening/testing logs.
Five Years
Records of alcohol test results indicate an alcohol concentration of 0.02 or higher; records of verified positive drug test results including substituted or adulterated drug test results; and, documentation of refusals to take required alcohol and/or drug tests.

Attachment: 4.8.1p1.a1.

Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Pre-Employment Drug Testing Acknowledgment Statement

I acknowledge that I have read and understand the following provisions pertaining to required pre-employment drug testing:

1. I understand that as a condition of employment as a _____ with _____, I must successfully pass a drug test administered in a manner consistent with the provisions of O.C.G.A. §34-9-415 and the Guidelines for Federal Workplace Drug Testing Programs.

2. I understand that the Technical College System of Georgia will pay for the drug test.

3. I understand that I will not be considered further for employment if: I refuse to submit to drug testing; if my actions meet any other example of "refuses or refused testing" as defined in the TCSG Procedure governing Drug and Alcohol Testing for Non-Regulated Positions; or, if I test positive for the presence of illegal drug(s),

4. I understand that I will also be disqualified from employment with any State employer for a period of two (2) years if I test positive for illegal drug(s) or if I refuse or I'm considered to have "refused" drug testing.

5. As applicable, I acknowledge that I have taken or have been asked to take a drug test for the following State employers (i.e., any agency, department, board, bureau, commission, college, university, institution, or authority) within the past two years: State Employer Date of Test, Test Result (Positive or Negative)

_____ _____ _____

_____ _____ _____

_____ _____ _____

6. I acknowledge that withholding or falsifying any of the above referenced information will result in my release from employment

7. I acknowledge that if I refuse to sign this form, I will not be considered further for the above referenced position.

_____ _____
Applicant Name Printed Witness Signature

_____ _____
Applicant Signature Date

_____
Date

Revised January 2015

Attachment: 4.8.1p1.a2

Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Pre-Employment Drug Testing Notification – Sample Letter

(Date)
XXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXX

Dear:

Please be advised that your conditional offer of employment for service as a _____ with the _____ includes the requirement that you successfully pass a drug test administered in a manner consistent with the provisions of O.C.G.A. §34-9-415 and the Guidelines for Federal Workplace Drug Testing Programs. Your testing will take place at the _____ collection site.

You must bring a picture identification and the attached Forensic Drug Testing and Control Form to the testing site. As we have discussed, you must complete the testing process no later than (Specified Time) on (Specified Date).

(FOR APPLICANTS) As referenced in the Pre-Employment Drug Testing Acknowledge Statement that you completed on _____, if you refuse to submit to testing; if your actions meet any other example of "refuses or refused testing" as this term is defined in the TCSG Procedure governing Drug and Alcohol Testing for Non-U.S. DOT Regulated Positions; or, if you test positive for the presence illegal drug(s), your conditional offer of employment will be withdrawn. In addition, you will be disqualified from employment with any State employer for a period of two (2) years.

(FOR EMPLOYEES) Please be advised that if you refuse to submit to testing; if your actions meet any other example of "refuses or refused testing" as this term is defined in the TCSG Procedure governing Drug and Alcohol Testing for Non-U.S. DOT Regulated Positions; or, if you test positive for the presence of illegal drug(s), you will be dismissed from employment consistent with the provisions of the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

Any questions concerning these requirements should be directed to _____.

Sincerely,
XXXXXXXXXXX

My signature below indicates that I understand the conditions outlined in this letter and that I have received the Forensic Drug Testing and Control Form.

_____	_____
Applicant/Employee Signature Witness	Signature
_____	_____
Date	Date

Revised January 2015

Back

Attachment: 4.8.1p1.a3.

Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Reasonable Suspicion Alcohol/Drug Testing
Behavior/Incident Documentation Form

Work Unit:_____ Location of Incident: _____
Employee Name:
_____
Date of Observation: _____ Time: _____ Length of Time Observed:
_____
Observed By:
_____
Additional Witness(es):
_____
Description of
Behavior/Incident:_____
_____
_____
The behavior I observed includes:
_____ Performance Indicators, specifically:
_____
_____
AND, as applicable, the following observations:
_____ Behavior/Conduct:
_____
_____
_____ Speech Indicators:
_____
_____
_____ Appearance/Physical Indicators:
_____
_____
_____ Body Odors:
_____
_____

Referred for: _____ Alcohol Test _____ Drug Test _____ Both

Employee: _____ Agreed to Testing _____ Refused Testing

If Alcohol Test, Will Test Be Conducted at the Work Site by a BAT: _____ Yes _____ NO

As Applicable, Means of Transportation to Collection Site:
_____

As Applicable, Name of Collection Site:
_____

Back

As Applicable, Address of Collection Site:
_____

Time Departed Work Site: _____ **Scheduled Appointment Time:** _____

Signature of Referring Official:

_____

I understand that I have been referred for a reasonable suspicion drug and/or alcohol test and must immediately report for testing. Pursuant to the provisions of the TCSG Procedure governing Drug and Alcohol Testing of Non-Regulated Positions, I understand that my failure to complete the drug and/ or alcohol testing process will result in my dismissal from employment.

Signature of Employee:
_____

Date: _____

If Employee Refused Testing:
Were local law enforcement authorities contacted: _____ Yes _____ No
If Yes, the name of the agency contacted and responding officer:
_____

Did employee leave worksite ? _____ Yes _____ No
If Yes, circumstances:
_____
_____
_____

Did employee leave in his/her own vehicle ? _____ Yes _____ No _____ Unknown

Attachment: 4.8.1p1.a4.

Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Sample Memorandum – Random Drug Testing Selection

TO: (Employee Name)

FROM: (Authorizing Official)

SUBJ: Random Drug Testing

DATE:

Consistent with the provisions of the Technical College System of Georgia's (TCSG) Drug and Alcohol Testing Procedure: Non-U.S. DOT Regulated Positions, the position you hold has been randomly selected for drug testing.

To undergo the test, you are required to report to the (Collection Site Name) collection site with a picture identification and the attached Forensic Drug Testing Custody and Control Form. You must complete the testing process no later than (Specified Time) on (Specified Date), Following the test, you must present your copy of the completed Forensic Drug Testing Custody and Control Form to _____ immediately upon your return to duty.

As you are aware, your continued employment with _____ is contingent upon your receiving a negative test result. Please be advised that if your actions meet the definition of "refuses or refused" testing as the term is defined in the above referenced procedure or if you test positive for the presence of one or more illegal drugs, you will be separated from employment pursuant to the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

Any questions regarding the testing process should be directed to _____.

My signature indicates that I understand the conditions outlined in this memorandum and that I have received the Forensic Drug Testing Custody and Control Form.

_____ _____
Employee Signature Date

_____ _____
Witness Signature Date

Revised January 2015

TECHNICAL COLLEGE SYSTEM OF GEORGIA

PRE-EMPLOYMENT DRUG TESTING SCREENING LOG

TECHNICAL COLLEGE/SYSTEM OFFICE WORK UNIT: _____

Date/Time Form Given	Applicant/ Employee Name	Social Security # or Employee ID	Position #	Job Title	Deadline Date	Applicant/Employee Initials	Date Results Received

Revised January 2015

TECHNICAL COLLEGE SYSTEM OF GEORGIA

RANDOM DRUG TESTING SCREENING LOG

TECHNICAL COLLEGE/SYSTEM OFFICE WORK UNIT: _____

Date/Time Form Given	Employee Name	Employee ID#	Position #	Job Title	Deadline Date	Employee Initials	Date Results Received

Revised January 2015

Attachment: 4.8.1p1.a7

Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Sample Letter - Separation for Refused Alcohol Testing

Date

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Dear:

As you are aware, on (Day and Date) you were directed to report for (reasonable suspicion OR return-to duty OR follow-up) alcohol testing.

(Select the appropriate option)
After receiving this directive
1. you refused to submit to testing OR

2. you failed to appear/report for testing after receiving this directive and appearing at the collection site or the on-site testing location

3. you engaged in conduct that clearly obstructed the testing process OR

4. you failed to remain available for testing or left the testing site/location before submitting to the test OR

5. you failed to provide adequate breath for testing without a valid medical reason/explanation.

Please be advised that you are considered to have “refused testing” and pursuant to applicable provisions of the TCSG Procedure governing Drug and Alcohol Testing for Non-U.S. DOT Regulated Positions, you will be dismissed from employment with _____ effective at the close of business on _____. This action has been taken pursuant to the provisions of the TCSG Procedure governing (Positive Discipline or Adverse Employment Actions) and, as applicable, the provisions of State Personnel Board Rule 21 pertaining to the established effective date.

Any questions should be directed to _____.

Sincerely,

CC:

Revised January 2015

Attachment: 4.8.1p1.a8.

Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Sample Letter - Withdrawal of Employment Offer Based on Positive Drug Test Result or a Refuses or Refused Testing Determination

Date

XXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXX

Dear:

As you are aware, on _____ you were offered employment with _____as a _____. As provided in the attached Pre-Employment Drug Testing Notification Letter, your employment was contingent upon your successfully passing a drug test. On _____ you were directed to report for drug testing.

(Select the appropriate option)
After receiving this directive:
1. you refused to submit to testing OR

2. you failed to appear/report for testing at the identified time and date. After receiving this directive and appearing at the collection site,

3. you engaged in conduct that clearly obstructed the testing process OR

4. you failed to remain available for testing or left the testing site before submitting to the test OR

5. you failed to provide adequate urine for testing without a valid medical reason/explanation OR

6. the testing laboratory confirmed and a Medical Review Officer verified that the urine sample you provided had been adulterated or substituted OR

7. you tested positive for the presence of illegal drugs(s).

Please be advised that this letter serves as formal written notification that your conditional offer of employment with _____ has been withdrawn. (FOR AN APPLICANT PROVIDED A CONDITIONAL OFFER OF EMPLOYMENT - ADD THE FOLLOWING SENTENCE) Additionally, you will also disqualified from employment with any State employer for a period of two (2) years from the date of this action.

Any questions regarding these actions should be directed to
_____.

Sincerely,

Attachment: 4.8.1p1.a9.

Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Alcohol Test Results – Unauthorized Leave Without Pay – Sample Letter

Date

XXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXX

Dear

On (Day and Date) you were directed to report for reasonable suspicion OR return-to duty OR follow-up alcohol testing. Based on the results of an alcohol confirmation test, the Breath Alcohol Technician has determined that your alcohol concentration (at the time of testing) was ___ percent.

Given that the results indicated an alcohol concentration of 0.02 or greater and pursuant to the provisions of the TCSG Procedure governing Drug and Alcohol Testing for Non-U.S. DOT Regulated Positions, you will be placed in an unauthorized leave without pay status for minimum period of twenty-four (24) hour and/or until such time as a Return-to-Duty test is performed with negative results.

Please be advised that are also be subject to further disciplinary action in response to your alcohol test results. Any such action will be delivered consistent with the provisions of TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

Any questions should be directed to _____.

Sincerely,

Cc:

Revised January 2015

Attachment: 4.8.1p1.a10.

Drug and Alcohol Testing: Non-U.S. DOT Regulated Positions
Sample Letter - Separation Based on a Positive Drug Test Result or a Refuses or Refused Testing Determination

Date

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Dear:

As you are aware, on _____ you were directed to report for drug testing.

After receiving this directive: *(Select the appropriate option)*

1. you refused to submit to testing OR

2. you failed to appear/report for testing at the identified time and date
After receiving this directive and appearing at the collection site

3. you engaged in conduct that clearly obstructed the testing process OR

4. you failed to remain available for testing or left the testing site before submitting to the test OR

5. you failed to provide adequate urine for testing without a valid medical reason/explanation OR

6. the testing laboratory confirmed and a Medical Review Officer verified that the urine sample you provided had been adulterated or substituted

OR

7. you tested positive for the presence of illegal drugs(s).

(Select Either Option)
(For numbers 1-6 – Select Appropriate Reason for Dismissal)

Given that you are considered to have "refused testing" (as this term is defined in the TCSG Procedure governing Drug and Alcohol Testing for Non-U.S. DOT Regulated Positions, you will be dismissed from employment with _____ effective at the close of business on _____. This action will be taken pursuant to the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

(For number 7)
Given that you have tested positive for the presence of illegal drug(s), please be advised that you will be dismissed from employment with _____ at the close of business on _____. This action will be taken pursuant to the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

Any questions should be directed to _____.

Sincerely,

Procedure: 4.8.1p2. [III.O.2.]

Drug Testing: U.S. DOT and FMCSA Regulated Positions

Revised: July 15, 2015; January 4, 2012

Last Reviewed: July 15, 2015

Adopted: January 4, 2012

I. PURPOSE:

The Technical College System of Georgia (TCSG) is committed to providing an environment that: ensures the safety and well-being of TCSG's employees, students, and campus visitors; protects TCSG employee and student property; and, prohibits influences that may have a detrimental effect upon the orderly, safe and efficient operation of the System Office and all associated technical colleges.

Based on these goals, the TCSG has established drug and alcohol testing protocols to prevent the hiring and/or continued employment of employees who may cause harm to themselves or others, who may cause damage to System Office or technical college property, or (for current employees) whose job performance is negatively impacted due to the use/misuse of a controlled substance, an illegal drug, or alcohol.

In conjunction with the provisions of the State Board Policy governing a Drug-Free Workplace and the provisions of State Personnel Board Rule 21, those technical colleges which operate a commercial truck driving program must follow U.S. Department of Transportation (DOT) regulations (49 CFR Part 40) which govern all facets of the alcohol and drug testing processes and how to return employees to safety-sensitive duties after a DOT violation and accompanying Federal Motor Carrier Safety Administration (FMCSA) regulations (49 CFR Part 382) that determine who is subject to alcohol and substance abuse testing, when, and in what situations.

FMCSA regulations pertain to holders of a Commercial Driver's License (CDL) who drive commercial motor vehicles and perform attendant safety-sensitive functions. Included among CDL holders are students in a technical college's commercial truck driving program who possess a Commercial Learner's Permit (CLP) for the purpose of behind-the-wheel training on public roads or highways. These students are subject to the same alcohol and drug testing requirements as an employee driver holding a CDL or an applicant provided a conditional offer of employment for a position requiring the possession of a CDL.

This procedure also highlights the requirements pertaining to the collection, retention, release, and oversight of drug and alcohol testing records/information as well as associated documents/materials. Additionally, the noted federal regulations require covered technical colleges to train and educate

drivers (i.e., employees and students) as well as commercial truck driving program supervisors and managers (i.e., those that supervise “drivers”) regarding the provisions of the DOT Workplace Drug and Alcohol Testing Program and accompanying FMSCA guidelines regarding the effects of controlled substances and the misuse of alcohol on driver performance as well as general health, safety, and work environment concerns.

DOT and FMSCA regulations also specify the involvement of other professional and technical personnel in the administration of the TCSG controlled substances and alcohol testing processes to include a Medical Review Officer (MRO), Substance Abuse Professional (SAP), and Breath Alcohol Technician (BAT).

II. RELATED AUTHORITY:

49 CFR Parts 40 and 382, et.al.

HHS Regulations 53 FR 11979

State Board Policies and TCSG Procedures

State Personnel Board Rule 21

III. APPICABILITY:

Technical colleges associated with the Technical College System of Georgia which operate a Commercial Truck Driving Program and who employ individuals who meet the definition of a “driver” as the term is defined in this procedure.

IV. DEFINITIONS:

Adulterated Sample: a specimen that has been altered as evidenced by test results reflecting that it contains a substance that is not expected to be present in human urine or a substance that is expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl and isopropyl alcohol.

Alcohol Concentration: is the alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred and ten (210) liters of breath as indicated by an evidential breath test.

Alcohol Confirmation Test: a subsequent breath test using an evidential breath testing device capable of printing results and approved by the National Highway Traffic Safety Administration and placed on its “conforming products List of Evidential Breath Measurement Devices” used to determine whether an individual may have a prohibited concentration of alcohol in a breath specimen. Such testing must be performed by a certified Breath Alcohol Technician (BAT).

Alcohol Screening Test: the initial analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in his/her breath.

Alcohol Testing Site: a medical facility, mobile facility (e.g., a van), a dedicated collection facility, or any other location meeting the operational and security requirements of 49 CFR 40.221.

Alcohol Use: the drinking or swallowing of any beverage, liquid mixture, or preparation, including medication containing alcohol.

Applicant: pursuant to the provisions of State Personnel Board Rule 21and for purposes of this procedure, an individual who has been conditionally offered initial state employment in a DOT-regulated, safety-sensitive position subject to pre-employment drug testing; a current TCSG employee who is an incumbent of a position not subject to pre-employment drug testing and who is subsequently offered employment in a DOT-regulated, safety-sensitive position subject to drug testing; or, a current TCSG employee who has been offered employment in a different state agency in a position subject to pre-employment drug testing.

Breath Alcohol Technician (BAT): conducts alcohol screening and confirmation tests by collecting and analyzing breath specimens using an approved evidential breath-testing (EBT) device.

Business Day: Monday through Friday of each work week excluding a day proclaimed by the Governor as a State holiday or a day a State holiday is to be observed.

Collection Site: a location where individuals present themselves for the purpose of providing a urine specimen to be analyzed for the presence of controlled substances, e.g., a physician's office, a commercial collection site or, a local hospital or clinic.

Commercial Driver's License: a license issued by a State or other jurisdiction in accordance with the standards contained in 49 CFR Part 383, authorizing an individual to operate a class of commercial motor vehicle (CMV). Individuals who operate a commercial motor vehicle as defined in accompanying regulations and required to possess a CDL are subject to controlled substances and alcohol testing. NOTE: a Commercial Learner's Permit (CLP) is considered a valid CDL for purposes of behind-the-wheel training on public roads or highways; therefore, students in a technical college Commercial Truck Driving Program who possess a CLP are subject to the same alcohol and drug testing requirements as an employee holding a CDL.

Commercial Motor Vehicle (CMV): a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight or more than 10,000 pounds; has a gross vehicle weight rating of 26, 001 or more pounds; is designed to transport 16 or more passengers including the driver; or, is of any size and is used in the transportation of hazardous materials.

Controlled Substances: pursuant to DOT and FMCSA regulations, the terms "controlled substances" and "drugs" are interchangeable and have the same meaning. Testing under these regulations is limited to the following controlled substances or their metabolites: marijuana (THC), cocaine, opiates/opiate metabolites (codeine, morphine, and heroin), phencyclidine (PCP), and amphetamines (including methamphetamines and MDMA - methylenedioxymethamphetamines.

Dangerous Drugs: pursuant to the provisions of O.C.G.A. §16-13-21, any drug, other than a controlled substance, which cannot be dispensed except upon the issuance of a prescription drug order by a practitioner authorized under this chapter.

Designated Employer Representative: a technical college's drug and alcohol testing coordinator.

Driver: for purposes of this procedure the terms "driver" and "employee" are interchangeable and have the same meaning. A driver is a person (whether paid or unpaid) who operates a commercial motor vehicle and who is required to possess a commercial driver's license for service in a full- or part-time, casual, intermittent, occasional or, a volunteer capacity. With respect to the Technical College System of Georgia, the term includes, but is not limited to, faculty associated with a commercial truck driving (CTD) program and all CTD students. NOTE: all designated "drivers" encumber a safety-sensitive position and are, therefore, subject to alcohol and drug testing as provided in this procedure and accompanying DOT and FMCSA regulations.

Drug and Alcohol Testing Coordinator: for purposes of compliance with applicable DOT and FMCSA regulations, the technical college employee who functions as the "Designated Employer Representative" (DER). In this capacity, the employee receives communication from the Medical Review Officer, the Georgia Department of Administrative Services, and/or the contract service agent regarding test administration and test results. NOTE: These same regulations also stipulate that the DER (i.e., the drug and alcohol testing coordinator) should be authorized by his/her employer with the ability to remove, when necessary, employees from safety-sensitive duties and to make other required decisions in the testing and evaluation processes. In these instances, the action(s) to be taken must be consistent with the provisions of procedure and the accompanying federal regulations.

Drug Test or Drug Testing: for purposes of this procedure, the collection and testing of urine administered in a manner equivalent to that required by U.S. DOT Procedures for Transportation Workplace Drug and Alcohol Testing Programs (49 CFR part 40), HHS Regulations 53 FR 11979 and, accompanying FMCSA regulations (49 CFR Part 382).

Drugs: pursuant to DOT and FMCSA regulations, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning. Testing under these regulations is limited to the following controlled substances or their metabolites: marijuana (THC), cocaine, opiates/opiate metabolites (codeine, morphine, and heroin), phencyclidine (PCP, and amphetamines (including methamphetamines and methylenedioxymethamphetamines – MDMA). NOTE: the term does not include any drug used pursuant to and in accordance with a valid prescription dispensed by a health care provider or the ingestion of substances that produce the same metabolites as an illegal substance, e.g., codeine prescriptions for coughing and/or pain or narcotic analgesics prescribed for pain.

Employee (Covered Employee): any person who is designated in DOT and FMCSA regulations as (being) subject to drug and/or alcohol testing including individuals currently performing safety-sensitive designated functions and applicants provided a conditional offer of employment for a safety-sensitive position.

Employer (Covered Employer): for purposes of this procedure, a technical college employing one or more employees subject to DOT and FMCSA regulated drug and/or alcohol testing.

HHS: the Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Invalid Drug Test: the result reported by a Department of Health and Human Services (HHS)-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: for purposes of controlled substances testing under FMCSA regulations, an HHS-certified laboratory which uses an immunoassay technique to screen urine specimens for the specific controlled substances and only uses gas chromatography/mass spectrometry (GC/MS) screening to confirm all positive results/screens. NOTE: A HHS-certified laboratory must also retain all confirmed positive results for a minimum of one (1) year and provide adequate secure storage for a split specimen sample.

Medical Review Officer: a licensed physician who: receives and reviews laboratory-confirmed drug test results; affords the "driver" an opportunity to discuss the test results; evaluates the results and information received in conjunction with an employee's relevant medical history information/records or any other biomedical information; and, determines whether there is a legitimate medical explanation for a laboratory-confirmed positive, adulterated, substituted, or invalid test result.

Metabolite: a modified form of a controlled substance that has been chemically altered by the body's metabolic system. NOTE: the presence of a controlled substance or its metabolite in a urine sample/specimen indicates the use of a controlled substance in the recent past.

Negative Result: the result reported by a HHS-certified laboratory to a Medical Review Officer when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Performing (a safety-sensitive function): a "driver is considered to be performing a safety sensitive function during any period which he/she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

Positive Result: the result reported by a HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the established cutoff concentrations.

Pre-Employment Drug Testing: is required of an applicant who has been conditionally offered TCSG employment in a safety-sensitive position whose duties require possession of a commercial driver's license.

Random Alcohol and Drug Testing: is required of those employees who encumber a safety sensitive position as the term is defined by the U.S. Department of Transportation regulations. The State of Georgia's random alcohol and drug testing program is administered by the Department of Administrative Services' Human Resources Administration Division. Random testing is conducted on a periodic, unannounced basis from a list of positions randomly selected from the DOT/CDL random alcohol and drug testing pools.

Reasonable Suspicion Testing: a determination that reasonable suspicion exists that a safety sensitive employee may have violated a substance abuse or alcohol prohibition. The decision to test must be based on specific, timely and describable observations which include appearance, behavior, speech, and body order. In conjunction with this Procedure and accompanying federal regulations, one or more of the referring supervisor(s)/manager(s) must have been trained in the detection of the misuse of alcohol and the use of controlled substances before making this determination.

Refused Testing or Refuses Testing: for purpose of DOT regulated alcohol and drug testing, a driver "refuses" or is considered to have "refused" to submit to alcohol or drug testing when he/she:

1. expressly declines to submit to testing;

2. fails to appear/report for testing in a timely manner after proper notification by a technical college drug and alcohol testing coordinator or other college official;

3. fails to remain at the testing site until the testing process is completed;

4. fails to provide adequate breath for alcohol testing without a valid medical explanation;

5. fails to provide adequate urine for drug testing without a valid medical explanation;

6. provides a urine sample determined by the testing laboratory and the Medical Review Officer to have been adulterated or substituted;

7. in instances of a directly observed or monitored collection in a drug test, he/she fails to permit the observation or collection of the specimen;

8. fails to undergo a medical examination or evaluation, as directed by a Medical Review Officer as a part of the verification process;

9. engages in other conduct that clearly obstructs or interferes with the testing process and/or fails to cooperate with any part of the testing process, to include tampering with or attempting to adulterate the specimen;

10. when the Medical Review Officer verifies the testing laboratory's determination and reports an adulterated or substituted test result, or,

11. leaving the scene of an accident without a valid reason or without the approval of a supervisor, manager, or other college official before alcohol and/or drug test(s) have been conducted.

Rejected Result: a decision by the laboratory to reject a urine specimen in response to an insufficient amount of urine, a temperature out of the normal range, etc.

Safety Sensitive Functions: all time from the time a "driver" begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety sensitive functions include: all time waiting to be dispatched to include employees who are eligible to drive a commercial motor vehicle at any time unless the driver has been relieved from duty; all time inspecting, servicing, or conditioning a commercial motor vehicle; all driving time which includes

any time spent at the driving controls of a commercial motor vehicle in operation; all time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth; all time loading or unloading a vehicle and remaining ready to operate the vehicle; all time spent performing the driver requirements associated with an vehicle accident; all time spent providing a breath sample or urine specimen, including travel time to and from the collection/testing site to comply with the random, reasonable suspicion, post-accident, or follow-up alcohol or controlled substances testing, whichever is applicable; all time repairing, obtaining assistance for, or remaining with a "disabled vehicle" (as this term is defined in accompanying U.S. DOT and FMSCA regulations; performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier; or, performing any compensated work for any non-motor carrier entity.

Safety Sensitive Position: a position encumbered by an employee or sought by an applicant provided a conditional offer of employment which is subject to alcohol and drug testing as required by the U.S. DOT and FMCSA regulations and defined in this procedure.

Screening: the collection and testing of bodily substances administered in conjunction with professionally valid procedures and acceptable medical and legal standards.

Service Agent: any person or entity, other than an employee of the employer, that provides services to employers and/or employees in conjunction with drug and/or alcohol testing requirements promulgated under state or federal law or accompanying rules and regulations.

Split Specimen: a part of the urine specimen that is sent to the first laboratory and retain unopened. The specimen is transported to a second laboratory in the event that the donor requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Stand-down: the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or a drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.

Substance Abuse Professional (SAP): a licensed physician or (for purposes of this procedure) a licensed or certified provider associated with the Technical College System of Georgia Employee Assistance Program contract provider to include a psychologist, social worker, employee assistance professional, addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), or marriage and family counselor. The SAP evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Substituted Sample: a urine specimen with creatinine and specific gravity values that are so diminished or so divergent that it is not consistent with human urine.

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 technical colleges, programs, and services. The agency consists, in part, of the Commissioner's Office, various statewide programmatic and support divisions in the System Office, technical colleges, and the office of Economic Development/Quick Start.

Verified Test: a drug test result or validity resting result form an HHS-certified laboratory that has undergone review and a final determination by a Medical Review Officer.

IV. ATTACHMENTS:

Attachment 4.8.1p2.a1. Pre-employment Controlled Substance Testing Acknowledgment
Attachment 4.8.1p2.a2. Pre-employment Controlled Substance Test Statement
Attachment 4.8.1p1.a3. Reasonable Suspicion Drug Incident Form
Attachment 4.8.1p2.a3. Release Info Form for Safety Sensitive (CDL) Positions
Attachment 4.8.1p2.a4. Sample Letter-Pre-emp. Controlled Substance Testing
Attachment 4.8.1p2.a5. Reasonable Suspicion Alcohol Incident Form
Attachment 4.8.1p2.a6. Sample Memo- Random Drug Test Selection
Attachment 4.8.1p2.a7. Screening Log-Pre-emp. Drug and Alcohol Testing
Attachment 4.8.1p2.a8. Screening Log-Random Drug Test
Attachment 4.8.1p2.a9. Screening Log-Random Alcohol Test
Attachment 4.8.1p2.a10. Sample Letter-Alcohol Test Results/Unauthorized Leave without Pay
Attachment 4.8.1p2.a11. Sample Letter-Separation for Refused Alcohol Test
Attachment 4.8.1p2.a12. Sample Letter-Withdrawal of Emp. Offer Based on Substance Test Results
Attachment 4.8.1p2.a13. Sample Letter-Separation for Based on Positive Drug Test
Attachment 4.8.1p2.a14. Screening Log-Reasonable Suspicion- Drugs
Attachment 4.8.1p2.a15. Screening Log-Reasonable Suspicion- Alcohol
Attachment 4.8.1p2.a16. Sample Memo- Random Alcohol Test Selection
Attachment 4.8.1p2.a17. Basic Information Alcohol and Drugs
Attachment 4.8.1p2.a18. US DOT-What Employees Need to Know-Drug & Alcohol Testing
Attachment 4.8.1p2.a19. US DOT-Appendix to Part 40- Data Collection Form

VI. PROCEDURE:

A. General Provisions

1. As provided in applicable U.S. Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) regulations, an applicant provided a conditional offer of employment for a safety-sensitive position in a TCSG technical college is subject to pre-employment controlled substances testing and all current employees encumbering a safety-sensitive position are subject to random alcohol and controlled substances/drug testing.

2. The incumbent of a safety-sensitive position is also subject to reasonable suspicion, post-traffic accident, return-to-duty, and follow-up testing for the presence of alcohol and/or controlled substances in the manner provided in this procedure.

3. Each technical college offering a commercial truck driving program among its academic programs of study shall identify those positions (by job title) which perform safety-sensitive functions (as defined in 49 CFR Part 382 and the provisions of this procedure) and are subject to alcohol and/or controlled substances testing. All identified positions must be submitted in a memorandum or letter from the technical college president to the Commissioner for his/her approval.

4. The System Office Director of Human Resources, in consultation with the System Office General Counsel, will review the submission and make a recommendation to the Commissioner as to whether the referenced position(s) should be subject to alcohol and controlled substances testing.

5. The technical college president will be notified, in writing, of those positions approved by the Commissioner. Upon receipt of this notification, the technical college may change the drug status indicator of each designated position to reflect that an applicant provided a conditional offer of employment for and a current employee encumbering a safety-sensitive position will be subject to pre-employment drug testing and random alcohol and drug testing.

6. Any change in a safety-sensitive position's assigned duties and responsibilities that could possibly impact the testing designation should be reported to the System Office Director of Human Resources within fifteen (15) calendar days of any such change(s).

7. All job announcements for safety-sensitive positions will include a statement that informs all potential applicants that if a conditional offer of employment is made at the conclusion of the selection process, the applicant is subject to undergo pre-employment controlled substances testing.

8. At the time an interview is scheduled, the applicant should be notified verbally and/or through an e-mail that employment in this capacity is subject to and conditioned upon the successful completion of a controlled substances test.

9. A TCSG Pre-Employment Drug Testing Acknowledgment Statement (Attachment A) must be completed by an applicant offered employment in a safety-sensitive position. If an applicant refuses to sign the Acknowledgment Statement, he/she will not be considered further for the position.

10. FMCSA regulations require covered employers to conduct laboratory testing of urine specimens for the following five (5) controlled substances or their metabolites: marijuana/THC; cocaine; opiate metabolites (codeine, morphine, and heroin); phencyclidine (PCP); and, amphetamines/methamphetamines/methylenedioxymethamphetamine (MDMA). NOTE: A technical college is authorized by the provisions of this procedure to test for additional controlled substances provided that: a separate act of urination is used to collect the specimen; the specimen is not poured off from the DOT/FMSCA mandated specimen; "drivers" are informed that testing for additional controlled substances is not required under DOT regulations; and, the non-DOT specimen is collected after the DOT specimen.

11. All controlled substances and alcohol testing required by 49 CFR part 40 and 49 CFR Part 382 for employees/drivers required to hold a CDL will be conducted pursuant to these regulations and accompanying State Personnel Board Rules. The annual percentage of covered employees subject to random alcohol and controlled substances testing is determined by the Georgia Department of Administrative Services and selections are made between ten (10) and twelve (12) time per calendar year.

12. Only a HHS-certified laboratory (selected by the Georgia Department of Administrative Services and/or in conjunction with its contract service agent) will be retained to perform urinalysis for the detection of the presence of controlled substance(s). The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, and maintenance and scientific analytical methodologies. The collection of urine samples must always be documented and

sealed with a tamperproof sealing system in the presence of the donor who provided the sample to ensure that all tests can be correctly traced to the donor/employee. A MRO shall be designated to receive all laboratory results from every type of controlled substances test and will ensure that an individual with a laboratory-confirmed positive test result has been afforded an opportunity to justify the test result.

13. Each technical college will ensure that medical information related to controlled substances and alcohol testing and all test results are maintained confidentially with restricted access. With the exception of certain legal proceedings noted in this paragraph, technical colleges are prohibited from releasing individual test results or accompanying medical information to any third party without an employee's written consent. Included are a lawsuit (e.g., wrongful discharge); an administrative hearing (e.g., an unemployment insurance hearing); or, a criminal or civil action in which a judge determines that drug and/or alcohol test information is relevant. NOTE: all discussions between an employee and a MRO concerning a positive controlled substances test result are confidential unless the MRO considers the employee to be a safety risk. In these instances, the MRO will contact the technical college's drug and alcohol testing coordinator to communicate his/her concerns.

14. As provided in applicable FMCSA regulations no driver may: consume alcohol while performing safety-sensitive functions; perform safety-sensitive functions within four (4) hours after using alcohol; or, consume alcohol up to eight (8) hours following a traffic accident or until he/she undergoes a post-traffic accident alcohol test, whichever occurs first.

15. As provided in applicable FMCSA regulations no driver: shall report for duty or remain on duty to perform safety-sensitive functions if he/she is using/has used any controlled substance (unless his/her licensed medical practitioner has advised the driver that the substance does not adversely affect his/her ability to safely operate a commercial motor vehicle); or, report for duty or perform a safety-sensitive function if the driver tests positive or has adulterated or substituted a test specimen.

16. As provided in applicable State Personnel Board Rules and FMCSA regulations, no driver shall refuse to submit to a post-traffic, random, reasonable suspicion or, a follow-up alcohol or controlled substances test.

17. As provided in applicable FMCSA regulations, no covered employer having actual knowledge that a driver has used/consumed alcohol or a controlled substance shall permit the driver to perform or continue to perform safety-sensitive functions.

18. An applicant who is currently employed with a State of Georgia agency/organization and has been provided a conditional offer of employment for a safety-sensitive position shall have his/her offer withdrawn if he/she refuses pre-employment drug testing or if a laboratory confirmed positive test is verified by a Medical Review Officer for the presence of controlled substances.

19. An applicant who is not a current State of Georgia employee and has been provided a conditional offer of employment for a safety-sensitive position shall have his/her offer withdrawn if he/she refuses pre-employment controlled substances testing or if a laboratory confirmed positive test result is verified by a Medical Review Officer for the presence of (illegal) drugs. The individual will also be disqualified from state employment for a period of two (2) years from the date of notice pursuant to the provisions of State Personnel Board Rule 21.

20. An applicant for a safety-sensitive position may not commence employment until his/her employing technical college has been notified of a negative controlled substances test result.

21. A technical college employee who, in the course of his/her employment in a safety-sensitive position, refuses controlled substances testing or whose laboratory confirmed positive test result is verified by a Medical Review Officer for the presence of controlled substance(s) shall be dismissed from employment.

22. A technical college employee encumbering a safety-sensitive position who has been offered employment in a different state agency in a position subject to pre-employment drug testing and who refuses testing or whose laboratory confirmed positive test result is verified by a Medical Review Officer for the presence of controlled substance(s) shall be dismissed from employment.

23. A technical college employee who has been offered employment in a safety-sensitive position and whose current position is not subject to pre-employment drug testing shall be dismissed from employment if he/she refuses testing or if a laboratory confirmed positive test result is verified by a Medical Review Officer for the presence of (illegal) drugs.

24. A technical college employee encumbering a safety-sensitive position who refuses alcohol testing shall be dismissed from employment.

25. A technical college employee encumbering a safety-sensitive position whose alcohol test results indicate any measureable alcohol concentration shall be subject to disciplinary action up to and including dismissal from employment pursuant to the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

26. Pursuant to the provisions of State Personnel Board Rule 21, a technical college employee encumbering a safety-sensitive position whose alcohol concentration test results indicate an alcohol concentration of 0.02 or higher will be immediately removed from his/her duties and will not be permitted to perform safety-sensitive functions and will not, pursuant to the provisions of this procedure, be permitted to drive any other vehicle. The employee will also be placed in an unauthorized leave without pay status for a minimum period of twenty-four (24) hours and until such time as a return-to-duty test is performed with a negative test result. As noted in Paragraph VI.A.24, the employee is also subject to additional disciplinary action up to and including dismissal from employment.

27. Pursuant to the provisions of State Personnel Board Rule 21, a technical college employee encumbering a safety-sensitive position who is to be retained after an alcohol confirmation test revealing an alcohol concentration of 0.04 percent or higher, shall not be returned to safety-sensitive duties until he/she has been evaluated by a SAP and the SAP has certified that the employee is fit to return to duty.

B. Controlled Substances (Drug) Testing – Categories and Provisions:

1. Pre-Employment Testing

a. For purposes of this procedure, an “applicant” for a safety-sensitive position includes an individual who is not employed by a State of Georgia agency/organization; a current System Office or technical college employee; an employee of another State agency/organization; and, pursuant to the provisions

of State Personnel Board Rule 21, a current System Office or technical college employee who has been offered employment in a safety-sensitive position in a different state agency.

b. Formal written notification of the pre-employment controlled substances testing requirement should be provided to an individual provided a conditional offer of employment for a safety-sensitive position using Attachment 4.8.1p2.a2. (Pre-employment Testing Notification Letter). The applicant/prospective employee must also be notified of the consequences of a positive test result or his/her failure to appear for testing and other circumstances/conditions that would be considered a refusal to test.

c. Testing may only be accomplished after a conditional offer of employment has been accepted but before employment begins. NOTE: no applicant may commence employment or perform safety-sensitive functions for the first time until the technical college has been notified of a negative test result.

d. In conjunction w/ the testing requirement, the technical college drug and alcohol testing coordinator should complete Attachment 4.8.1p2.a7. (Drug/Alcohol Testing Log for Safety-Sensitive Positions).

2. Random Testing

a. Pursuant to U.S. DOT and FMCSA regulations, an employee encumbering a safety-sensitive position shall be subject to random controlled substances testing.

b. A random selection of positions subject to controlled substances testing will be made periodically as referenced in Paragraph VI.B.7. Employee(s) encumbering a position designated for testing will be required to report for testing as outlined in Paragraph VI.B.8.

3. Reasonable Suspicion Testing

a. As provided in applicable FMCSA regulations, a driver is subject to reasonable suspicion controlled substances testing when there is reason to believe that he/she has violated a controlled substances prohibition outlined in 49 CFR Part 382, Subpart B. In these instances, the determination that reasonable suspicion exists to require a driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning a driver's appearance, behavior, speech, or body odors. NOTE: observations may include indications of the chronic and withdrawal effects of controlled substances.

b. Pursuant to State Personnel Board Rule 21, reasonable suspicion testing may also be required when there is reason to believe that an employee is not free of controlled substances while in a TCSG workplace or while operating a non-CMV state vehicle, a state-sponsored leased or rental vehicle, or a personal vehicle upon which the state is providing or could provide a mileage reimbursement.

c. A reasonable suspicion determination may only be made by a supervisor, manager, or other technical college official (to include a campus police officer or security officer) who has been trained to make these determinations. The training must be a minimum of one hour in length and must cover the noted physical/appearance, behavioral, speech indicators of probable controlled substance use.

d. Prior approval of the System Office Director of Human Resources or General Counsel must be obtained before a reasonable suspicion controlled substances test is conducted.

e. Pursuant to State Personnel Board Rule 21, and in addition to an employee's appearance, behavior, speech, or odors, reasonable suspicion testing may also be based on other evidence found or reported to include, but not limited to:

1. an on-the-job accident or incident resulting in a Worker's Compensation claim in which it is likely that an employee's action(s) or inaction(s) may, in whole or in part, have caused the accident/incident and the employee must have demonstrated by his/her action(s) or inaction(s) that he/she may not be free of a controlled substance;

2. an on-the-job incident such as a medical emergency that is likely attributable to an employee's use of a controlled substance;

3. direct observation of an employee's behavior that may render the employee unable to perform assigned duties and responsibilities or which may pose a threat to the health, safety, or welfare of the employee, other employees, students, or the public;

4. verifiable information that an employee may not be free of a controlled substance;

5. documented deterioration in an employee's job performance that is likely attributable to his/her use of a controlled substance;

6. conclusive proof that an employee has used a controlled substance while performing safety-sensitive functions or while on any TCSG worksite or technical college campus during established working hours; and,

7. any other action(s) by an employee which provide a supervisor, manger, or other technical college official a reason to suspect that the employee is not free of a controlled substance.

f. A Reasonable Suspicion Alcohol or Drug Testing Behavior/Incident Documentation Form (Attachment 4.8.1p2.a3.) must be completed by the referring technical college supervisor/manager/official. NOTE: the form must be signed by the college representative and the employee.

g. When it is determined that an employee will be tested for the presence of a controlled substance, the employee will not be permitted to drive to and from the collection site. Instead, the employee must be transported to and from the collection site by a technical college representative.

4. Self-Disclosure of a Controlled Substances Problem

a. An employee who notifies his/her president (or his/her designee) of a problem involving the use of controlled substances shall maintain his/her employment provided:

1. the notification is submitted to the president or their designee in writing;

2. the written notification must occur prior to: performing a safety-sensitive function; a directive to report for control substances testing; or, an arrest for a criminal offense involving a controlled substance, marijuana or, a dangerous drug. NOTE: an employee arrested for a criminal offense involving a controlled substance, marijuana, or a dangerous drug, is subject to disciplinary action up to and

including dismissal as provided in the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions; and,

3. the employee must agree, in writing, to the following conditions:

(a). he/she must undergo an assessment by a Substance Abuse Professional (SAP) selected or approved by a technical college official from the list of qualified SAP's associated with the TCSG Employee Assistance Program provider;

(b). he/she agrees to fully comply with all educational and/or treatment plan recommendations developed by the SAP;

(c). he/she agrees to accept responsibility for all costs associated with following the educational and/or treatment plan.

(d). he/she agrees to provide the technical college president or his/her designee with written certification from the SAP regarding satisfactory completion of the recommended educational and/or treatment plan;

(e). he/she agrees to undergo a return-to-duty controlled substances test with the understanding that the result must be a "verified negative" as determined by a Medical Review Officer;

(f). he/she agrees to undergo periodic, unscheduled follow-up controlled substances tests for up to five (5) years (pursuant to the provisions of State Personnel Board Rule 21).

(g), he/she understands that if he/she refuses to submit to controlled substances testing or fails to comply with the terms of the agreement, he/she will be dismissed from employment;

(h) he/she understands that if a laboratory-confirmed positive controlled substances test is verified by a Medical Review Officer, he/she will be dismissed from employment; and,

(i). he/she understands that pursuant to applicable FMCSA regulations, he/she will not be permitted to perform safety-sensitive functions while the activities referenced in in this subparagraph are ongoing and until the technical college is fully satisfied that the employee has complied with all established conditions. NOTE: the inability to perform safety-sensitive functions may require the employee to use available paid leave or to request a leave of absence without pay to maintain employment.

b. no employee may avail themselves of this entitlement more than twice in a five (5) year period.

5. Post-Traffic Accident Testing – Commercial Motor Vehicle

a. A driver involved in an on-the-job traffic accident while operating a commercial motor vehicle is required to undergo controlled substances testing as soon as possible following the accident if:

1, the accident involved the loss of human life; or,

2. if the driver receives a traffic citation arising from the accident within thirty-two (32) hours of the occurrence, provided the accident involved:

a. bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or,

b. one or more motor vehicle(s) incurred disabling damage as a result of the accident requiring transportation away from the scene by tow truck or other motor vehicle.

3. If a traffic accident involves the loss of human life, any other driver/employee present in the vehicle at the time of the accident will be required to undergo controlled substances testing.

4. If a controlled substances test is not administered within thirty-two (32) hours following a traffic accident, the technical college shall cease attempts to administer the test. Instead, the college shall prepare and maintain on file a record stating the reasons the test was not promptly administered. These records shall be submitted to the FMCSA upon request.

5. A driver subject to post-traffic accident testing shall remain readily available for such testing or he/she may be considered to have refused to submit to testing.

6. The results of a urine test for the use of controlled substances conducted by federal, state or local officials having independent authority to conduct the test shall be considered to meet the testing requirements of this Paragraph, provided that such test(s) conform to applicable federal, state or local controlled substances testing requirements and the results are obtained by the technical college.

6. Post-Traffic Accident Testing – Non-Commercial Motor Vehicle

a. An employee who is not performing safety-sensitive duties and who is involved in a traffic accident while operating a non-CMV state vehicle, a state-sponsored leased or rental vehicle, or a personal vehicle upon which the state is providing or could provide a mileage reimbursement is subject to controlled substances testing if it is likely that the accident will result in more than $2,000.00 damage to the vehicle or, as applicable, other state property and/or involves an injury requiring medical attention away from the accident site.

7. Random Selection

A. The State of Georgia's contract service agent will periodically select a sample of safety-sensitive positions (to be tested) from a statewide pool of similarly identified positions that are subject to random controlled substances testing.

b. The service agent will forward a list of TCSG position(s) selected for testing to the drug and alcohol testing coordinator in each identified technical college. The notification will also include the date on which incumbent(s) of these position(s) are to report for testing.

c. With the exception of those situations referenced in Paragraph VI.B.7.d., the incumbent(s) of these position(s) shall be directed to report for testing on the established testing date. If a selected position is vacant on the testing date, the selection of the position should be disregarded.

d. If an employee selected for testing is on any type of paid or unpaid leave; is attending mandatory training or training away from the worksite; or, is on an extended assignment away from the worksite performing duties not subject to testing, the following actions should be taken;

1. if the employee returns to work within thirty (30) calendar days of the official test date, he/she should, if at all possible, be directed to report immediately for testing. Pursuant to related authority, the testing date must be established no later than two (2) business days following his/her return to work; or,

2. if the employee returns to duty after the thirty (30) calendar day period has elapsed, he/she will not be subject to testing and should not be notified that the position he/she encumbers was selected for random testing.

e. Drug and alcohol testing coordinators should specify the time, collection site, and deadline date that each selected employee must report for testing on Attachment 4.8.1p2.a4. In making this determination, the testing coordinator should consider the business hours of the selected collection site, the employee's work schedule (including assignment to a different work location), any planned leave, and upcoming state holidays.

8. Directive to Report for Random Testing

a. On the designated testing date, the technical college drug and alcohol testing coordinator shall issue a memorandum (Attachment 4.8.1p2.a6.) to each affected employee directing them to report for controlled substances testing.

b. The memorandum must be signed by the employee and the drug and alcohol testing coordinator. Included will be the date and time the test must be completed by and the penalty for refusing to take the test or for testing positive.

c. An employee directed to report for controlled substances testing should be provide with the Federal (i.e., DOT-specific) Drug Testing Custody and Control Form (CCF) for presentation at the collection site. NOTE: the generic (i.e., Non-DOT-specific) CCF may not be used by an incumbent of a safety-sensitive position as this is a violation of federal testing regulations.

d. The drug and alcohol testing coordinator must complete the Random Drug/Alcohol Testing Log for Safety-Sensitive Positions (Attachment 4.8.1p2.a8.) The employee must initial the log indicating receipt of the necessary form(s) and other document(s).

e. All time spent by an employee in the controlled substances testing process during regular work hours and during off-duty hours, to include travel time to and from the collection site, is considered "hours worked". NOTE: as referenced in Paragraph VI.B.3.g., an employee subject to reasonable suspicion testing shall be transported to and from the collection site.

f. An employee designated as non-exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) and whose "hours worked" exceeds forty (40) during a workweek/seven (7) day work period due to required participation in alcohol or controlled substances testing shall be provided with FLSA Compensatory Time at one and one-half hours for each additional hour worked over forty (40) during the workweek/work period.

g. Employees are eligible for a mileage reimbursement if a personal vehicle is used to report for testing.

h. Applicants who have not begun employment are not eligible to receive any compensation (e.g., a mileage reimbursement) due to a required pre-employment controlled substances test.

i. The expense of controlled substances testing is the responsibility of the TCSG and its technical colleges.

9. Controlled Substances Testing Process

a. After having been directed to report for controlled substances testing, an applicant or employee should immediately report to an authorized collection site with a picture ID and the appropriate Custody and Control Form.

b. An observed sample may be required when a site collection representative determines that a sample temperature is outside of the acceptable range of 90 degrees to 100 degrees Fahrenheit; when the sample has an unusual appearance; when the test is conducted pursuant to reasonable suspicion; when the donor has previously tampered with a sample or has the equipment or items capable of tampering, altering, or substituting urine samples; or, when the donor exhibits unusual behavior during the collection process. NOTE: a sample will not be collected as an observed sample unless the necessity has been confirmed by a supervisor of the site representative or other appropriate collection site personnel or as provided in Paragraph VI.B.9.d.

c. Following a self-disclosure of a substance abuse problem, an observed sample will be required on a return-to-duty and all follow-up testing.

d. After consultation with the System Office General Counsel, the Commissioner or technical college president may direct the collection site to collect an observed sample if he/she believes that the donor may attempt to alter or falsify the sample.

e. The collection site will provide the donor (i.e., an applicant or employee) with a copy of the completed Custody and Control Form. The applicant/employee must present his/her copy of the Form to the drug and alcohol testing coordinator to acknowledge that testing was completed. The testing coordinator shall retain a copy of the Form and the applicant/employee shall retain the copy provided by the collection site.

10. Medical Review Officer Responsibilities

a. Upon receiving a laboratory-confirmed report for a positive, an adulterated or substituted sample/specimen, or a rejected sample, the Medical Review Officer (MRO() will attempt to contact the applicant/employee at the telephone numbers listed on the Custody and Control Form to privately discuss the results. As applicable, the MRO will attempt to determine if there is an alternative medical explanation for the test result.

b. An applicant/employee who has a laboratory-confirmed positive test result may request that the split sample of the controlled substances test be submitted for separate analysis or that the remaining portion of the original specimen be re-analyzed. NOTE: in these instances, the cost of the additional testing shall be the responsibility of the applicant/employee and the TCSG shall seek reimbursement

for the cost of such testing. The TCSG cannot, however, condition the testing on the applicant's/employee's ability or willingness to pay (for the test). The TCSG is fully responsible for ensuring that the testing is performed in a timely manner.

c. The MRO may cancel the controlled substances test if, in his/her opinion, there was a procedural error in the testing process, i.e., the chain-of-custody was broken. In this instance, the MRO will make a recommendation to the drug and alcohol testing coordinator as to whether it is advisable to retest the applicant/ employee based on the reasons for the cancelled test. The final decision to retest the applicant/employee will be made by the Commissioner, technical college president, or their designee.

d. The MRO will make a similar recommendation to the drug and alcohol testing coordinator in instances of a rejected test result. The decision to retest the applicant/employee in response to a laboratory-confirmed rejected or unsuitable specimen shall be made by the Commissioner, technical college president, or their designee. The retest may, at the discretion of the Commissioner, technical college president or their designee may be conducted as an observed sample. NOTE: a laboratory-confirmed adulterated or substituted sample is not subject to retest.

e. The MRO will report the test results as positive or, as applicable, a refusal to test if the applicant/employee:

1. expressly refuses to discuss the test results with the MRO;

2. declines the opportunity to provide an explanation for the results;

3. admits to the use of one or more illegal drug(s); or,

4. is unable to provide an alternative medical explanation for the presence of one or more illegal drug(s).

f. If the MRO is unable to contact the applicant/employee within two (2) business days after an initial attempt has been made, the drug and alcohol testing coordinator will be notified. In turn, the testing coordinator will attempt to contact the applicant/employee to direct him/her to immediately contact the MRO and indicate that the test results will be reported as positive or, as applicable, a refusal to test if the MRO is not contacted by the end of the following business day.

g. If the drug and alcohol testing coordinator cannot locate the applicant/employee within two (2) business days after the initial attempt, the MRO will be notified and the test result will be reported as positive or, as applicable, a refusal to test.

h. The MRO will then notify DOAS or, as applicable, the service agent under contract to DOAS of a positive or a refusal to test result. This information will then be transmitted to the drug and alcohol testing coordinator in the employing technical college.

11. Refuses Controlled Substances Testing and Accompanying Consequences

a. An applicant provided a conditional offer of employment for a safety-sensitive position who is not a State of Georgia employee will have his/her job offer rescinded/withdrawn if he/she refuses controlled substances testing. The individual should be notified of this action though the use of Attachment

4.8.1p2.a12. NOTE: pursuant to related authority, the applicant shall also be disqualified from state employment for a period of two (2) years.

b. An applicant provided a conditional offer of employment for a safety-sensitive position who is currently employed with another State agency/organization will have his/her job offer rescinded/withdrawn if he/she refuses controlled substances testing.

c. A technical college employee who, in the course of his/her employment in a safety-sensitive position, refuses testing shall be dismissed from employment. Formal, written notification should be provided to the employee using Attachment 4.8.1p2.a11.

d. A technical college employee encumbering a safety-sensitive position who has been offered employment in a different state agency/organization or in a different System Office or technical college position subject to drug testing shall be dismissed from employment if he/she refuses testing. Formal, written notification should be provided to the employee using Attachment 4.8.1p2.a11.

e. The dismissal action referenced in Paragraphs VI.B.11.c. and VI.B.11.d. shall be initiated pursuant to the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

f. As provided in State Personnel Board Rule 21, the effective date of the dismissal for an employee covered under Positive Discipline shall be the date of notification. For tenured faculty working under the terms of an employment contract, the effective date should be established consistent with the notification requirements of the TCSG Procedure governing Adverse Employment Actions.

12. Positive Controlled Substances Test Results and Accompanying Consequences

a. An applicant provided a conditional offer of employment for a safety-sensitive position who is not a current State of Georgia employee will have his/her job offer rescinded/withdrawn if his/her laboratory-confirmed positive test result is verified by a Medical Review Officer. The individual should be notified of this action using Attachment 4.8.1p2.a12. NOTE: pursuant to related authority, the applicant shall also be disqualified from state employment for a period of two (2) years.

b. An applicant provided a conditional offer of employment for a safety-sensitive position who is currently employed with another state agency/organization will have his/her job offer rescinded/withdrawn if his/her positive test result is verified by a Medical Review Officer.

c. A technical college employee who, in the course of his/her employment in a safety-sensitive position, undergoes controlled substances testing and whose laboratory-confirmed positive test result is verified by a Medical Review Officer shall be dismissed from employment. Formal, written notification should be provided to the employee using Attachment 4.8.1p2.a11.

d. A technical college employee encumbering a safety-sensitive position who has been offered employment in a different state agency/organization or in a different technical college position subject to drug testing shall be dismissed from employment if his/her laboratory-confirmed positive test result is verified by a Medical Review Officer. Formal, written notification should be provided to the employee using Attachment 4.8.1p2.a13.

e. The dismissal action referenced in Paragraphs VI.B.12.c and VI.B.12.d shall be initiated pursuant to the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

C. Alcohol Testing - Categories and Provisions

1. Random Testing

a. Employment in a safety-sensitive position governed by U.S. DOT and (for purposes of this procedure) FMCSA regulations require an employee to be subject to random alcohol testing.

b. A random selection of positions subject to alcohol testing will be made periodically as referenced in Paragraph VI.C.7. Employee(s) encumbering a position designated for testing will be required to report for testing as outlined in Paragraph VI.C.8.

2. Reasonable Suspicion Testing

a. A driver is subject to reasonable suspicion alcohol testing when there is reason to believe that he/she has violated an alcohol prohibition outlined in 49 CFR Part 382., Subpart B. Under the general guidelines of 49 CFR Part 382, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse.

b. With respect to reasonable suspicion alcohol testing, a determination that reasonable suspicion exists to require a driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning a driver's appearance, behavior, speech, or body odors.

c. As provided in 49 CFR Part 382.307, reasonable suspicion testing (under this article) is authorized only if the observations required in Paragraph VI.C.2.b. are made while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased to perform these functions. NOTE: these observations may include indications of the chronic and withdrawal effects of alcohol.

d. Pursuant to State Personnel Board Rule 21, reasonable suspicion alcohol testing may also be required when there is reason to believe that an employee is not free of alcohol while in a TCSG workplace not performing safety-sensitive functions or while operating a non-CMV state vehicle, a state-sponsored leased or rental vehicle, or a personal vehicle upon which the state is providing or could provide a mileage reimbursement.

e. With the exception noted in Paragraph VI.C.3.h., prior approval of the System Office Director of Human Resources or General Counsel should be sought before a reasonable suspicion alcohol test is conducted.

f. A reasonable suspicion determination may be made by a supervisor, manager, or other technical college official (including a campus police officer or security officer) who has been trained to make this determination. The training must cover the physical, behavioral, speech and performance indicators of alcohol misuse and must be a minimum of one (1) hour in duration.

g. Pursuant to State Personnel Board Rule 21 and in addition to an employee's appearance, behavior, speech, or odors, reasonable suspicion testing may also be based on other evidence found or reported to include, but not limited to:

1. an on-the-job accident or incident resulting in a Worker's Compensation claim in which it is likely that an employee's action(s) or inaction(s) may, in whole or in part, have caused the accident/incident and the employee must have demonstrated by his/her action(s) or inaction(s) that he/she may not be free of alcohol;

2. an on-the-job incident such as a medical emergency that is likely attributable to an employee's alcohol use;

3. direct observation of an employee's behavior that may render the employee unable to perform assigned duties and responsibilities or which may pose a threat to the health, safety, or welfare of the employee, other employees, students, or the public;

4. verifiable information that an employee may not be free of alcohol;

5. documented deterioration in an employee's job performance that is likely attributable to his/her alcohol use;

6. conclusive proof that an employee has used alcohol while performing safety-sensitive functions or while on any TCSG worksite or technical college campus during established working hours; and,

7. any other action(s) by an employee which provide a supervisor, manager, or other technical college official a reason to suspect that the employee is not free of alcohol.

h. Given that alcohol quickly metabolizes, reasonable suspicion alcohol testing should be completed at the nearest testing site as soon as possible after the need for testing has been determined. For this reason, a supervisor/manager or other college official who has been trained to detect probable alcohol misuse and the accompanying indicators may direct an employee for testing without the prior approval of the System Office Director of Human Resources or General Counsel. In these instances, notification to one or both System Office officials should be made as soon as possible after testing has been completed.

i. A Reasonable Suspicion Alcohol or Drug Testing Behavior/Incident Documentation Form (Attachment 4.8.1p2.a3.) must be completed by the referring technical college supervisor/manager/official. NOTE: the form must be signed by the college representative and the employee.

j. When it is determined that an employee will be tested for the presence of alcohol, the test must be performed at a dedicated alcohol testing site and the employee will not be permitted to drive to and from the site. Instead, the employee must be transported to and from the testing site by a technical college representative.

k. An employee subject to reasonable suspicion testing is required to produce a picture ID when reporting for testing.

4. Self-Disclosure of an Alcohol Problem

a. An employee who notifies his/her president (or his/her designee) of an alcohol problem shall maintain his/her employment provided:

1. the notification is submitted to the president or his/her designee in writing;

2. the written notification must occur prior to: performing a safety-sensitive function; a directive to report for alcohol testing; or, an alcohol-related criminal or traffic offense. NOTE: in response to an arrest for an alcohol-related criminal offense or an alcohol-related traffic citation, the employee is subject to disciplinary action as provided in the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions; and,

3. the employee must agree, in writing, to the following conditions:

(a). he/she must undergo an assessment by a Substance Abuse Professional (SAP) selected or approved by a technical college official from the list of qualified SAP's associated with the TCSG Employee Assistance Program provider;

(b). he/she agrees to fully comply with all educational and/or treatment plan recommendations developed by the SAP;

(c). he/she agrees to accept responsibility for all costs associated with following the educational and/or treatment plan;

(d). he/she agrees to provide the technical college president or his/her designee with written certification from the SAP regarding satisfactory completion of the recommended educational and/or treatment plan;

(e). he/she agrees to undergo a return-to-duty alcohol test with the understanding that the result must reflect no measureable alcohol concentration;

(f) he/she agrees to undergo periodic, unscheduled follow-up alcohol tests for a period of five (5) years (pursuant to applicable State Personnel Board Rules);

(g). he/she understands that if he/she refuses to submit to alcohol testing or fails to comply with the terms of the agreement, he/she will be dismissed from employment;

(h). he/she understands that if an alcohol test result reflects any measureable alcohol concentration, he/she shall be subject to disciplinary action up to and including dismissal from employment; and,

(i). he/she understands that pursuant to applicable FMCSA regulations, he/she will not be permitted to perform safety-sensitive functions while the activities referenced in this subparagraph are ongoing and until the technical college is fully satisfied that the employee has complied with all established conditions. NOTE: the inability to perform safety-sensitive functions may require the employee to use available paid leave or to request a leave of absence without pay to maintain employment.

b. no employee may avail themselves of this entitlement more than twice in a five (5) year period.

5. Post-Accident Testing – Commercial Motor Vehicle

a. A driver involved in an on-the-job traffic accident while operating a commercial motor vehicle is required to undergo alcohol testing as soon as possible following the accident if:

1. the accident involved the loss of human life; or,

2. if the driver receives a traffic citation arising from the accident within thirty-two (32) hours of the occurrence, provided the accident involved:

(a). bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or,

(b). one or more motor vehicle(s) incurred disabling damage as a result of the accident requiring transportation away from the scene by tow truck or other motor vehicle.

3. If a traffic accident involves the loss of human life, any other driver/employee present in the vehicle at the time of the accident will be required to undergo alcohol testing.

4. If a required alcohol test is not administered within two (2) hours following a traffic accident, the technical college shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a required alcohol test is not administered within eight (8) hours following a traffic accident, the technical college shall cease attempts to administer the test and shall prepare and maintain the same record. The records shall be submitted to the FMCSA upon request.

5. A driver subject to post-traffic accident testing shall remain readily available for such testing or he/she may be considered to have refused to submit to testing.

6. The results of a breath or blood test for the use of alcohol conducted by federal, state, or local officials having independent authority for the test shall be considered to meet the testing requirements of this Paragraph, provided that such test(s) conform to the applicable federal, state or local alcohol testing requirements and the results are obtained by the technical college.

6. Post-Traffic Accident Testing – Non-Commercial Motor Vehicle

a. An employee who is not performing safety-sensitive duties and who is involved in a traffic accident while operating a non-CMV state vehicle, a state-sponsored leased or rental vehicle, or a personal vehicle upon which the state is providing or could provide a mileage reimbursement is subject to alcohol testing if it is likely that the accident will result in more than $2,000.00 damage to the vehicle or, as applicable, other state property and/or involves an injury requiring medical attention away from the accident site.

7. Random Selection

a. The State of Georgia contract service agent will periodically select a sample of safety-sensitive positions (to be tested) from a statewide pool of similarly identified positions that are subject to random alcohol testing.

b. The service agent will forward a list of TCSG safety-sensitive position(s) selected for testing to the drug and alcohol testing coordinator in each identified technical college. The notification will also include the date on which incumbent(s) of these position(s) are to report for testing.

c. With the exception of those situations referenced in Paragraph VI.B.7.d., the incumbent(s) of these position(s) shall be directed to report for testing on the established testing date. If a selected position is vacant on the testing date, the selection of the position should be disregarded.

d. If an employee selected for testing is on any type of paid or unpaid leave; is attending mandatory training or training away from the worksite; or, is on an extended assignment away from the worksite performing duties not subject to testing, the following actions should be taken:

1. if the employee returns to work within thirty (30) calendar days of the official test date, he/she should, if at all possible, be directed to report immediately for testing. Pursuant to related authority, the testing date must be established no later than two (2) business days following his/her return to work; or,

2. if the employee returns to duty after the thirty (30) calendar day period has elapsed, he/she will not be subject to testing and should not be notified that the position he/she encumbers was selected for random testing.

e. Drug and alcohol testing coordinators should specify the time, testing site, and deadline date that each selected employee must report for testing on Attachment 4.8.1p2.a16. In making this determination, the testing coordinator should consider the business hours of the selected testing site, the employee's work schedule (including assignment to a different work location), any planned leave, and upcoming state holidays.

8, Directive to Report for Random Testing

a. On the designated testing date, the technical college drug and alcohol testing coordinator shall issue a memorandum (Attachment 4.8.1p2.a6) to each affected employee directing them to report for alcohol testing.

b. The memorandum must be signed by the employee and the drug and alcohol testing coordinator. Included will be the date and time the test must be completed by and the penalty for refusing to take the test or for testing positive.

c. The drug and alcohol testing coordinator must complete the random Drug/Alcohol Testing Log for Safety Sensitive Positions (Attachment 4.8.1.p2.a7) and the employee must initial the log.

d. At the designated testing site, the employee will be provided a DOT Alcohol Testing Form (ATF) for completion prior to testing.

e. All time spent by an employee in the alcohol testing process during regular work hours and during off-duty hours, to include travel time to and from the testing site, is considered "hours worked". NOTE: as referenced in Paragraph VI.B.3.j., an employee subject to reasonable suspicion testing shall be transported to and from the collection/testing site.

f. An employee designated as non-exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) and whose “hours worked” exceed forty (40) during a workweek/seven (7) day work period due to required participation in alcohol or controlled substances testing shall be provided with FLSA Compensatory Time at one and one-half hours for each additional hour worked over forty (40) during the workweek/work period.

g. Employees are eligible for a mileage reimbursement if a personal vehicle is used to report for testing.

h. The expense of alcohol testing is the responsibility of the TCSG and its technical colleges.

9. Alcohol Testing Process and Accompanying Consequences

a. After having been directed to report for alcohol testing, an employee should immediately report to the designated testing site with a picture ID.

b. Testing will be accomplished through an alcohol breath test conducted by a certified Breath Alcohol Technician using an evidential breath testing device.

c. If the initial test results reflect an alcohol concentration of less than 0.02 percent, the employee will be provided a copy of the completed alcohol testing form for presentation to the technical college drug and alcohol testing coordinator immediately upon returning to work. An employee with test results reflecting any measureable alcohol concentration will be permitted to return to duty only with the authorization of the technical college president or his/her designee.

d. If the initial test results reflect an alcohol concentration of 0.02 percent or higher, a confirmation test shall be conducted not less than fifteen (15) nor more than twenty (20) minutes after the first test.

e. If the alcohol confirmation test indicates an alcohol concentration of 0.02 percent or higher, the employee will be immediately removed from his/her duties and not be permitted to drive a vehicle. The employee should be assisted with making necessary transportation arrangements. The employee will also be placed in an unauthorized leave without pay status for a minimum period of twenty-four (24) hours and until such time as a return-to-duty test is performed with a negative test result. Formal, written notification should be provided to the employee using Attachment 4.8.1p2.a10.

f. Any formal disciplinary action initiated by a technical college in response to an employee’s alcohol test result (in addition to placement on leave without pay referenced in Paragraph VI.C.9.e.), shall follow applicable provisions of the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

10. Refuses Alcohol Testing and Accompanying Consequences

a. A technical college employee who, in the course of his/her employment in a safety-sensitive position, refuses testing shall be dismissed from employment. Formal, written notification should be provided to the employee using Attachment 4.8.1p2.a11.

b. The dismissal action referenced in Paragraph VI.C.10.a. should be initiated pursuant to the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

c. As provided in State Personnel Board Rule 21, the effective date of the dismissal for an employee covered under Positive Discipline shall be the date of notification. For tenured faculty working under the terms of an employment contract, the effective date should be established consistent with the notification provisions of the TCSG Procedure governing Adverse Employment Actions.

D. Supervisor/Manager Training

1. As outlined in Paragraphs VI.B.3.c. and VI.C.2.f., identified college officials as well as managers and supervisors of drivers/employees who must possess a commercial driver's license as a condition of employment and whose duties include the operation of a commercial motor vehicle, must attend at least one (1) hour of training regarding indicators of probable drug use and one (1) hour of training regarding indicators of alcohol use prior to directing a driver/employee to undergo a reasonable suspicion controlled substances and/or alcohol test.

E. Employee Education

1. Newly hired employees of safety-sensitive positions shall be provided with a copy of this procedure and other educational materials which are designed to meet the requirements of 49 CFR 382.601. In addition, the employee should be provided with Attachment 4.8.1p2.a1. – Acknowledgment of Receipt (of these materials and the accompanying information) for his/her signature. Included in Attachment 4.8.1p2.a1. shall be contact information for the technical college employee responsible for answering questions regarding the procedure and the accompanying Attachment 4.8.1p2.a17. which pertains to information on the effects of controlled substances and alcohol on an individual's health, work and personal life, and accompanying signs and symptoms of problem use/misuse.

F. Associated Administrative Responsibilities

1. Pursuant to the provisions of 49 CFR 40.25 and using Attachment 4.8.1p2.a19. the drug and alcohol testing coordinator or other human resources representative must ask an applicant provided a conditional offer of employment for a safety-sensitive position whether he or she has tested positive or refused testing on any pre-employment controlled substances or alcohol test during the past two years which was administered by a DOT-regulated employer for which the applicant sought, but did not obtain, safety-sensitive employment. If the applicant admits that he/she had a positive test result or a refusal to be tested, the individual cannot perform safety-sensitive for the technical college until and unless the individual documents successful completion of the return-to-duty process. Given this admission, the technical college is authorized by the provisions of this procedure to withdraw the employment offer.

2. Using Attachment 4.8.1p2.a19. the technical college drug and alcohol coordinator or other human resources representative must request the drug and alcohol testing history from each DOT-regulated employer the applicant has worked for during the previous two years, including, as applicable, his/her current employer. The applicant's written permission is required to initiate each request. For this reason, an applicant's written permission to solicit this information is considered a condition of employment and his/her failure to include all previous covered employers (including his/her current employer) or his/her failure to sign the consent form(s) will result in his/her conditional offer of employment being withdrawn. NOTE: a separate consent form must be used for each employer listed by the applicant.

a. if possible, the information requested pursuant to Paragraph VI.F.2. should be obtained and reviewed prior to allowing an applicant to commence employment in a safety-sensitive position.

b. a good faith effort must be made to obtain and review this information no later than thirty (30) calendar days from the date the individual began performing safety-sensitive duties.

c. if a violation is reported by a previous DOT-regulated employer, the individual must not be permitted to perform any safety-sensitive duties if the information indicates that the individual has violated a DOT alcohol or controlled substances testing rule. The technical college must determine if the individual has successfully completed the DOT return-to-duty process to include: an evaluation by a SAP, successful completion of any required counseling; has passed a return-to-duty alcohol and/or controlled substances test; and, has been subject to required follow-up testing. NOTE: if the employee has mandated follow-up testing to complete, it is the technical college's responsibility to ensure that this testing is followed.

3. If a technical college receives a request from a DOT-regulated employer pertaining to a current or former employee's potential employment in a safety-sensitive position requiring possession of a CDL, written permission from the employee/former employee must be received before the release of the following information:

a. alcohol test results reflecting an alcohol concentration of 0.04 or greater;

b. verified positive controlled substances test results;

c. any refusal to be tested, including any adulterated or substituted specimen(s);

d. any other violations of DOT alcohol and/or controlled substances testing regulations; and,

e. for any employee who violated DOT alcohol or drug testing regulations, documentation of successful completion of all return-to-duty requirements.

4. At the end of each calendar year, all technical college operating a Commercial Truck Driving Program must complete Attachment 4.8.1p2.19. (U.S. DOT Drug and Alcohol Testing MIS Data Collection Form). To ensure that these records are available for inspection by the U.S. Department of Transportation, the drug and alcohol testing coordinator in each technical college should submit the report to the System Office Director of Human Resources no later than January 31 of the following calendar year.

VII. Records Retention:

Pursuant to DOT and FMCSA regulations, the retention of records/documents associated with alcohol and drug testing must be maintained for the following designated periods:

Two Years:

Records pertaining to the alcohol and controlled substances collection process to include documents related to random selections, reasonable suspicion determinations, post-accident determinations, medical evaluations for insufficient amounts of urine and breath, supervisor and employee education

and training records, records of negative and cancelled controlled substances test results; and, alcohol test results with a concentration of less than 0.02 percent.

Three Years:

As required by the applicable provisions of 49 CFR Part 40.25, information obtained from an employee's previous employers regarding the individual's alcohol and controlled substances test results and/or documentation of efforts made to obtain this information. **Five Years:**

Records of alcohol test results indicating an alcohol concentration of 0.02 percent or greater; records of verified positive controlled substances test results; documentation of refusals to take required alcohol and controlled substances tests, including substituted and adulterated test results; SAP results; all screening/testing logs and yearly summary of CDL alcohol and controlled substances testing activity.

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Attachment 4.8.1p2.a1.
Procedure III.O.2.

Drug and Alcohol Testing: U.S. DOT and FMCSA Regulated Positions
Pre-Employment Controlled Substances Testing Acknowledgment Statement

I acknowledge that I have read and understand the following provisions pertaining to required pre-employment drug testing:

1. I understand that as a condition of employment as a _____ with _____, I must successfully pass a controlled substances test as provided in 49 CFR 382.301 and administered in a manner equivalent to that required by U.S. DOT Procedures for Transportation Workplace Drug and Alcohol Testing Programs (49 CFR Part 40), HHS Regulations 53 FR 11979, and accompanying FMCSA Regulations (49 CFR Part 382).

2. I understand that the Technical College System of Georgia will pay for the drug test.

3. I understand that I will not be considered further for employment if: I refuse to submit to drug testing; if my actions meet any other example of "refuses or refused testing" as defined in the TCSG Procedure governing Drug and Alcohol Testing for Non-Regulated Positions; or, if I test positive for the presence of illegal drug(s),

4. I understand that I will also be disqualified from employment with any State employer for a period of two (2) years if I test positive for illegal drug(s) or if I refuse or I'm considered to have "refused" drug testing.

5. As applicable, I acknowledge that I have taken or have been asked to take a drug test for the following State employers (i.e., any agency, department, board, bureau, commission, college, university, institution, or authority) within the past two years:

State Employer	Date of Test	Test Result (Positive or Negative)

6. I acknowledge that withholding or falsifying any of the above referenced information will result in my release from employment.

7. I acknowledge that if I refuse to sign this form, I will not be considered further for the above referenced position.

_____ Applicant Name Printed

_____ Witness Signature

_____ Applicant Signature

_____ Date

_____ Date

Established March 2015

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Attachment 4.8.1p2.a2.

Previous Pre-Employment Alcohol and Controlled Substances Test Statement

NOTE: 49 CFR 40.25(j) requires Employers to ask the Applicant/Driver whether he/she has tested positive or refused to test on any Pre-employment alcohol or drug test administered by an Employer to which the Applicant/Driver applied but did not obtain safety-sensitive transportation work covered by a DOT agency's alcohol and drug testing rules during the past two (2) years.

Prospective Employee Printed Name: _____

Prospective Employee SSN or ID Number: _____

Date: _____

Applicant/Driver must answer the following questions:

1. During the past two (2) years have you tested positive on a Pre-employment alcohol or drug test administered by an Employer to which you applied for, but did not obtain, safety-sensitive transportation work covered by a Department of Transportation agency drug and alcohol testing rules?
   Check One: Yes ___ No ___
2. During the past two (2) years, have you refused to test on a Pre-employment alcohol or drug test administered by an Employer to which you applied for, but did not obtain, safety-sensitive transportation work covered by a Department of Transportation agency drug and alcohol testing rules?
   Check One: Yes ___ No ___
3. If you answered Yes to either question, can you obtain and provide proof that you've successfully completed the DOT return-to-duty requirements as provided in 49 CFR Part 40, Subpart O ?

   Check One: Yes ___ No ___

I certify that the information provided on this document is true and correct.

_____ _____
Prospective Employee Signature Date

_____ _____
Witness Signature Date

Record Keeping Requirements: If "Yes" on Question 1 or 2 – Retain for 5 years
If "No:" on Question 1 or 2 – Retain while employed and for 2 years after employee leaves employment.

Established March 2015

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Attachment 4.8.1p2.a3.

Release of Information Form
Applicants for Employment in a Safety-Sensitive (CDL) Position

Section I – Employee Release and Employer Information

To be completed by the new employer, signed by the employee, and transmitted to the previous employer:

Employee Printed Name: _____

Employee SSN or ID Number: _____

I hereby authorize the release of information of my Department of Transportation regulated drug and alcohol testing records by my previous employer listed in Section I-B, to the employer listed in Section I-A. This release complies with the provisions of 49 CFR 40.25 and 49 CFR 391.23. I understand that the information to be released in SECTION II-A is limited to the following:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to test;
4. Other violations of DOT Agency drug and alcohol testing regulations;
5. Information obtained from previous employers of a drug and alcohol rule violation; and,
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

_____ _____
Employee Signature Date

1-A.
New Employer Name: _____

Address: _____

Phone#: _____

Designated Employer Representative: _____

1-B
Previous Employer Name: _____

Address: _____

Phone#: _____

Designated Employer Representative: _____

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Section II – Previous Employer Reporting

Pursuant to the provisions of 49 CFR 40.25 and 49 CFR 383.191, the employee listed in Section I of this document has authorized the release of Department of Transportation regulated drug and alcohol tests to _____ Technical College. Please answer the questions below regarding to DOT-regulated testing for the two (2) years period prior to the date of the employee's signature in Section I.

Did the employee have alcohol tests with a result of 0.04 or higher?	Yes ___	No ___
Did the employee have verified positive drug test results?	Yes ___	No ___
Did the employee refuse to be tested?	Yes ___	No ___
Did the employee have other violations of DOT drug and alcohol regs?	Yes ___	No ___
Did a previous employer report a drug and/or alcohol violation to you?	Yes ___	No ___
If you answered "yes" to any of these questions, did the employee Complete the return-to-duty process?	Yes __ No __	N/A __

NOTE: if you answered "yes" to question #5, you must provide the previous employer's report. If you answered "yes" to question #6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing records, etc.).

Name of person providing information in Section II-A: _____

Title: _____

Phone#: _____

Date: _____

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Attachment 4.8.1p2.a4.

Pre-Employment Controlled Substances Testing Notification – Sample Letter

(Date)

XXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXX

Dear:

Please be advised that your conditional offer of employment for service as a _____ with _____ Technical College includes the requirement that you successfully pass a controlled substances test as provided by the provisions of 49 CFR 382.301 and administered in a manner equivalent to that required by U.S. Procedures for Transportation Workplace Drug and Alcohol Testing Programs (49 CFR Part 40), HHS Regulations 53 FR 11979, and accompanying FMCSA Regulations (49 CFR Part 382). Your testing will take place at the _____ collection site.

You must bring a picture identification and the attached Forensic Drug Testing and Control Form to the testing site. As we have discussed, you must complete the testing process no later than (Specified Time) on (Specified Date).

(FOR APPLICANTS) As referenced in the Pre-Employment Controlled Substances Testing Acknowledge Statement that you completed on _____, if you refuse to submit to testing; if your actions meet any other example of "refuses or refused testing" as this term is defined in 49 CFR 381.107 and corresponding State Personnel Board Rule 21 and as outlined in the TCSG Procedure governing Drug and Alcohol Testing for U.S. DOT and FMCSA Regulated Positions; or, if you test positive for the presence illegal drug(s), your conditional offer of employment will be withdrawn. In addition, you will be disqualified from employment with any State employer for a period of two (2) years.

(FOR EMPLOYEES) Please be advised that if you refuse to submit to testing; if your actions meet any other example of "refuses or refused testing" as this term is defined in 49 CFR 382.107 and corresponding State Personnel Board Rule 21and as outlined in the TCSG Procedure governing Drug and Alcohol Testing for U.S. DOT and FMCSA Regulated Positions; or, if you test positive for the presence of illegal drug(s), you will be dismissed from employment consistent with the provisions of the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

Any questions concerning these requirements should be directed to _____.

Sincerely,

XXXXXXXXXXX

My signature below indicates that I understand the conditions outlined in this letter and that I have received the Forensic Drug Testing and Control Form.

_____	_____
Applicant/Employee Signature	Witness Signature
_____	_____
Date	Date

Revised January 2015

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Attachment 4.8.1p2.a5.

Reasonable Suspicion Alcohol/Controlled Substances Testing

Behavior/Incident Documentation Form

Work Unit:_____ Location of Incident: _____

Employee Name: _____

Date of Observation: _____ Time: _____ Length of Time Observed: _____

Observed By: _____

Additional Witness(es): _____

Description of Behavior/Incident:_____

_____

_____

The behavior I observed includes:

_____ Performance Indicators, specifically: _____

_____

AND, as applicable, the following observations:

_____ Behavior/Conduct: _____

_____

_____ Speech Indicators: _____

_____

_____ Appearance/Physical Indicators: _____

_____

_____ Body Odors: _____

_____

Referred for: _____ Alcohol Test _____ Drug Test _____ Both

Employee: _____ Agreed to Testing _____ Refused Testing

If Alcohol Test, Will Test Be Conducted at the Work Site by a BAT: _____ **Yes** _____ **NO**

As Applicable, Means of Transportation to Collection Site: _____

As Applicable, Name of Collection Site: _____

As Applicable, Address of Collection Site: _____

Time Departed Work Site: _____ **Scheduled Appointment Time:** _____

Signature of Referring Official: _____

I understand that I have been referred for a reasonable suspicion drug and/or alcohol test and must immediately report for testing. Pursuant to the provisions of the TCSG Procedure governing Drug and Alcohol Testing of Non-Regulated Positions, I understand that my failure to complete the drug and/ or alcohol testing process will result in my dismissal from employment.

Signature of Employee: _____

Date: _____

If Employee Refused Testing:

Were local law enforcement authorities contacted: _____ Yes _____ No

If Yes, the name of the agency contacted and responding officer:

_____

Did employee leave worksite ? _____ Yes _____ No

If Yes, circumstances: _____

_____

_____

Did employee leave in his/her own vehicle ? _____ Yes _____ No _____ Unknown

Attachment 4.8.1p2.a6.

Drug and Alcohol Testing: U.S. DOT and FMCSA Regulated Positions

Sample Memorandum – Random Controlled Substances Testing Selection

TO: (Employee Name)

FROM: (Authorizing Official)

SUBJ: Random Drug Testing

DATE:

Consistent with the provisions of the Technical College System of Georgia's (TCSG) Drug and Alcohol Testing Procedure: U.S. DOT and FMCSA Regulated Positions, the position you hold has been randomly selected for controlled substances testing.

To undergo the test, you are required to report to the (Collection Site Name) collection site with a picture identification and the attached DOT Forensic Drug Testing Custody and Control Form. You must complete the testing process no later than (Specified Time) on (Specified Date), Following the test, you must present your copy of the completed DOT Forensic Drug Testing Custody and Control Form to _____ immediately upon your return to duty.

As you are aware, your continued employment with _____ Technical College is contingent upon your receiving a negative test result. Please be advised that if your actions meet the definition of "refuses or refused" testing as the term is defined in the above referenced procedure or if you test positive for the presence of a controlled substance, you will be separated from employment pursuant to the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

Any questions regarding the testing process should be directed to _____.

My signature indicates that I understand the conditions outlined in this memorandum and that I have received the DOT Forensic Drug Testing Custody and Control Form.

_____ _____

Employee Signature Date

_____ _____

Witness Signature Date

Revised March 2015

Back

ATTACHMENT 4.8.1P2.A7. – DRUG AND ALCOHOL TESTING: U.S. DOT AND FMCSA REGULATED POSITIONS

TECHNICAL COLLEGE SYSTEM OF GEORGIA

PRE-EMPLOYMENT CONTROLLED SUBSTANCES TESTING SCREENING LOG

_____ TECHNICAL COLLEGE

Date/Time Form Given	Applicant/ Employee Name	Social Security # or Employee ID	Position #	Job Title	Deadline Date	Applicant/Employee Initials	Date Results Received

Revised March 2015

TECHNICAL COLLEGE SYSTEM OF GEORGIA

RANDOM CONTROLLED SUBSTANCES TESTING
SCREENING LOG

_____ TECHNICAL COLLEGE

Date/Time Form Given	Employee Name	Employee ID#	Position #	Job Title	Deadline Date	Employee Initials	Date Results Received

Revised March 2015

ATTACHMENT 4.8.1P2.A9. DRUG AND ALCOHOL TESTING: U.S. DOT AND FMCSA REGULATED POSITIONS

TECHNICAL COLLEGE SYSTEM OF GEORGIA

RANDOM ALCOHOL TESTING SCREENING LOG

_____ TECHNICAL COLLEGE

Date/Time Form Given	Employee Name	Employee ID#	Position #	Job Title	Deadline Date	Employee Initials	Date Results Received

Revised March 2015

Attachment 4.8.1p2.a10

Drug and Alcohol Testing: DOT and FMCSA Regulated Positions

Alcohol Test Results – Unauthorized Leave Without Pay – Sample Letter

Date

XXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXX

Dear

On (Day and Date) you were directed to report for random OR reasonable suspicion OR return-to duty OR follow-up alcohol testing. Based on the results of an alcohol confirmation test, the Breath Alcohol Technician has determined that your alcohol concentration (at the time of testing) was ___ percent.

Given that the results indicated an alcohol concentration of 0.02 percent or greater and pursuant to the provisions of the TCSG Procedure governing Drug and Alcohol Testing for U.S. DOT and FMCSA Regulated Positions, you will be placed in an unauthorized leave without pay status for minimum period of twenty-four (24) hour and/or until such time as a return-to-duty test is performed with negative results.

Please be advised that are also be subject to further disciplinary action in response to your alcohol test results. Any such action will be delivered consistent with the provisions of TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

Any questions should be directed to _____.

Sincerely,

Cc:

March 2015

Attachment: 4.8.1p2.a11.

Drug and Alcohol Testing: U.S. DOT and FMCSA Regulated Positions

Sample Letter - Separation for Refused Alcohol Testing

Date

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Dear:

As you are aware, on (Day and Date) you were directed to report for (random OR reasonable suspicion OR return-to-duty OR follow-up) alcohol testing.
.
(Select the appropriate option)

After receiving this directive

1, you refused to submit to testing OR

2. you failed to appear/report for testing

After receiving this directive and appearing at the collection site

3. you engaged in conduct that clearly obstructed the testing process OR

4. you failed to remain available for testing or left the testing site/location before submitting to the test OR

5. you failed to provide adequate breath for testing without a valid medical reason/explanation.

Please be advised that you are considered to have “refused testing” and pursuant to applicable provisions of the TCSG Procedure governing Drug and Alcohol Testing for U.S. DOT and FMCSA Regulated Positions, you will be dismissed from employment with _____ Technical College effective at the close of business on _____. This action has been taken pursuant to the provisions of the TCSG Procedure governing (Positive Discipline OR Adverse Employment Actions) and, as applicable, the provisions of State Personnel Board Rule 21 pertaining to the established effective date.

Any questions should be directed to _____.

Sincerely,

CC:

Revised January 2015

Attachment: 4.8.1p2.a12.

Drug and Alcohol Testing: U.S. DOT and FMCSA Regulated Positions

Sample Letter - Withdrawal of Employment Offer Based on Positive Controlled Substances Test Result or a Refuses or Refused Testing Determination

Date

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Dear:

As you are aware, on _____ you were offered employment with _____ Technical College as a _____. As provided in the attached Pre-Employment Controlled Substances Testing Notification Letter, your employment was contingent upon your successfully passing a controlled substances test. On _____ you were directed to report for testing.

(Select the appropriate option)

After receiving this directive

1. you refused to submit to testing OR

2. you failed to appear/report for testing at the identified time and date.

After receiving this directive and appearing at the collection site,

3. you engaged in conduct that clearly obstructed the testing process OR

4. you failed to remain available for testing or left the testing site before submitting to the test OR

5. you failed to provide adequate urine for testing without a valid medical reason/explanation OR

6. the testing laboratory confirmed and a Medical Review Officer verified that the urine sample you provided had been adulterated or substituted OR

7. you tested positive for the presence of a controlled substance.

Please be advised that this letter serves as formal written notification that your conditional offer of employment with _____ Technical College has been withdrawn. (FOR AN APPLICANT PROVIDED A CONDITIONAL OFFER OF EMPLOYMENT – ADD THE FOLLOWING SENTENCE) Additionally, you will also disqualified from employment with any State employer for a period of two (2) years from the date of this action.

Any questions regarding these actions should be directed to _____.

Sincerely,

March 2015

Attachment 4.8.1p2.a13.

Drug and Alcohol Testing: U.S. DOT and FMCSA Regulated Positions

Sample Letter - Separation Based on a Positive Controlled Substances Test Result or a Refuses or Refused Testing Determination

Date

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Dear:

As you are aware, on _____ you were directed to report for drug testing.

(Select the appropriate option)

After receiving this directive

1.you refused to submit to testing OR

2. you failed to appear/report for testing at the identified time and date

After receiving this directive and appearing at the collection site

3. you engaged in conduct that clearly obstructed the testing process OR

4. you failed to remain available for testing or left the testing site before submitting to the test OR

5. you failed to provide adequate urine for testing without a valid medical reason/explanation OR

6. the testing laboratory confirmed and a Medical Review Officer verified that the urine sample you provided had been adulterated or substituted

OR

7. you tested positive for the presence of illegal drugs(s).

(Select Either Option)

(For numbers 1-6 – Select Appropriate Reason for Dismissal)

Given that you are considered to have "refused testing" (as this term is defined in the TCSG Procedure governing Drug and Alcohol Testing for U.S. DOT and FMCSA Regulated Positions, you will be dismissed from employment with _____ Technical College effective at the close of business on _____. This action has been taken pursuant to the TCSG Procedure governing Positive Discipline OR Adverse Employment Action and, as applicable, the provisions of State Personnel Board Rule 21 pertaining to the established effective date.

(For number 7)

Given that you have tested positive for the presence of a controlled substance, please be advised that you will be dismissed from employment with _____ Technical College at the close of business on _____. This action has been taken pursuant to the TCSG Procedure governing Positive Discipline OR Adverse Employment Actions and, as applicable, the provisions of State Personnel Board Rule 21 pertaining to the established effective date.

Any questions should be directed to _____.

Sincerely,

TECHNICAL COLLEGE SYSTEM OF GEORGIA

REASONABLE SUSPICION CONTROLLED SUBSTANCES TESTING SCREENING LOG

_____ TECHNICAL COLLEGE

Date/Time Form Given	Employee Name	Employee ID#	Position #	Job Title	Deadline Date	Employee Initials	Date Results Received

Revised March 2015

TECHNICAL COLLEGE SYSTEM OF GEORGIA

REASONABLE SUSPICION ALCOHOL TESTING SCREENING LOG

_____ TECHNICAL COLLEGE

Date/Time Form Given	Employee Name	Employee ID#	Position #	Job Title	Deadline Date	Employee Initials	Date Results Received

Revised March 2015

Attachment: 4.8.1p2.a16.

Drug and Alcohol Testing: U.S. DOT and FMCSA Regulated Positions

Sample Memorandum – Random Alcohol Testing Selection

TO: (Employee Name)

FROM: (Authorizing Official)

SUBJ: Random Drug Testing

DATE:

Consistent with the provisions of the Technical College System of Georgia's (TCSG) Drug and Alcohol Testing Procedure: U.S. DOT and FMCSA Regulated Positions, the position you hold has been randomly selected for alcohol testing.

To undergo the test, you are required to report to the (Testing Site Name) collection site with a picture identification. You will be asked to complete an Alcohol Testing Custody and Control Form at the testing site. You must complete the testing process no later than (Specified Time) on (Specified Date), Following the test, you must present your copy of the completed Alcohol Testing Custody and Control Form to _____ immediately upon your return to duty.

Please be advised that if your alcohol test results reveal an alcohol concentration of 0.02 percent or greater, you will be immediately removed from your safety-sensitive duties and not permitted to drive a vehicle. You will be placed in an unauthorized leave without pay status for a minimum period of twenty-four (24) hours and until such time as a return-to-duty test is performed with a negative test result. In addition, you will be subject to additional disciplinary action up to and including dismissal from employment. If your actions meet the definition of "refuses or refused" testing, as the term is defined in the above referenced procedure, you will be separated from employment pursuant to the TCSG Procedure governing Positive Discipline or, as applicable, the TCSG Procedure governing Adverse Employment Actions.

Any questions regarding the testing process should be directed to _____.

My signature indicates that I understand the conditions outlined in this memorandum.

_____	_____
Employee Signature	Date
_____	_____
Witness Signature	Date

Revised March 2015

Attachment: 4.8.1p2.a17.

BASIC INFORMATION ABOUT ALCOHOL & CONTROLLED SUBSTANCES

49 CFR 382.601(b)(11) mandates that all newly hired employees in safety-sensitive positions be provided with training and education materials discussing the effects of alcohol and controlled substance use on an individual's health, work, and personal life.

The following information is provided to help employees understand the consequences of alcohol use/misuse and the use of controlled substances.

ALCOHOL

General Facts:

Excessive alcohol use led to approximately 88,000 deaths and 2.5 million years of potential life lost each year in the U.S. from 2006 – 2010, shortening the lives of those who dies by an average of 30 years. Further, excessive drinking was responsible for 1 in 10 deaths among working-age adults aged 20-64.

In the U.S., a standard drink contains 0.6 ounces (14.0 grams or 1.2 tablespoons) of pure alcohol. Generally, this amount of pure alcohol is found in:

- 12-ounces of beer (5% alcohol content)
- 8-ounces of malt liquor (7% alcohol content)
- 5-ounces of wine (12% alcohol content)
- 1.5-ounces of 80-proof (40% alcohol content) distilled spirits or liquor (e.g., gin, rum, or vodka)

What is Excessive Drinking?

Excessive Drinking includes binge drinking, heavy drinking, and any drinking by pregnant women or individuals under the age of 21.

- Binge drinking, the most common form of drinking, is defined as consuming:
  WOMEN: 4 or more drinks during a single occasion
  MEN: 5 or more drinks during a single occasion

- Heavy drinking is defined as consuming:
  WOMEN: 8 or more drinks per week
  MEN: 15 or more drinks per week

What is Moderate Drinking?

Moderate drinking is defined by the *Dietary Guidelines for Americans* as no more than 1 drink per day for women and no more than 2 drinks per day for men; however, there are some persons who should not drink any alcohol, including those who are:

- Pregnant or trying to get pregnant
- Taking prescription or over-the-counter medications that may cause harmful reactions when mixed with alcohol
- Younger than age 21
- Recovering from alcoholism or who are unable to control the amount they drink
- Suffering from a medical condition that may be worsened by alcohol
- Driving, planning to drive, or participating on other activities requiring skill, coordination, and alertness.

Short-Term Health Risks:

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking and include the following:

- Injuries, such as motor vehicle crashes, falls, drownings, and burns
- Violence, including homicide, suicide, sexual assault, and intimate partner violence
- Alcohol poisoning – a medical emergency that results from high blood alcohol levels
- Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV
- For women, miscarriage or stillbirth or fetal-alcohol spectrum disorders (FASDs)

Long-Term Health Risks:

Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems
- Cancer of the breast, mouth, throat, esophagus, liver, and colon
- Learning and memory problems, including dementia
- Mental health issues including depression and anxiety
- Social problems, including lost productivity, family problems, and unemployment
- Alcohol dependence or alcoholism

Source: Centers for Disease Control and Prevention

CONTROLLED SUBSTANCES

Amphetamines

Description:

Amphetamines are stimulants that speed up the body's system. Many are legally prescribed – an example is for the treatment of attention-deficit hyperactivity disorder (ADHD).

Street Names:

Bennies, Black Beauties, Crank, Ice, Speed, Uppers

Methods of Abuse:

Amphetamines are generally taken orally or injected; however, the addition of "ice", the slang name of crystallized methamphetamine hydrochloride, has promoted smoking as another mode of administration. Just as "crack" is smokable cocaine, "ice" is a smokable methamphetamine.

Effects on the Body:

The physical effects of amphetamine use include increased blood pressure and pulse rates, insomnia, loss of appetite, and physical exhaustion.

Effects on the Mind:

The effects of amphetamines are similar to cocaine, but the onset is slower and the duration is longer. In contrast to cocaine, which is quickly removed from the brain and is almost completely metabolized, amphetamines remain in the central nervous system longer and a large percentage of the drug remains unchanged in the body, producing prolonged stimulant effects. Chronic abuse produces a psychosis that resembles schizophrenia and is

characterized by paranoia, picking at the skin, preoccupation with one's own thoughts, and auditory and visual hallucinations. Violent and erratic behavior is frequently seen among chronic abusers of amphetamines.

Overdose Effects:

Overdose effects include agitation, increased body temperature, hallucinations, convulsions, and possible death.

Methamphetamine

Overview:

Methamphetamine (meth) is a stimulant. The FDA-approved brand-name medication is Desoxyn.

Street names:

Batu, Bikers, Coffee, Black Beauties, Chalk, Chicken Feed, Crank, Crystal , Glass, Go-Fast, Hiropon, Ice, Meth, Methies, Quick, Poor Man's Cocaine, Shabu, Shards, Speed, Stove Top, Tina, Trash, Tweak, Uppers, Ventana, Vidrio, Yaba, Yellow Bam

Methods of Abuse:

Meth is swallowed, snorted, injected, or smoked. To intensify the effects, users may take higher doses of the drug, take it more frequently, or change their method of intake. In some instances, meth abusers go without food and sleep while taking part in a form of binging know as a "run". Meth users on a "run" inject as much as a gram of the drug every two to three hours over several days until they run out of meth or become too disorganized to continue.

Effect on the Body:

Taking even small amounts of meth can result in increased wakefulness, increased physical activity, decreased appetite, rapid breathing and heart rate, irregular heartbeat, increased blood pressure, and hyperthermia. High doses can elevate body temperature to dangerous, sometimes lethal levels as well as cause convulsions and even cardiovascular collapse and death. Meth abuse may also cause extreme anorexia, memory loss, and severe dental problems.

Effect on the Mind:

Meth is a highly addictive drug with potent central nervous system stimulant properties. Those who smoke or inject it report a brief, intense sensation or rush. Oral ingestion or snorting produces a long-lasting high instead of a rush, which reportedly can continue for as long as half a day. Both the rush and the high are believe to result from the release of very high levels of the neurotransmitter dopamine into areas of the brain that regulate feelings of pleasure. Long-term meth use results in many damaging effects, including addiction. Chronic meth abusers exhibit violent behavior, anxiety, confusion, insomnia, and psychotic features, including paranoia, aggression, visual and auditory hallucinations, mood disturbances, and delusions – such as the sensation of insects creeping on or under the skin. Such paranoia can result in homicidal or suicidal thoughts. Researchers have reported that as much as 50% percent of the dopamine-producing cells in the brain can be damaged after prolonged exposure to relatively low levels of meth. Researchers also have found that serotonin-containing nerve cells may be damaged even more extensively.

Overdose Effects:

High doses may result in death from stroke, heart attack, or multiple organ problems caused by overheating.

MDMA or Ecstasy (Methylenedioxymethamphetamines)

Overview:

MDMA acts as both a stimulant and psychedelic, producing an energizing effect, distortions in time and perception, and enhanced enjoyment of tactile experiences. Adolescents and young adults use it to reduce inhibitions and to promote euphoria, feeling of closeness, empathy, and sexuality. Although MDMA is known among users as Ecstasy, researchers have determined than many Ecstasy tablets contain not only MDMA, but also number of other drugs or drug combinations that can be harmful, such as: methamphetamine, ketamine, cocaine, the over-the-counter cough suppressant dextromethorphan (DXM), the diet drug ephedrine, and caffeine. In addition, other drugs similar to MDMA, such as MDA or PMA are often sold as Ecstasy, which can lead to overdose and death when the user takes additional doses to obtain the desired effect.

Street Names:

Adam, Beans, Clarity, Disco Biscuit, E, Ecstasy, Eve, Go Hug Drug, Lover's Speed, MDMA, Peach, STP, X, XTC

Methods of Abuse

MDMA use mainly involves swallowing tablets (50-150 mg), which are sometimes crushed and snorted, occasionally smoked but rarely injected. MDMA is also available as a powder. MDMA abusers usually take MDMA by "stacking" (taking 3 or more tablets at once) or by "piggy-backing" (taking a series of tablets over a short period of time). One trend among young adults is "candy flipping" which is the co-abuse of MDMA and LSD. MDMA is considered a "party drug" As with many other drugs of abuse, MDMA is rarely used alone. It is common for users to mix MDMA with other substances such as alcohol and marijuana.

Effects on the Body:

Users of MDMA experience many of the same effects and face many of the same risks as users of other stimulants such as cocaine and amphetamines. These include increased motor activity, alertness, heart rate, and blood pressure. Some unwanted physical effects include: muscle tension; tremors; involuntary teeth clenching; muscle cramps; nausea; faintness; chills; sweating; and, blurred vision. High doses of MDMA can interfere with the ability to regulate body temperature, resulting in a sharp increase in body temperature (hyperthermia) leading to liver, kidney and cardiovascular failure. Severe dehydration can result from the combination of the drug's effects and the crowded and hot conditions in which the drug is often taken. Studies suggest that chronic use of MDMA can produce damage to the serotonin system.

Effects on the Mind:

MDMA mainly affects brain cells that use the chemical serotonin to communicate with each other. Serotonin helps to regulate mood, aggression, sexual activity, sleep and sensitivity to pain. Clinical studies suggest that MDMA may increase the risk of long-term, perhaps permanent, problems with memory and learning. MDMA causes changes in perception, including euphoria and increased sensitivity to touch, energy, sensual and sexual arousal, the need to be touched and the need for stimulation. Some unwanted psychological effects include: confusion; anxiety; depression; paranoia; sleep problems; and, drug craving. All of these effects usually occur within 30 to 45 minutes of swallowing the drug and usually last 4 to 6 hours, but they may occur or last weeks after ingestion.

Overdoes Effects:

In high doses, MDMA can interfere with the body's ability to regulate temperature. On occasions, this can lead to a sharp increase in body temperature (hyperthermia) resulting in liver, kidney, and cardiovascular system failure, and death. Because MDMA can interfere with its own metabolism (that is, its breakdown within the body), potentially harmful levels can be reached by repeated drug use within sort intervals.

Cocaine

Overview:
Cocaine is an intense, euphoria-producing stimulant drug with strong addictive potential.

Street Names:

Coca, Coke, Crack, Flake, Snow, Soda Cot

Methods of Abuse:

Powdered cocaine can be snorted or injected into the veins after dissolving in water. Cocaine base (crack) is smoked either alone or on marijuana or tobacco. Cocaine is also abused in combination with an opiate, like heroin, a practice known as “speedballing”. Although injection into the veins or muscles, snorting, and smoking are the common ways of using cocaine, all mucous membranes readily absorb cocaine. Users often binge on the drug until they are exhausted or run out of cocaine.

Effects on the Body:

Physiological effects of cocaine include increased blood pressure and heart rate, dilated pupils, insomnia, and the loss of appetite. The widespread abuse of highly pure street cocaine has led to many severe health consequences such as cardiac arrhythmias, ischemic heart conditions, sudden cardiac arrest, convulsions, strokes, and death. In some users, the long-term use of inhaled cocaine has led to a unique respiratory syndrome and chronic snorting of cocaine has led to the erosion of the upper nasal cavity.

Effects on the Mind:

The intensity of cocaine’s euphoric effects depends on how quickly the drug reaches the brain, which depends on the dose and method of abuse. Following smoking or intravenous injection, cocaine reaches the brain in seconds, with a rapid buildup in levels. This results in a rapid-onset, intense euphoric effect known as a “rush”. By contrast, the euphoria caused by snorting cocaine is less intense and does not happen as quickly due to the slower build-up of the drug in the brain. Other effects include increased alertness and excitement, as well as restlessness, irritability, and anxiety. Tolerance to cocaine’s effects develops rapidly, causing users to take higher and higher doses. Taking high doses of cocaine or prolonged use, such as binging, usually causes paranoia. The crash that follows is characterized by mental and physical exhaustion, sleep, and depression lasting several days. Following the crash, users experience a craving to use cocaine again.

Overdoes Effects:

Overdoes effects include agitation, increased body temperature, hallucinations, convulsions and possible death.

Marijuana

Overview:

Marijuana is a mind-altering (psychoactive) drug produced by the Cannabis Sativa plant. Marijuana contains over 400 chemicals including THC which produces the psychoactive effect.

Street Names:

Aunt Mary, BC Bud, Blunts, Boom, Chronic, Dope, Gangster, Ganja, Grass, Hash, Herb, Hydro, Indo, Joint, Kif, Mary Jane, Mota, Pot, Reefer, Sinsemilla, Skunk, Smoke, Weed, Yerba

Methods of Abuse:

Marijuana is usually smoked as a cigarette or in a pipe or bong. It is also smoked in blunts, which are cigars that have been emptied of tobacco and refilled with marijuana sometimes in combination with another drug. Marijuana is also mixed with foods or brewed as a tea.

Effects on the Body:

Short-term physical effects from marijuana use may include sedation, blood shot eyes, increased heart rate, coughing from lung irritation, increased appetite, and decreased blood pressure. Like tobacco smokers, marijuana smokers experience serious health problems such as bronchitis, emphysema, and bronchial asthma. Extended use may cause suppression of the immune system.

Because marijuana contains toxins and carcinogens, marijuana smokers increase their risk of cancer of the head, neck, lungs, and respiratory track. Withdrawal from chronic use of high doses of marijuana causes physical signs including headache, shakiness, sweating, stomach pains, and nausea, as well as behavioral signs including restlessness irritability, sleep difficulties and decreased appetite.

Overdose Effects:

No death from an overdose of marijuana has been reported.

Opium

Overview:

Opium is a highly addictive non-synthetic narcotic that is extracted from the poppy plant. The opium poppy is the key source for many narcotics, including morphine, codeine and heroin.

Street Names:

Ah-pen-yen, Aunti, Aunti Emma, Big O, Black pill, Chandoo, Chandu, Chinese Molasses, Chinese Tobacco, Dopium, Dover's Powder, Dream Gun, Dream Stick, Dreams, Easing Powder, Fi-do-nie, Gee, God's Medicine, Gondola, Goric, Great Tobacco, Guma, Hip/hops, Joy Plant, Midnight Oil, Mira, O. O p, Ope, Pen Yan, Pin Gon, Pox, Skee, Toxy, Toys, When-shee, Ze, Zero

Methods of Abuse:

Opium can be smoked, intravenously injected, or taken in pill form. Opium is also abused in combination with other drugs. For example, "Black" is a combination of marijuana, opium, and methamphetamine, and "Buddha" is potent marijuana spiked with opium.

Effects on the Body:

Opium inhibits muscle movement in the bowels leading to constipation. It also can dry out the mouth and mucous membranes in the nose. Opium use leads to physical and psychological dependence, and can lead to overdose.

Effects on the Mind:

The intensity of opium's euphoric effects on the brain depends on the dose and route of administration. It works quickly when smoked because the opiate chemicals pass into the lungs, where they are quickly absorbed and then sent to the brain. An opium "high" is very similar to a heroin "high", users experience a euphoric rush, followed by relaxation and the relief of physical pain.

Overdose Effects:

Overdoes effects include: slow breathing, seizures, dizziness, weakness, loss of consciousness, coma, and possible death.

PCP – Phencyclidine

Overview:

PCP is an illegal drug abused for its hallucinogenic effects.

Street Names:

Angel Dust, Embalming Fluid, Killer Weed, Rocket Fuel, Supergrass

Method of Abuse:

Smoked, injected, snorted, taken orally

Effects on the Body:

Numbness, slurred speech and the loss of coordination can be accompanied by a sense of strength and invulnerability. A blank stare rapid and involuntary eye movements, and an exaggerated gait are among the more observable effects.

Effects on the Mind:

PCP use often causes a user to feel detached, distant and estranged from his surroundings. Auditory hallucinations and severe mood disorders can occur. In some users, acute anxiety, paranoia and hostility, as well as psychosis can occur.

Overdose Effects:

Longer, more intense “trip” episodes, psychosis and possible death

Source of Controlled Substances Information – Federal Drug Enforcement Administration

U.S. Department of Transportation

Office of the Secretary of Transportation

Office of Drug & Alcohol Policy & Compliance

What Employees Need To Know About DOT Drug & Alcohol Testing

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Attachment: 4.8.1p2.a18.

U.S. Department of Transportation
Office of the Secretary of Transportation

Disclaimer
This publication was produced by the U.S. Department of Transportation (DOT) to assist safety-sensitive employees subject to workplace drug & alcohol testing in understanding the requirements of 49 CFR Part 40 and certain DOT agency regulations. Nothing in this publication is intended to supplement, alter or serve as an official interpretation of 49 CFR Part 40 or DOT agency regulations. This publication is for educational purposes only.

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This publication can also be accessed electronically through the internet at *www.dot.gov/odapc.*

For questions, please contact DOT's Office of Drug & Alcohol Policy & Compliance at 202-366-DRUG (3784) or visit our website at *www.dot.gov/odapc*.

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What Employees Need To Know About DOT Drug & Alcohol Testing

U.S. Department of Transportation (DOT)
Office of the Secretary (OST)
Office of Drug & Alcohol Policy & Compliance (ODAPC)

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Secretary of Transportation
U.S. Department of Transportation

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U.S. Department of Transportation

Office of the Secretary

"Why is this program so important?"

Safety is our no. 1 priority at the U.S. Department of Transportation. And a cornerstone of our safety policy is ensuring that transportation providers across all modes – on roads, rails, water, or in the air, over land and underground – employ operators who are 100 percent drug- and alcohol-free. We want – and we insist upon – safety-conscious employees at all times and under all circumstances.

Fortunately, the transportation industry over time has worked hard to reduce the number of accidents and crashes directly related to drug and alcohol use. Nevertheless, human risk factors remain – and some transportation workers do use illicit drugs, or abuse alcohol, despite serious efforts to deter them.

We must never stop trying to improve our safety record where substance abuse is concerned. We can start by making sure that employees are properly educated on the personal and professional consequences of drug use and alcohol misuse. Supervisors must be appropriately trained to identify signs and symptoms of drug and alcohol use.

Employers must also have strong drug and alcohol testing programs. And employees must be removed from safety-sensitive duties immediately after they violate drug and alcohol testing rules. It is very important that employees are not returned to safety-sensitive duty until they are referred for evaluation and have successfully complied with treatment recommendations.

I know you will support these important measures, so that we can assure the traveling public that our transportation system is the safest it can possibly be.

Secretary of Transportation **Ray LaHood**

U.S. Department of Transportation July 2009

Office of Drug and Alcohol Policy and Compliance

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What Employees Need To Know About DOT Drug & Alcohol Testing

Just entering the transportation industry? Performing tasks defined by the US Department of Transportation (DOT) as safety-sensitive, such as working on pipelines, driving a truck, operating a ferry or a train, or repairing an airplane? Then, you are subject to DOT workplace drug & alcohol testing. Here are the basics you need to know about DOT's program.

Who is subject to DOT testing?

Anyone designated in DOT regulations as a safety-sensitive employee is subject to DOT drug & alcohol testing. What follows is an overview of what jobs are defined as safety-sensitive functions subject to testing.

Aviation Flight crews, flight attendants, flight instructors, air traffic controllers FAA at facilities not operated by the FAA or under contract to the U.S. military, aircraft dispatchers, aircraft maintenance or preventative maintenance personnel, ground security coordinators and aviation screeners. Direct or contract employees of 14 CFR Part 121 or 135 certificate holders, Section 91.147 operators and air traffic control facilities not operated by the FAA or under contract to the US Military. See FAA regulations at 14 CFR Part 120.

Commercial Commercial Drivers License (CDL) holders who operate Commercial **Motor** Motor Vehicles, 26,001 lbs. gvwr. or greater, or operate a vehicle

Carriers that carries 16 passengers or more including the driver, or required todisplay a DOT placard in the transportation of hazardous material.[1] See

FMCSA FMCSA regulation at 49 CFR Part 382.

Maritime Crewmembers operating a commercial vessel.
USCG[2] See USCG regulations at 46 CFR Parts 4 & 16.

Pipeline Operations, maintenance and emergency response. PHMSA See PHMSA regulations at 49 CFR Part 199.

Railroad Hours of Service Act personnel, engine & train, signal service or FRA train dispatchers. See FRA regulations at 49 CFR Part 219.

Transit Vehicle operators, controllers, mechanics and armed security. FTA See FTA regulations at 49 CFR Part 655.

Links to these regulations can be found on-line at www.dot.gov/odapc.

[1] In some instances, states allow waivers from this qualification, such as operators of fire trucks and some farm equipment. Check with your state department of motor vehicles for more information. [2] An agency of the U.S. Department of Homeland Security.

Remember: The tasks you actually perform qualify you as a safety-sensitive employee, not your job title. Also, some employees, like managers and supervisors, may be qualified for these jobs but not currently performing them. Do they have to be tested as well? In most cases, yes…if that employee may be asked at a moment's notice or in an emergency to perform a safetysensitive job. Be sure to check industry specific regulations for further clarification.

Why are safety-sensitive employees tested?

The short answer is for the safety of the traveling public, co-workers and yourself. The longer answer is that the United States Congress recognized the need for a drug & alcohol free transportation industry, and in 1991 passed the Omnibus Transportation Employee Testing Act, requiring DOT Agencies to implement drug & alcohol testing of safety-sensitive transportation employees.[2]

Within DOT, the Office of the Secretary's Office of Drug & Alcohol Policy & Compliance (ODAPC) publishes rules on *how* to conduct those tests, *what* procedures to use when testing and *how* to return an employee to safety-sensitive duties. Encompassed in 49 Code of Federal Regulations (CFR) Part 40, ODAPC publishes and provides authoritative interpretations of these rules.

DOT agencies and the U.S. Coast Guard write industry specific regulations, spelling out *who* is subject to testing, *when* and in *what* situations. Industry employers implement the regulations that apply to them.

The benefit to all employees affected by DOT regulations is that each agency's regulations must adhere to DOT's testing procedures found at 49 CFR Part 40, commonly known as "Part 40." For example, you may work in the rail industry and later work in the motor carrier industry, but the procedures for collecting, testing and reporting of your tests will be the same under Part 40.

What information must employers provide when I first begin performing DOT safety-sensitive functions?

Depending on the DOT agency over-seeing your industry, your employer may be required to provide you with educational materials and a company policy that explain the requirements of DOT's drug & alcohol testing regulations and the procedures to help you comply. If you have not received this information, be sure to ask your employer about it.

What conduct is prohibited by the regulations?

As a safety-sensitive employee…

- You must not use or possess alcohol or any illicit drug while assigned to perform safety-sensitive functions or actually performing safety-sensitive functions.
- You must not report for service, or remain on duty if you…
  - Are under the influence or impaired by alcohol;
  - Have a blood alcohol concentration .04 or greater; (with a blood alcohol concentration of .02 to .039, some regulations do not permit you to continue

[2] The Omnibus Act's testing requirements do not apply to PHMSA.

working until your next regularly scheduled duty period); - Have used any illicit drug.

- You must not use alcohol within four hours (8 hours for flight crew members and flight attendants) of reporting for service or after receiving notice to report.
- You must not report for duty or remain on duty when using any controlled substance unless used pursuant to the instructions of an authorized medical practitioner.
- You must not refuse to submit to any test for alcohol or controlled substances.
- You must not refuse to submit to any test by adulterating or substituting your specimen.

Keep these in mind when preparing to report to work.

What drugs does DOT test for?

DOT drug tests are conducted only using urine specimens. The urine specimens are analyzed for the following drugs/metabolites:

- Marijuana metabolites/THC
- Cocaine metabolites
- Amphetamines
  (including methamphetamine, MDMA)
- Opiates
  (including codeine, heroin (6-AM), morphine)
- Phencyclidine (PCP)

Specimens Collected for Drug & Alcohol Testing*	
Drugs:	Urine
Alcohol:	Breath & Saliva

* The FRA requires blood specimens as part of their Post-Accident testing.

To learn more about the effects of these and other drugs visit the following sites:

- Drugs and Human Performance Fact Sheet. National Highway Traffic Safety Administration (NHTSA) *www.nhtsa.dot.gov*.
- Driving While You Are Taking Medications. National Highway Traffic Safety Administration (NHTSA) *www.nhtsa.dot.gov*.
- Common Drugs of Abuse. National Institute for Drug Abuse (NIDA) *www.nida.nih.gov*.
- Substance Abuse. Substance Abuse and Mental Health Administration (SAMHSA) *www.workplace.samhsa.gov*.
- Drug Facts. Office of National Drug Policy Control (ONDCP) *www.whitehousedrugpolicy.gov*.
- Prevention On-line. National Clearinghouse for Alcohol and Drug Information (NCADI) *www.health.org*.

Can I use prescribed medications & over-the-counter (OTC) drugs and perform safety-sensitive functions?

Prescription medicine and OTC drugs may be allowed.[3] However, you must meet the following minimum standards:

- The medicine is prescribed to you by a licensed physician, such as your personal doctor.

[3] The FRA requires that if you are being treated by more than one medical practitioner, you must show that at least one of the treating medical practitioners has been informed of all prescribed and authorized medications and has determined that the use of the medications is consistent with the safe performance of your duties.

- The treating/prescribing physician has made a good faith judgment that the use of the substance at the prescribed or authorized dosage level is consistent with the safe performance of your duties.

Best Practice : To assist your doctor in prescribing the best possible treatment, consider providing your physician with a detailed description of your job. A title alone may not be sufficient. Many employers give employees a written, detailed description of their job functions to provide their doctors at the time of the exam.

- The substance is used at the dosage prescribed or authorized.[4]
- If you are being treated by more than one physician, you must show that at least one of the treating doctors has been informed of all prescribed and authorized medications and has determined that the use of the medications is consistent with the safe performance of your duties.
- Taking the prescription medication and performing your DOT safety-sensitive functions is not prohibited by agency drug & alcohol regulations. However, other DOT agency regulations may have prohibitive provisions, such as medical certifications.

Remember : Some agencies have regulations prohibiting use of specific prescription drugs, e.g. methadone, etc…. If you are using prescription or over-the-counter medication, check first with a physician, but do not forget to consult your industry-specific regulations before deciding to perform safetysensitive tasks. Also be sure to refer to your company's policy regarding prescription drugs.

When will I be tested?

Safety-sensitive employees are subject to drug or alcohol testing in the following situations:

- Pre-employment.
- Reasonable Suspicion/Cause.
- Random.
- Return-to-duty.
- Follow-up.
- Post-Accident.

Pre-Employment
As a new hire, you are required to submit to a drug test. Employers may, but are not required to, conduct alcohol testing.[5] Only after your employer receives a negative drug test result (and negative alcohol test result - if administered) may you begin performing safety-sensitive functions. This also applies if you are a current employee transferring from a non-safety-sensitive function into a safety-sensitive position (even if it is the same employer).
Reasonable Suspicion/Cause
You are required to submit to any test (whether drug, alcohol or both) that a supervisor requests based on reasonable suspicion. Reasonable suspicion means that one or more trained supervisors reasonably believes or suspects that you are under the influence of drugs or alcohol. They cannot require testing based on a hunch or guess alone; their suspicion

[4] While a minority of states allow medical use of marijuana, federal laws and policy do not recognize any legitimate medical use of marijuana. Even if marijuana is legally prescribed in a state, DOT regulations treat its use as the same as the use of any other illicit drug.
[5] Not every DOT agency requires a pre-employment alcohol test.

must be based on observations concerning your appearance, behavior, speech and smell that are usually associated with drug or alcohol use.

Random

You are subject to unannounced random drug & alcohol testing. Alcohol testing is administered just prior to, during or just after performing safety-sensitive functions. Depending on the industry specific regulations, you may only be subject to random drug testing.[6]

No manager, supervisor, official or agent may select you for testing just because they want to. Under DOT regulations, employers must use a truly random selection process. Each employee must have an equal chance to be selected and tested.

Just prior to the testing event, you will be notified of your selection and provided enough time to stop performing your safety-sensitive function and report to the testing location. Failure to show for a test or interfering with the testing process can be considered a refusal.

Post-Accident

If you are involved in an event (accident, crash, etc.) meeting certain criteria of the DOT agency, a post-accident test will be required. You will then have to take a drug test and an alcohol test.[7] You are required to remain available for this testing and are not permitted to refuse testing.

! **Remember**: Safety-sensitive employees are obligated by law to submit to and cooperate in drug & alcohol testing mandated by DOT regulations.

Return-to-Duty

If you have violated the prohibited drug & alcohol rules, you are required to take a drug and/or alcohol test before returning to safety-sensitive functions for any DOT regulated employer. You are subject to unannounced follow-up testing at least 6 times in the first 12 months following your return to active safety-sensitive service. Return-to-duty tests must be conducted under direct observation.

Follow-up

The amount of follow-up testing you receive is determined by a Substance Abuse Professional (SAP) and may continue for up to 5 years. This means the SAP will determine how many times you will be tested (at least 6 times in the first year), for how long, and for what substance (i.e. drugs, alcohol, or both). Your employer is responsible for ensuring that follow-up testing is conducted and completed. Followup testing is in addition to all other DOT required testing. All follow-up tests will be observed.

[6] USCG & PHMSA do not perform random alcohol tests.
[7] In post-accident testing, the FRA requires a blood specimen for drug testing.

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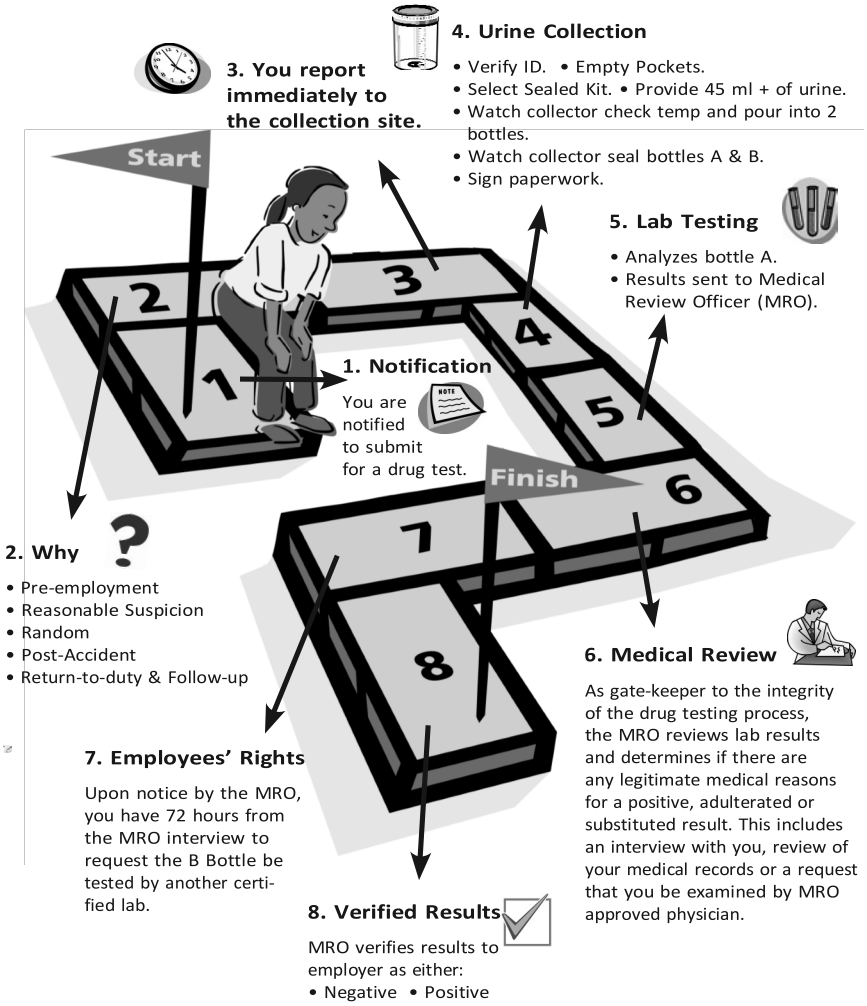
Overview of DOT Drug Testing



How is a urine drug test administered?

Regardless of the DOT agency requiring the drug test, the drug testing process always consists of three components:

- The Collection. (49 CFR Part 40, Subparts C, D, E)
- Testing at the Laboratory. (49 CFR Part 40, Subpart F)
- Review by the Medical Review Officer. (49 CFR Part 40, Subpart G)

What follows is a summary of the procedures for each step. For a more detailed account, please visit 49 CFR Part 40, which can be found in its entirety at *www.dot.gov/odapc*.

The Collection

During the collection process, a urine specimen collector will:

- Verify your identity using a current valid photo ID, such as driver's license, passport, employer issued picture ID, etc.
- Create a secure collection site by:
  - Restricting access to the site to only those being tested.
  - Securing all water sources and placing blue dye in any standing water.
  - Removing or securing all cleaning products/fluids at the collection site.
- Afford you privacy to provide a urine specimen.
  - Exceptions to the rule generally surround issues of attempted adulteration or substitution of a specimen or any situation where general questions of validity arise, like an unusual temperature.
- Ask you to remove any unnecessary garments and empty your pockets (you may retain your wallet).
- Instruct you to wash and dry your hands.
- Select or have you select a sealed collection kit and open it in your presence.
- Request you to provide a specimen (a minimum of 45 mL) of your urine into a collection container.
- Check the temperature and color of the urine.
- In your presence, pour the urine into two separate bottles (A or primary and B or split), seal them with tamper-evident tape, and then ask you to sign the seals after they have been placed on the bottles.

Remember: Neither you nor the collector should let the specimen out of your sight until it has been poured into two separate bottles and sealed.

- Ask you to provide your name, date of birth, and daytime and evening phone numbers on the Medical Review Officer Copy (Copy #2) of the Federal Drug Testing Custody and Control Form (CCF).
  - This is so the Medical Review Officer (MRO) can contact you directly if there are any questions about your test.
- Complete necessary documentation on the Test Facility (Copy #1) of the CCF to demonstrate the chain of custody (i.e. handling) of the specimen.
- Give you the Employee Copy (Copy # 5) of the CCF and may suggest you list any prescription and over-the-counter medications you may be taking on the back of your copy of the CCF (this may serve as a reminder for you in the event the MRO calls you to discuss your test results).
- Package and ship both sealed bottles and completed CCF to a U.S. Health and Human Services (HHS) certified testing laboratory as quickly as possible.

If you are unable to provide 45 mL of urine on the first attempt, the time will be noted, and you will be:

- Required to remain in the testing area under the supervision of the collection site personnel, their supervisor, or a representative from your company,
  - Leaving the testing area without authorization may be considered a refusal to test
- Urged to drink up to 40 oz. of fluid, distributed reasonably over a period of up to three hours,

- Asked to provide a new specimen (into a new collection container).
- If you do not provide a sufficient specimen within three hours, you must obtain a medical evaluation[8] within five days to determine if there is an acceptable medical reason for not being able to provide a specimen. If it is determined that there is no legitimate physiological or pre-existing psychological reason for not providing a urine specimen, it will be considered a refusal to test.

How do you know if you are taking a federal or a private company drug test?

All DOT drug tests are completed using the *Federal Drug Testing Custody and Control Form*. Those words appear at the top of each form.

Testing at the Laboratory

At the laboratory, the staff will:

- Determine if flaws exist. If flaws exist, the specimen is rejected for testing.
- Open only the A bottle and conduct a screening test. Specimens that screen positive will be analyzed again using a completely different testing methodology.
  - If the specimen tests negative in either test, the result will be reported as a negative.
  - Only if the specimen tests positive under both methods will the specimen be reported to the medical review officer as a positive test.
- Report the findings of the analysis of the A bottle to the Medical Review Officer (MRO).
- Store the A and B bottles for any reported positive, adulterated, or substituted result for at least 12 months.

Remember: The Lab will conduct specimen validity tests (SVTs) to determine if the specimen was adulterated or substituted. Tests found to be adulterated or substituted are also reported to the MRO and may be considered a refusal to test.

Review by the Medical Review Officer (MRO)

Upon receipt of the test result from the laboratory, the MRO will:

- Review paperwork for accuracy.
- Report a negative result to the Designated Employer Representative (DER).
- If the result is positive, conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as negative. If not, the MRO will report the result to the DER as positive.
- If the result is an adulterated or substituted test, conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as cancelled. If not, the MRO will report the result to the DER as a refusal.
- Report a non-negative test result to the DER if:
  - You refused to discuss the results with the MRO;
  - You did not provide the MRO with acceptable medical documentation to explain the non-negative test result.

[8] The physical exam is scheduled after the designated employer representative consults with the medical review officer. The physician chosen to complete the evaluation must have expertise in the medical issues raised and be acceptable to the Medical Review Officer.

- -Inform you that you have 72 hours from the time of the verified result to request to have your B “split” bottle sent to another certified lab for analysis for the same substance or condition that was found in the A “primary” bottle.

What are Medical Review Officers (MRO)?

Under DOT regulations, MROs are licensed physicians with knowledge and clinical experience in substance abuse disorders. They must also complete qualification training courses and fulfill obligations for continuing education courses. They serve as independent, impartial gatekeepers to the accuracy and integrity of the DOT drug testing program. All laboratory results are sent to an MRO for verification before a company is informed of the result. As a safeguard to quality and accuracy, the MRO reviews each test and rules out any other legitimate medical explanation before verifying the results as positive, adulterated or substituted.

How is an alcohol test administered?

The DOT performs alcohol testing in a manner to ensure the validity of the testing as well as provide confidentiality of the employee’s testing information.

How do you know if you are taking a federal or a private company alcohol test?

All DOT alcohol tests are documented with a form with the words *Department of Transportation* at the top.

At the start of the test, a Screening Test Technician (STT) or a Breath Alcohol Technician (BAT), *using only a DOT-approved device*, will:

- Establish a private testing area to prevent unauthorized people from hearing or seeing your test result.
- Require you to sign Step #2 of the Alcohol Testing Form (ATF).
- Perform a screening test and show you the test result. If the screening test result is an alcohol concentration of less than 0.02, no further testing is authorized, and there is no DOT action to be taken. The technician will document the result on the ATF, provide you a copy and provide your employer a copy.

If the screening test result is 0.02 or greater, you will be required to take a confirmation test, which can only be administered by a BAT using an Evidential Breath Testing (EBT) device. The BAT will:

- Wait at least 15 minutes, but not more than 30 minutes, before conducting the confirmation test. During that time, you are not to be allowed to eat, drink, smoke, belch, put anything in your mouth or leave the testing area.

  Remember: Leaving the testing area without authorization may be considered a refusal to test.

- Perform an “air blank” (which must read 0.00) on the EBT device to ensure that there is no residual alcohol in the EBT or in the air around it.
- Perform a confirmation test using a new mouthpiece.
- Display the test result to you on the EBT and on the printout from the EBT.
- Document the confirmation test result on the ATF, provide you a copy and provide your employer a copy.
- Report any result of 0.02 or greater immediately to the employer.

If after several attempts you are unable to provide an adequate amount of breath, the testing will be stopped. You will be instructed to take a medical evaluation to determine if there is an acceptable medical reason for not providing a sample. If it is determined that there is no legitimate physiological or psychological reason, the test will be treated as a refusal to test.

Confirmation test results are the final outcome of the test.

Result	Action
Less than 0.02	No action required under 49 CFR Part 40.
0.02 - 0.039	Varies among DOT agencies. For example, FMCSA requires that you not resume safety-sensitive functions for 24 hours [382.505], while the FRA requires 8 hours [219.101(a)(4)]. The FTA & PHMSA require only that you test below 0.02 or cannot work until the next scheduled duty period but not less than 8 hours from the time of the test [655.35 & 199.237 respectively]. And, the FAA requires only that you test below 0.02, if the employer wants to put you back to work within 8 hours [14 CFR Part 120, Subpart F, 120.217(g)]. Also, be sure to check other agency specific regulations for their restrictions.
0.04 or greater	Immediate removal from safety-sensitive functions. You may not resume safety-sensitive functions until you successfully complete the return-to-duty process.

Should I refuse a test if I believe I was unfairly selected for testing?

Rule of Thumb: Comply then make a timely complaint.

If you are instructed to submit to a DOT drug or alcohol test and you don't agree with the reason or rationale for the test, take the test anyway. Don't interfere with the testing process or refuse the test.

After the test, express your concerns to your employer through a letter to your company's dispute resolution office, by following an agreed upon labor grievance or other company procedures. You can also express your concerns to the appropriate DOT agency drug & alcohol program office. (See contact numbers listed in the Appendix.) Whomever you decide to contact, please contact them as soon as possible after the test.

What is considered a refusal to test?

DOT regulations prohibit you from refusing a test. The following are some examples of conduct that the regulations define as *refusing* a test (See 49 CFR Part 40 Subpart I & Subpart N):

- Failure to appear for any test after being directed to do so by your employer.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a urine or breath sample for any test required by federal regulations.
- Failure to permit the observation or monitoring of you providing a urine sample. (Please note tests conducted under direct observation or monitoring occur in limited situations. The majority of specimens are provided in private.)

- Failure to provide a sufficient urine or breath sample when directed, and it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure.
- Failure to take a second test when directed to do so.
- Failure to cooperate with any part of the testing process.
- Failure to undergo a medical evaluation as part of "shy bladder" or "shy lung" procedures.
- Failure to sign Step #2 of the ATF.
- Providing a specimen that is verified as adulterated or substituted.
- Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
- Failure to follow the observer's instructions [during a direct observation collection] to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- Admit to the collector or MRO that you adulterated or substituted the specimen.

What happens if I test positive, refuse a test, or violate an agency specific drug & alcohol rule?

If you test positive, refuse a test, or violate DOT drug & alcohol rules:

- A supervisor or company official will immediately remove you from DOT-regulated safety-sensitive functions.
- You will not be permitted to return to performing DOT regulated safety-sensitive duties until you have:
  - Undergone an evaluation by a Substance Abuse Professional (SAP);
  - Successfully completed any education, counseling or treatment prescribed by the SAP prior to returning to service; and
  - Provided a negative test result for drugs and/or a test result of less than 0.02 for alcohol. (Return-to-duty testing)
- Upon return to a safety-sensitive job, you will be subject to unannounced testing for drugs and/or alcohol no less than 6 times during the first 12 months of active service with the possibility of unannounced testing for up to 60 months (as prescribed by the SAP). These tests (including the return-to-duty test) will be directly observed.

What are SAPs?

Under DOT regulations, SAPs are *Substance Abuse Professionals*. They play a critical role in the work place testing program by professionally evaluating employees who have violated DOT drug & alcohol rules. SAPs recommend appropriate education, treatment, follow-up tests, and aftercare. They are the gatekeepers to the re-entry program by determining when a safety-sensitive employee can be returned to duty.

SAPs are required to have a certain background and credentials, which include clinical experience in diagnosis and treatment of substance abuse-related disorders. They must also complete qualification training and fulfill obligations for continuing education courses.

While SAPs do make recommendations to the employer about an employee's readiness to perform safety-sensitive duties, SAPs are neither an advocate for the employee or the employer, and they make return-to-duty recommendations according to their professional and ethical standards as well as DOT's regulations.

Remember: Even if a SAP believes that you are ready to return to work, an employer is under no obligation to return you to work. Under the regulations, hiring and reinstatement decisions are left to the employer. Also, under FAA regulations, SAPs cannot return a pilot to duty without the prior approval of the FAA's Federal Air Surgeon.

How do I find a SAP?

If you violate a DOT drug or alcohol rule, your employer is required to provide you with a list of SAPs' names, addresses, and phone numbers that are available to you and acceptable to them.[9] This is true even if your employer terminates your employment.

Will I lose my job if I violate drug & alcohol regulations?

DOT regulations do not address employment actions such as hiring, firing or granting leaves of absence. All employment decisions are the responsibility of the employers. Under Federal regulations, the main requirement for employers is to immediately remove employees from performing DOT safety-sensitive jobs. Be aware that a positive or refused DOT drug or alcohol test may trigger additional consequences based on company policy or employment agreement.

While you may not lose your job, you may lose your certification or license to perform that job. Be sure to check industry specific regulations. For example, someone operating a commercial motor vehicle may not lose their state-issued CDL, but they will lose their ability to perform any DOT regulated safety-sensitive tasks.

Will my results be confidential?

Your test results are confidential. An employer or service agent (e.g. testing laboratory, MRO or SAP) is not permitted to disclose your test results to outside parties without your written consent. But, your test information may be released (without your consent) in certain situations, such as: legal proceedings, grievances, or administrative proceedings brought by you or on your behalf, which resulted from a positive or refusal. When the information is released, the employer must notify you in writing of any information they released.

Will the results follow me to different employers?

Yes, your drug & alcohol testing history will follow you to your new employer, if that employer is regulated by a DOT agency. Employers are required by law to provide records of your drug & alcohol testing history to your new employer. This is to ensure that you have completed the return-to-duty process and are being tested according to your follow-up testing plan.

What should I do if I have a drug or alcohol abuse problem?

[9] Employers cannot charge employees for the SAP list.

Seek help. Jobs performed by safety-sensitive transportation employees keep America's people and economy moving. Your work is a vital part of everyday life. Yet, by abusing drugs or alcohol, you risk your own life, your co-workers lives and the lives of the public.

Most every community in the country has resources available to confidentially assist you through the evaluation and treatment of your problem. If you would like to find a treatment facility close to you, check with your local yellow pages, local health department or visit the U.S. Department of Health and Human Services treatment facility locator at *http://findtreatment.samhsa.gov/*. This site provides contact information for substance abuse treatment programs by state, city and U.S. Territory.

Also, many work-place programs are in place to assist employees and family members with substance abuse, mental health and other problems that affect their job performance. While they may vary by industry, here is an overview of programs that may be available to you:

Employee Assistance Programs (EAPs)
While not required by DOT agency regulations, EAPs may be available to employees as a matter of company policy. EAPs are generally provided by employers or unions.

Note: Many employees believe they only need to contact an EAP counselor if they have a positive drug and/or alcohol test. Not true!

EAP programs vary considerably in design and scope. Some focus only on substance abuse problems; others undertake a broad brush approach to a range of employee and family problems. Some include prevention, health and wellness activities. Some are linked to the employee health benefit structures. These programs offer nearly full privacy and confidentiality, unless someone's life is in danger.
Do you know what programs are available at your job? Be sure to ask your employer!

Voluntary Referral Programs
Often sponsored by employers or unions, referral programs provide an opportunity to self-report to your employer a substance abuse problem *before* you violate testing rules. This gives you an opportunity for evaluation and treatment, while at times guaranteeing your job. Be sure to check your company to see if there is a voluntary referral program.

Remember: Self-reporting just after being notified of a test does not release you from your responsibility of taking the test, and it also does not qualify as a voluntary referral.

Peer Reporting Programs
Generally sponsored by employers or unions, you are encouraged or required to identify co-workers with substance abuse problems. The safety of everyone depends on it. Using peers to convince troubled friends and co-workers with a problem is one of the strengths of the program, often guaranteeing the co-worker struggling with substance abuse issues the same benefits as if he had self-reported.

Education and Training Programs (required by all Agencies)
Topics may include the effects of drug & alcohol use, company testing policies, DOT testing regulations and the consequences of a positive test. Materials may also contain information

on how employees can get in touch with their Employee Assistance Programs and community service hot-lines.

In addition, supervisors sometimes receive additional training in the identification and documentation of signs and symptoms of employee's drug and/or alcohol use that trigger a reasonable suspicion drug or alcohol test.

Did you know?

Did you know that 6 out of 10 people suffering from substance abuse problems also suffer from mental conditions like depression?[10] Research has long documented that people suffering from depression try to self-medicate themselves through alcohol and other drugs. Typically, many of these individuals fail to remain clean and sober after rehabilitation because their underlying medical problem is not addressed and the cycle of self-medication begins again.

Remember: If you have substance abuse issues, there is a 60% chance that you are also suffering from an underlying mental condition like depression.

Increase your chances of rehabilitation. Be sure to ask your doctor or other mental health professionals about depression as it relates to substance abuse issues.

But, I have more questions?

ODAPC is available to help answer anyone's questions regarding DOT drug & alcohol testing regulations. Please contact us at 202-366-DRUG (3784) or visit our website at *www.dot.gov/odapc* for frequently asked questions, official interpretations of the regulations and regulatory guidelines.

If you have questions regarding DOT agency regulations on a specific industry, contact the agencies drug & alcohol abatement offices listed in the Appendix.

Appendix Drug & Alcohol Program Manager Contact Information

U.S. Department of Transportation

· FAA	Aviation	(202) 267-8442	www.faa.gov
· FMCSA Motor Carrier		(202) 366-2096	www.fmcsa.dot.gov
· FTA	Public Transportation	(617) 494-2395	www.fta.dot.gov
· FRA	Railroads	(202) 493-6313	www.fra.dot.gov
· PHMSA Pipeline		(202) 550-0629	www.phmsa.dot.gov

U.S. Department of Homeland Security

· USCG	Maritime	(202) 372-1033	http://marineinvestigations.us

[10] *The Dual Challenge of Substance Abuse and Mental Disorders*, NIDA Director Nora D. Volkow, M.D., N*IDA Notes*, Vol. 18, No. 5.

NOTES

U.S. Department of Transportation Office of the Secretary

Office of Drug & Alcohol Policy & Compliance
1200 New Jersey Avenue, SE
Room W62-300
Washington, DC 20590

202.366.DRUG (3784) 202.366.3897 fax
odapcwebmail@dot.gov
www.dot.gov/odapc

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U.S. Department of Transportation

Drug Testing Program

REV. JANUARY 2012

Attachment: 4.8.1p2.a19.

Drug and Alcohol Testing Procedure: U.S. DOT and FMCSA Regulated Positions

Appendix H to Part 40 – DOT Drug and Alcohol Testing Management Information System (MIS) Data Collection Form

The following form is the MIS Data Collection form required for use beginning in 2011 to report calendar year 2010 MIS data.

[68 FR 43952, July 25, 2003, as amended 75 FR 8528, February 25, 2010]

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U.S. DEPARTMENT OF TRANSPORTATION DRUG AND ALCOHOL TESTING MIS DATA COLLECTION FORM

Calendar Year Covered by this Report: _____

OMB No. 2105-0529

Form DOT F 1385 (Rev. 5/2008)

I. Employer:

Company Name:_____

Doing Business As (DBA) Name (if applicable):_____

Address:_____ E-mail: _____

Name of Certifying Official: _____ Signature: _____

Telephone: (_____)_____ Date Certified: _____

Prepared by (if different): _____ Telephone: (_____)_____

C/TPA Name and Telephone (if applicable): _____ (_____)_____

Check the DOT agency for which you are reporting MIS data; and complete the information on that same line as appropriate:

___ FMCSA – Motor Carrier: DOT #: _____ Owner-operator: (circle one) YES or NO Exempt (Circle One) YES or NO

___ FAA – Aviation: Certificate # (if applicable): _____ Plan / Registration # (if applicable):_____

___ PHMSA – Pipeline: (Check) Gas Gathering__ Gas Transmission__ Gas Distribution__ Transport Hazardous Liquids__ Transport Carbon Dioxide__

___ FRA – Railroad: Total Number of observed/documented Part 219 "Rule G" Observations for covered employees: _____

___ USCG – Maritime: Vessel ID # (USCG- or State-Issued): _____ (If more than one vessel, list separately.)

___ FTA – Transit

II. Covered Employees: **(A) Enter Total Number Safety-Sensitive Employees In All Employee Categories:** [ ]

Employee Category	Total Number of Employees n this Category

If you have multiple employee categories, complete Sections I and II (A) & (B). Take that filled-in form and make one copy for each employee category and complete Sections II (C), III, and IV for each separate employee category.

(B) Enter Total Number of Employee Categories: [ ] **(C)**

Type of Test	Total Number Of Screening Test Results&[Should equal the sum of Columns , 3, 7, and	Screening Tests With Results Below 0.02	Screening Tests With Results 0.02 Or Greater	Number Of Confirmation Tests Results	Confirmation Tests With Results 0.02 Through 0.039	Confirmation Tests With Results 0.04 Or Greater	Refusal Results		Cancelled Results
							"Shy Lung" ~ With No Medical Explanation	Other Refusals To Submit To Testing	
Pre-Employment									
Random									
Post-Accident									
Reasonable Susp./Cause									

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Return-to-Duty									
Follow-Up									
TOTAL									

III. Drug Testing Data:

	1	2	3	4	5	6	7	8	9	10	11	12	13
									Refusal Results				
Type of Test	Total Number Of Test Results [Should equal the sum of Columns 2, 9, 10, 11, and 12]	Verified Negative Results	Verified Positive Results ~ For One Or More Drugs	Positive For Marijuana	Positive For Cocaine	Positive For PCP	Positive For Opiates	Positive For Amphetamines	Adulterated	Substituted	"Shy Bladder" ~ With No Medical Explanation	Other Refusals To Submit To Testing	Cancelled Results
Pre-Employment													
Random													
Post-Accident													
Reasonable Susp./Cause													
Return-to-Duty													
Follow-Up													
TOTAL													

IV. Alcohol Testing Data:

1	2	3	4	5	6	7	8	9

PAPERWORK REDUCTION ACT NOTICE (as required by 5 CFR 1320.21)

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2105-0529. Public reporting for this collection of information is estimated to be approximately 90 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance, 1200 New Jersey Avenue, SE, Suite W62-300, Washington, D.C. 20590.

Title 18, USC Section 1001, makes it a criminal offense subject to a maximum fine of $10,000, or imprisonment for not more than 5 years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements of representations in any matter within the jurisdiction of any agency of the United States.

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U.S. DEPARTMENT OF TRANSPORTATION
DRUG AND ALCOHOL TESTING MIS DATA COLLECTION FORM
INSTRUCTION SHEET

This Management Information System (MIS) form is made-up of four sections: employer information; covered employees (i.e., employees performing DOT regulated safety-sensitive duties) information; drug testing data; and alcohol testing data. The employer information needs only to be provided once per submission. However, you must submit a separate page of data for each employee category for which you report testing data. If you are preparing reports for more than one DOT agency then you must submit DOT agency-specific forms.

Please type or print entries legibly in black ink.

TIP *~ Read the entire instructions before starting. Please note that USCG-regulated employers do not report alcohol test results on the MIS form.*

Calendar Year Covered by this Report: Enter the appropriate year.

Section I. Employer

1. Enter your company's name, to include when applicable, your "doing business as" name; current address, city, state, and zip code; and an e-mail address, if available.
2. Enter the printed name, signature, and complete telephone number of the company official certifying the accuracy of the report and the date that person certified the report as complete.
3. If someone other than the certifying official completed the MIS form, enter that person's name and phone number on the appropriate lines provided.
4. If a Consortium/Third Party Administrator (C/TPA) performs administrative services for your drug and alcohol program operation, enter its name and phone number on the appropriate lines provided.
5. DOT Agency Information: Check the box next to the DOT agency for which you are completing this MIS form. Again, if you are submitting to multiple DOT agencies, you must use separate forms for each DOT agency.

a. If you are completing the form for FMCSA, enter your FMCSA DOT Number, as appropriate. In addition, you must indicate whether you are an owner-operator (i.e., an employer who employs only himself or herself as a driver) and whether you are exempt from providing MIS data.

Exemptions are noted in the FMCSA regulation at 382.103(d).

b. If you are completing the form for FAA, enter your FAA Certificate Number and FAA Antidrug Plan / Registration Number, when applicable.

c. If you are completing the form for PHMSA, check the additional box(s) indicating your type of operation.

d. If you are completing the form for FRA, enter the number of observed/documented Part 219 "Rule G" Observations for covered employees.

e. If you are submitting the form for USCG, enter the vessel ID number. If there is more than one number, enter the numbers separately.

Section II. Covered Employees

1. In Box II-A, enter the total number of covered employees (i.e., employees performing DOT regulated safety-sensitive duties) who work for your company. Then enter, in Box II-B, the total number of employee categories that number represents. If you have employees, some of whom perform duties under one DOT agency and others of whom perform duties under another DOT agency, enter only the number of those employees performing duties under the DOT agency for whom you are submitting the form. If you have covered employees who perform multi-DOT agency functions (e.g., an employee drives a commercial motor vehicle and performs pipeline maintenance duties for you), count the employee only on the MIS report for the DOT agency regulating more than 50 percent of the employee's safety sensitive function.

[Example: If you are submitting the information for the FRA and you have 2000 covered employees performing duties in all FRA-covered service categories – you would enter "2000" in the first box (II-A) and "5" in the second box (II-B), because FRA has five safety-sensitive employee categories and you have employees in all of these groups. If you have 1000 employees performing safety-sensitive duties in three FRA-covered service categories (e.g., engine service, train service, and dispatcher/operation), you would enter "1000" in the first box (II-A) and "3" in the second box (II-B).]

TIP *~ To calculate the total number of covered employees, add the total number of covered employees eligible for testing during each random testing selection period for the year and divide that total by the number of random testing periods. (However, no company will need to factor the average number of employees more often than once per month.) For instance, a company conducting random testing quarterly needs to add the total of covered employees they had in the random pool when each selection was made; then divide this number by 4 to obtain the yearly average number of covered employees. It is extremely important that you place all eligible employees into these random pools. [As an example, if Company A had 1500 employees in the first quarter random pool, 2250 in the second quarter, 2750 in the third quarter; and 1500 in the fourth quarter; 1500 + 2250 + 2750 + 1500 = 8000; 8000 / 4 = 2000; the total number of covered employees for the year would be reported as,"2000".*

If you conduct random selections more often than once per month (e.g., you select daily, weekly, bi-weekly), you do not need to compute this total number of covered employees rate more than on a once per month basis. Therefore, employers need not compute the covered employees rate more than 12 times per year.]

2. If you are reporting multiple employee categories, enter the specific employee category in box II-C; and provide the number of employees performing safety-sensitive duties in that specific category.

[Example: You are submitting data to the FTA and you have 2000 covered employees. You have 1750 personnel performing revenue vehicle operation and the remaining 250 are performing revenue vehicle and equipment maintenance. When you provide vehicle operation information, you would enter "Revenue Vehicle Operation" in the first II-C box and "1750" in the second II-C box. When you provide data on the maintenance personnel, you would enter "Revenue Vehicle and Equipment Maintenance" in the first II-C box and "250" in the second II-C box.]

TIP *~ A separate form for each employee category must be submitted. You may do this by filling out a single MIS form through Section II-B and then make one copy for each additional employee category you are reporting. [For instance, if you are submitting the MIS form for the FMCSA, you need only submit one form for all FMCSA covered employees working for you – your only category of employees is "driver." If you are reporting testing data to the FAA and you employ only flight crewmembers, flight attendants, and aircraft maintenance workers, you need to complete one form each for category – three forms in all. If you are reporting to FAA and have all FAA categories of covered employees, you must submit eight forms.]*

Here is a full listing of covered-employee categories:

FMCSA *(one category): Driver*
FAA *(eight categories): Flight Crewmember; Flight Attendant; Flight Instructor; Aircraft Dispatcher; Aircraft Maintenance; Ground Security Coordinator; Aviation Screener; Air Traffic Controller*
PHMSA *(one category): Operation/Maintenance/Emergency Response*
FRA *(five categories): Engine Service; Train Service; Dispatcher/Operation; Signal Service; Other [Includes yardmasters, hostlers (non-engineer craft), bridge tenders; switch tenders, and other miscellaneous employees performing 49 CFR 228.5 (c) defined covered service.]*
USCG *(one category): Crewmember*
FTA *(five categories): Revenue Vehicle Operation; Revenue Vehicle and Equipment Maintenance; Revenue Vehicle Control/Dispatch; CDL/Non-Revenue Vehicle; Armed Security Personnel*

Section III. Drug Testing Data

This section summarizes the drug testing results for all covered employees (to include applicants). The table in this section requires drug test data by test type and by result. The categories of test types are: Pre-Employment; Random; Post-Accident; Reasonable Suspicion / Reasonable Cause; Return-to-Duty, and Follow-Up.

The categories of type of results are: Total Number of Test Results [excluding cancelled tests and blind specimens]; Verified Negative; Verified Positive; Positive for Marijuana; Positive for Cocaine; Positive for PCP; Positive for Opiates; Positive for Amphetamines; Refusals due to Adulterated, Substituted, "Shy Bladder" with No Medical Explanation, and Other Refusals to Submit to Testing; and Cancelled Results.
TIP *~ Do not enter data on blind specimens submitted to laboratories. Be sure to enter all preemployment testing data regardless of whether an applicant was hired or not. You do not need to separate reasonable suspicion and reasonable cause drug testing data on the MIS form. [Therefore, if you conducted only reasonable suspicion drug testing (i.e., FMCSA and FTA), enter that data; if you conducted only reasonable cause drug testing (i.e., FAA, PHMSA, and USCG); or if you conducted both under FRA drug testing rules, simply enter the data with no differentiation.] For USCG, enter any "Serious Marine Incident" testing in the Post-Accident row. For FRA, do not enter post accident data (the FRA does not collect this data on the MIS form). Finally, you may leave blank any row or column in which there were no results, or you may enter "0" (zero) instead. Please note that cancelled tests are not included in the "total number of test results" column.*

Section III, Column 1. Total Number of Test Results ~ This column requires a count of the total number of test results in each testing category during the entire reporting year. Count the number of test results as the number of testing events resulting in negative, positive, and refusal results. Do not count cancelled tests and blind specimens in this total.

[Example: A company that conducted fifty pre-employment tests would enter "50" on the Pre-Employment row. If it conducted one hundred random tests, "100' would be entered on the Random row. If that company did no post-accident, reasonable suspicion, reasonable cause, return-to-duty, or follow-up tests, those categories will be left blank or zeros entered.]

Section III, Column 2. Verified Negative Results ~ This column requires a count of the number of tests in each testing category that the Medical Review Officer (MRO) reported as negative. Do not count a negative-dilute result if, subsequently, the employee underwent a second collection; the second test is the test of record.

[Example: If forty-seven of the company's fifty pre-employment tests were reported negative, "47" would be entered in Column 2 on the Pre-Employment row. If ninety of the company's one hundred random test results were reported negative, "90" would be entered in Column 2 on the Random row. Because the company did no other testing, those other categories would be left blank or zeros entered.]

Section III, Column 3. Verified Positive Results ~ For One Or More Drugs ~ This column requires a count of the number of tests in each testing category that the MRO reported as positive for one or more drugs. When the MRO reports a test positive for two drugs, it would count as one positive test.

[Example: If one of the fifty pre-employment tests was positive for two drugs, "1" would be entered in Column 3 on the Pre-Employment row. If four of the company's one hundred random test results were reported positive (three for one drug and one for two drugs), "4" would be entered in Column 3 on the Random row.]

■ **Section III, Columns 4 through 8. Positive** (for specific drugs) ~ These columns require entry of the by-drug data for which specimens were reported positive by the MRO. [Example: The pre-employment positive test reported by the MRO was positive for marijuana, "1" would be entered in Column 4 on the Pre-Employment row. If three of the four positive results for random testing were reported by the MRO to be positive for marijuana, "3" would be entered in Column 4 on the Random row. If one of the four positive results for random testing was reported positive for both PCP and opiates, "1" would be entered in Column 6 on the Random row and "1" would be entered in Column 7 of the Random row.]

TIP *~ Column 1 should equal the sum of Columns 2, 3, 9, 10, 11, and 12. Remember you have not counted specimen results that were ultimately cancelled or were from blind specimens. So, Column 1 = Column 2 + Column 3 + Column 9 + Column 10 + Column 11 + Column 12. Certainly, double check your records to determine if your actual results count is reflective of all negative, positive, and refusal counts.*

An MRO may report that a specimen is positive for more than one drug. When that happens, to use the company example above (i.e., one random test was positive for both PCP and opiates), the positive results should be recorded in the appropriate columns – PCP and opiates in this case. There is no expectation for Columns 4 through 8 numbers to add up to the numbers in Column 3 when you report multiple positives.

Section III, Columns 9 through 12. Refusal Results ~ The refusal section is divided into four refusal groups – they are: Adulterated; Substituted; "Shy Bladder" ~ With No Medical Explanation; and Other Refusals To Submit to Testing. The MRO reports two of these refusal types – adulterated and substituted specimen results – because of laboratory test findings.

When an individual does not provide enough urine at the collection site, the MRO conducts or causes to have conducted a medical evaluation to determine if there exists a medical reason for the person's inability to provide the appropriate amount of urine. If there is no medical reason to support the inability, the MRO reports the result to the employer as a refusal to test: Refusals of this type are reported in the "Shy Bladder" ~ With No Medical Explanation category.

Finally, additional reasons exist for a test to be considered a refusal. Some examples are: the employee fails to report to the collection site as directed by the employer; the employee leaves the collection site without permission; the employee fails to empty his or her pockets at the collection site; the employee refuses to have a required shy bladder evaluation. Again, these are only four examples: there are more.

■ **Section III, Column 9. Adulterated** ~ This column requires the count of the number of tests reported by the MRO as refusals because the specimens were adulterated.

[Example: If one of the fifty pre-employment tests was adulterated, "1" would be entered in Column 9 of the Pre-Employment row.]

■ **Section III, Column 10. Substituted** ~ This column requires the count of the number of tests reported by the MRO as refusals because the specimens were substituted.

[Example: If one of the 100 random tests was substituted, "1" would be entered in Column 10 of the Random row.]

■ **Section III, Column 11. "Shy Bladder" ~ With No Medical Explanation** ~ This column requires the count of the number of tests reported by the MRO as being a refusal because there was no legitimate medical reason for an insufficient amount of urine.

[Example: If one of the 100 random tests was a refusal because of shy bladder, "1" would be entered in Column 11 of the Random row.]

■ **Section III, Column 12. Other Refusals To Submit To Testing** ~ This column requires the count of refusals other than those already entered in Columns 9 through 11.

[Example: If the company entered "100" as the number of random specimens collected, however it had five employees who refused to be tested without submitting specimens: two did not show up at the collection site as directed; one refused to empty his pockets at the collection site; and two left the collection site rather than submit to a required directly observed collection. Because of these five refusal events, "5" would be entered in Column 11 of the Random row.]

TIP *~ Even though some testing events result in a refusal in which no urine was collected and sent to the laboratory, a "refusal" is still a final test result. Therefore, your overall numbers for test results (in Column 1) will equal the total number of negative tests (Column 2); positives (Column 3); and refusals (Columns 9, 10, 11, and 12). Do not worry that no urine was processed at the laboratory for some refusals; all refusals are counted as a testing event for MIS purposes and for establishing random rates.*

Section III, Column 13. Cancelled Tests ~ This column requires a count of the number of tests in each testing category that the MRO reported as cancelled. You must not count any cancelled tests in Column 1 or in any other column. For instance, you must not count a positive result (in Column 3) if it had ultimately been cancelled for any reason (e.g., specimen was initially reported positive, but the split failed to reconfirm).

[Example: If a pre-employment test was reported cancelled, "1" would be entered in Column 13 on the Pre-Employment row. If three of the company's random test results were reported cancelled, "3" would be entered in Column 13 on the Random row.]

TOTAL Line. Columns 1 through 13 ~ This line requires you to add the numbers in each column and provide the totals.

Section IV. Alcohol Testing Data

This section summarizes the alcohol testing conducted for all covered employees (to include applicants). The table in this section requires alcohol test data by test type and by result. The categories of test types are: Pre-Employment; Random; Post-Accident; Reasonable Suspicion / Reasonable Cause; Return-to-Duty, and Follow-Up.

The categories of results are: Number of Screening Test Results; Screening Tests with Results Below 0.02; Screening Tests with Results 0.02 Or Greater; Number of Confirmation Test Results; Confirmation Tests with Results 0.02 through 0.039; Confirmation Tests with Results 0.04 Or Greater; Refusals due to "Shy Lung" with No Medical Explanation, and Other Refusals to Submit to Testing; and Cancelled Results.

TIP *~ Be sure to enter all pre-employment testing data regardless of whether an applicant was hired or not. Of course, for most employers pre-employment alcohol testing is optional, so you may not have conducted this type of testing. You do not need to separate "reasonable suspicion" and "reasonable cause" alcohol testing data on the MIS form. [Therefore, if you conducted only reasonable suspicion alcohol testing (i.e., FMCSA, FAA, FTA, and PHMSA), enter that data; if you conducted both reasonable suspicion and reasonable cause alcohol testing (i.e.., FRA), simply enter the data with no differentiation.] PHMSA does not authorize "random" testing for alcohol. Finally, you may leave blank any row or column in which there were no results, or you may enter "0" (zero) instead. Please note that USCG-regulated employers do not report alcohol test results on the MIS form: Do not fill-out Section IV if you are a USCG-regulated employer.*

Section IV, Column 1. Total Number of Screening Test Results ~ This column requires a count of the total number of screening test results in each testing category during the entire reporting year. Count the number of screening tests as the number of screening test events with final screening results of below 0.02, of 0.02 through 0.039, of 0.04 or greater, and all refusals. Do not count cancelled tests in this total.

[Example: A company that conducted twenty pre-employment tests would enter "20" on the PreEmployment row. If it conducted fifty random tests, "50' would be entered. If that company did no post-accident, reasonable suspicion, reasonable cause, return-to-duty, or follow-up tests, those categories will be left blank or zeros entered.]

Section IV, Column 2. Screening Tests With Results Below 0.02 ~ This column requires a count of the number of tests in each testing category that the BAT or STT reported as being below 0.02 on the screening test.

[Example: If seventeen of the company's twenty pre-employment screening tests were reported as being below 0.02, "17" would be entered in Column 2 on the Pre-Employment row. If forty-four of the company's fifty random screening test results were reported as being below 0.02, "44" would be entered in Column 2 on the Random row. Because the company did no other testing, those other categories would be left blank or zeros entered.]

Section IV, Column 3. Screening Tests With Results 0.02 Or Greater ~ This column requires a count of the number of screening tests in each testing category that BAT or STT reported as being 0.02 or greater on the screening test.

[Example: If one of the twenty pre-employment tests was reported as being 0.02 or greater, "1" would be entered in Column 3 on the Pre-Employment row. If four of the company's fifty random test results were reported as being 0.02 or greater, "4" would be entered in Column 3 on the Random row.]

Section IV, Column 4. Number of Confirmation Test Results ~ This column requires entry of the number of confirmation tests that were conducted by a BAT as a result of the screening tests that were found to be 0.02 or greater. In effect, all screening tests of 0.02 or greater should have resulted in confirmation tests. Ideally the number of tests in Column 3 and Column 4 should be the same. However, we know that this required confirmation test sometimes does not occur. In any case, the number of confirmation tests that were actually performed should be entered in Column 4.

[Example: If the one pre-employment screening test reported as 0.02 or greater had a subsequent confirmation test performed by a BAT, "1" would be entered in Column 4 on the Pre-Employment row. If three of the four random screening tests that were found to be 0.02 or greater had a subsequent confirmation test performed by a BAT, "3" would be entered in Column 4 on the Random row.]

Section IV, Column 5. Confirmation Tests With Results 0.02 Through 0.039 ~ This column requires entry of the number of confirmation tests that were conducted by a BAT that led to results that were 0.02 through 0.039.

[Example: If the one pre-employment confirmation test yielded a result of 0.042, Column 5 of the Pre-Employment row would be left blank or zeros entered. If two of the random confirmation tests yielded results of 0.03 and 0.032, "2" would be entered in Column 5 of the Random row.]

Section IV, Column 6. Confirmation Tests With Results 0.04 Or Greater ~ This column requires entry of the number of confirmation tests that were conducted by a BAT that led to results that were 0.04 or greater.

[Example: Because the one pre-employment confirmation test yielded a result of 0.042, "1" would be entered in Column 6 of the Pre-Employment row. If one of the random confirmation tests yielded a result of 0.04, "1" would be entered in Column 6 of the Random row.]

TIP *~ Column 1 should equal the sum of Columns 2, 3, 7, and 8. The number of screening tests results should reflect the number of screening tests you have no matter the result (below 0.02 or at or above 0.02, plus refusals to test), unless of course, the tests were ultimately cancelled. So, Column 1 = Column 2 + Column 3 + Column 7 + Column 8. Certainly, double check your records to determine if your actual screening results count is reflective of all these counts.*

There is no need to record MIS confirmation tests results below 0.02: That is why we have no column for it on the form. [If the random test that screened 0.02 went to a confirmation test, and that confirmation test yielded a result below 0.02, there is no place for that confirmed result to be entered.] We assume that if a confirmation test was completed but not listed in either Column 5 or Column 6, the result was below 0.02. In addition, if the confirmation test ended up being cancelled, it should not have been included in Columns 1, 3, or 4 in the first place.

Section IV, Columns 7 and 8. Refusal Results ~ The refusal section is divided into two refusal groups – they are: Shy Lung ~ With No Medical Explanation; and Other Refusals To Submit to Testing. When an individual does not provide enough breath at the test site, the company requires the employee to have a medical evaluation to determine if there exists a medical reason for the person's inability to provide the appropriate amount of breath. If there is no medical reason to support the inability as reported by the examining physician, the employer calls the result a refusal to test: Refusals of this type are reported in the "Shy Lung ~ With No Medical Explanation" category.

Finally, additional reasons exist for a test to be considered a refusal. Some examples are: the employee fails to report to the test site as directed by the employer; the employee leaves the test site without permission; the employee fails to sign the certification at Step 2 of the ATF; the employee refuses to have a required shy lung evaluation. Again, these are only four examples; there are more.

■ **Section IV, Column 7. "Shy Lung" ~ With No Medical Explanation** ~ This column requires the count of the number of tests in which there is no medical reason to support the employee's inability to provide an adequate breath as reported by the examining physician; subsequently, the employer called the result a refusal to test.

[Example: If one of the 50 random tests was a refusal because of shy lung, "1" would be entered in Column 7 of the Random row.]

■ **Section IV, Column 8. Other Refusals To Submit To Testing** ~ This column requires the count of refusals other than those already entered in Columns 7.

[Example: The company entered "50" as the number of random specimens collected, however it had one employee who did not show up at the testing site as directed. Because of this one refusal event, "1" would be entered in Column 8 of the Random row.]

TIP *~ Even though some testing events result in a refusal in which no breath (or saliva) was tested, there is an expectation that your overall numbers for screening tests (in Column 1) will equal the total number of screening tests with results below 0.02 (Column 2); screening tests with results 0.02 or greater (Column 3); and refusals (Columns 7 and 8). Do not worry that no breath (or saliva) was tested for some refusals; all refusals are counted as a screening test event for MIS purposes and for establishing random rates.*

Section IV, Column 9. Cancelled Tests ~ This column requires a count of the number of tests in each testing category that the BAT or STT reported as cancelled. Do not count any cancelled tests in Column 1 or in any other column other than Column 9. For instance, you must not count a 0.04 screening result or confirmation result in any column, other than Column 9, if the test was ultimately cancelled for some reason (e.g., a required air blank was not performed).

[Example: If a pre-employment test was reported cancelled, "1" would be entered in Column 9 on the Pre-Employment row. If three of the company's random test results were reported cancelled, "3" would be entered in Column 13 on the Random row.]

TOTAL Line. Columns 1 through 9 ~ This line requires you to add the numbers in each column and provide the totals.

Section 4.9
Employee Compensation and Related Benefits 1/2

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4.9.1p ..... Procedure - Retirement
4.9.2 ..... POLICY - Flexible Benefits Programs

4.9.3 ..... POLICY - Tuition Remission and Reimbursement for Approved Staff Development

4.9.4p ..... Procedure - Employee Assistance Program
4.9.4p.a1 ..... Employee Assistance Management Referral Form
4.9.4p.a2 ..... Employee Assistance - EAP Services Scope and Description
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4.9.8p.a1 ..... Direct Deposit Form - Colleges
4.9.8p.a2 ..... Direct Deposit Form - System Office
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4.9.8p.a4 ..... Direct Deposit Notification Form - System Office
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TECHNICAL COLLEGE
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POLICY: 4.9.1. (III.U.5.)
Retirement

Revised: October 28, 2015; January 7, 2001
Last Reviewed: October 28, 2015
Adopted: April 2, 1987

POLICY:
All individuals appointed to a temporary, part-time, hourly-paid position as well as adjunct faculty must, as a condition of employment, become a member of the Georgia Defined Contribution Plan unless exempted by law and/or Employees' Retirement System of Georgia plan guidelines.

With limited exceptions, all individuals appointed to a salaried, benefits-eligible position shall, as a condition of employment, elect membership in either the Teachers Retirement System of Georgia (TRS) or the Employees' Retirement System of Georgia (ERS). NOTE: membership in TRS or ERS is governed by eligibility requirements outlined in state law and in accompanying TRS and ERS plan guidelines.

An employee who encumbers a TRS non-covered position (e.g., a non-supervisory custodial, maintenance, or food service position) is ineligible for membership in the Teachers Retirement System; therefore, the employee shall become a member of the Employees' Retirement System if otherwise eligible.

An individual who accepts state employment (for the first time) with the Technical College System of Georgia at age sixty (60) or older in a position subject to membership in TRS or ERS may decline membership in both retirement systems. The individual shall, instead, become a member of the Georgia Defined Contribution Plan unless otherwise excluded by law or accompanying ERS plan guidelines. The election to decline TRS or ERS membership is irrevocable.

As provided in O.C.G.A. §20-4-25, an employee's decision to elect membership in TRS or ERS is irrevocable during the tenure of his/her employment with the Technical College System of Georgia, a technical college, or any other associated TCSG work unit.

In the rare instance that a newly hired employee appointed to a salaried, benefits-eligible position is not eligible for membership in the TRS or the ERS, he/she shall become a member of the Public School Employees Retirement System.

RELATED AUTHORITY:
TCSG Procedure: 4.1.4p. Categories of Employment
O.C.G.A. §20-4-25
O.C.G.A. §47-2-1 et seq. (Employees' Retirement System of Georgia)
O.C.G.A. §47-3-1 et seq. (Teachers Retirement System of Georgia)
O.C.G.A. §47-4-1 et seq. (Public School Employees Retirement System)
O.C.G.A. §47-22-1 et seq. (Georgia Defined Contribution Plan)
Employees' Retirement System of Georgia Plan Guidelines
Teacher Retirement System of Georgia Plan Guidelines

Procedure: 4.9.1p. (III.U.5.a.) Retirement

Revised: September 15, 2015, January 14, 2001
Last Reviewed: September 15, 2015
Adopted: April 2, 1987

I.PURPOSE:

All individuals appointed to a temporary, part-time, hourly-paid position as well as adjunct faculty must, as a condition of employment, become a member of the Georgia Defined Contribution Plan unless exempted by law and/or Employees' Retirement System of Georgia plan guidelines.

With limited exceptions, all individuals appointed to a salaried, benefits-eligible position shall, as a condition of employment, elect membership in either the Teachers Retirement System of Georgia (TRS) or the Employees' Retirement System of Georgia (ERS). NOTE: membership in TRS or ERS is governed by eligibility requirements outlined in state law and in accompanying TRS and ERS plan guidelines.

An employee who encumbers a TRS non-covered position (e.g., a non-supervisory custodial, maintenance, or food service position) is ineligible for membership in the Teachers Retirement System; therefore, the employee shall become a member of the Employees' Retirement System if otherwise eligible,

An individual who accepts state employment (for the first time) with the Technical College System of Georgia [TCSG] at age sixty (60) or older in a position subject to membership in TRS or ERS may decline membership in both retirement systems. The individual shall, instead, become a member of the Georgia Defined Contribution Plan unless otherwise excluded by law or accompanying ERS plan guidelines. The election to decline TRS or ERS membership is irrevocable.

As provided in O.C.G.A. §20-4-25, an employee's decision to elect membership in TRS or ERS is irrevocable during the tenure of his/her employment with the TCSG, a technical college, or any other associated TCSG work unit. In the rare instance that a newly hired employee appointed to a salaried, benefits-eligible position is not eligible for membership in the Teachers Retirement System or the Employees Retirement System, he/she shall become a member of the Public School Employees Retirement System.

II. RELATED AUTHORITY

TCSG Procedure: 4.1.4p. Categories of Employment
O.C.G.A. §20-4-25
O.C.G.A. §47-2-1 et seq. (Employees' Retirement System of Georgia)
O.C.G.A. §47-3-1 et seq. (Teachers Retirement System of Georgia)
O.C.G.A. §47-4-1 et seq. (Public School Employees Retirement System)
O.C.G.A. §47-22-1 et seq. (Georgia Defined Contribution Plan)
Employees' Retirement System of Georgia Plan Guidelines
Teacher Retirement System of Georgia Plan Guidelines

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

IV. DEFINITIONS:

Annuity: with respect to a retiree of the Employees' Retirement System or the Teachers Retirement System, annual payments for life derived from the member's accumulated contributions during the course of his/her state employment.

Creditable Service: prior service plus membership service and any other service recognized as creditable service as established under the governing statutes.

Employee: for purposes of the Georgia Defined Contribution Plan (GDCP) and as defined in the GDCP Plan Guidelines and governing statutes, an employee of a (state) employer, including the Georgia Board of Regents, who is not a member of any public retirement or pension system created pursuant to state law. Certain exceptions to membership are established in state law and accompanying GDCP plan guidelines.

Member: any employee included in the membership of a State of Georgia retirement system.

Membership Service: service which is rendered by an employee while he/she is a member of a retirement system and for which credit is allowable.

Normal Retirement Age: with respect to service with the Technical College System of Georgia and membership in either the Employees' Retirement System or Teachers Retirement System, attaining 30 years of creditable service (regardless of age) or after reaching age 60, having at least 10 years or more of creditable service.

Retirement Allowance: the sum of the annuity and the pension, or any optional benefit payable in lieu, thereof. All retirement allowances shall be payable in equal monthly installments, provided that the retirement system's board of trustees may adopt regulations to pay a lump sum (not to exceed) the equivalent actuarial value (of the retirement allowance) in lieu of a retirement allowance of less than $10.00 per month or in lieu of part of an annuity.

Service: service rendered as an employee and paid for by the State or Georgia or, as applicable, by the state or other employer.

Service Credit: creditable service as defined in the specific code section applicable to the Employees' Retirement System or the Teacher's Retirement System and, as referenced in accompanying plan guidelines.

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

Vest or Vested: a non-forfeitable right. For purposes of membership in the Employees' Retirement System or Teachers Retirement System, a member is vested after ten (10) years of creditable service.

V. ATTACHMENTS: N/A

VI. PROCEDURE:

A. Retirement Plan Membership

1. All individuals appointed to a temporary, part-time, hourly-paid position as well as adjunct faculty must, as a condition of employment, become a member of the Georgia Defined Contribution Plan (GDCP) unless exempted by law and/or Employees' Retirement System of Georgia plan guidelines.

2. With limited exceptions, all individuals appointed to a salaried, benefits-eligible position shall, as a condition of employment, elect membership in either the Teachers Retirement System of Georgia (TRS) or the Employees' Retirement System of Georgia (ERS),

3. Membership in TRS or ERS is governed by eligibility requirements outlined in state law and in accompanying TRS and ERS plan guidelines.

4. An employee who encumbers a TRS non-covered position (e.g., a non-supervisory custodial, maintenance, or food service position) is ineligible for membership in the Teachers Retirement System; therefore, the employee shall become a member of the Employees' Retirement System if otherwise eligible.

5. As provided in Paragraph VI.I., an eligible employee's decision to elect membership in TRS or ERS is irrevocable during the tenure of his/her employment with the Technical College System of Georgia, a technical college, or any other associated TCSG work unit.

6. An individual who accepts state employment with the Technical College System of Georgia for the first time at age sixty (60) or later in a position subject to ERS or TRS membership may decline membership in both retirement systems by notifying the ERS Board of Trustees, in writing, within thirty (30) days of his/her appointment and the TRS Board of Trustees, in writing, within ninety (90) days of his/her appointment. The election to decline membership in both retirement systems is irrevocable.

7. An employee who has declined TRS and ERS membership as referenced in Paragraph VI.A.6., shall become a member of the Georgia Defined Contribution Plan as a condition of employment unless otherwise excluded by law or accompanying ERS plan guidelines.

8. If an employee appointed to a salaried, benefits eligible position is not eligible for membership in the Teachers Retirement System or the Employees' Retirement System, he/she shall become a member of the Public School Employees Retirement System (PSERS).

B. Employees Retirement System

1. Retirement Plans

a.Employees who are members of ERS are covered by the benefit structure in place at the time of their membership in one of three primary defined benefit plans: the Georgia State Employees' Pension and Savings Plan (GSEPS), the New Plan, or the Old Plan.

(1).GSEPS – an individual who first or again becomes an ERS member on or after January 1, 2009 shall be a member of GSEPS as a result of his/her initial employment; who is rehired on or after January 1, 2009 after receiving a refund of his/her annuity savings fund account, retiring, or rendering less than one year of service within a period of five (5) consecutive years as a member; or, who was an ERS member on December 31, 2008 and elected to become a GSEPS member.

(2). New Plan - an individual who first or again becomes an ERS member on or after July 1, 1982 and before January 1, 2009 as a result of his/her initial employment; who is rehired before January 1, 2009 after receiving a refund of his/her annuity savings fund account, retiring or rendering less than one year of service within a period of five (5) consecutive years as a member; who was an ERS member on June 30, 1982 and elected to become a New Plan member; or, who first or again becomes a ERS member on or after July 1, 1982 and who was reemployed on or after January 1, 2009 without having received a refund of his/her annuity savings fund account, retiring, or rendering less than one year of service within a period of five (5) consecutive years as a member.

(3). Old Plan - a current member continuously employed on a full-time basis since before July 1, 1982 or a member originally employed before July 1, 1982 and who was re-employed on or after July 1, 1982 without having received a refund of his/her annuity savings fund account, retiring, or rendering less than one year of service within a period of five (5) consecutive years as a member.

2. Creditable Service

a. Creditable service includes “prior service” plus service for which an individual is credited while a member of ERS. Service can be earned, transferred into ERS, or in limited instances, purchased.

(1).Forfeited Leave Service: creditable service may be received for forfeited annual and sick leave as well as accrued, but unused sick leave (to include, in certain circumstances, sick leave that was previously accrued before a break-in-service) if these leave balances total at least 960 hours. In this instance, a member receives one month of creditable service for every 160 hours of leave. All forfeited leave must be certified by a member’s last employer before he/she receives service credit for the accumulated hours. NOTE: Forfeited leave cannot be counted as part of the ten (10) year creditable service requirement to become vested in ERS or, as applicable, the eighteen (18) years of creditable service needed for a member to retain Group Term Life Insurance coverage after a member terminates state employment but before he/she retires.

(2). Job-Related Temporary Disability/Leave Without Pay: ERS members who request to be placed on a leave of absence in response to a job-related temporary disability and who do not qualify for ERS disability retirement benefits, may purchase creditable service for up to twelve (12) months of the period of absence. Other conditions include: the application for a service credit must be made in writing; the employee must agree to pay ERS an amount equal to the employee portion of the retirement contribution based on his/her salary at the time the leave of absence, plus 4% interest; the credible service must be purchased within six (6) months after returning to work; and, no more than twelve (12) months of credible service may be purchased in any five (5) year period.

(3). Refund Buyback: a member who terminates employment but has not yet retired (or is not eligible to retire) has the option to receive a refund of contributions plus interest. If a member receives a refund, he/she forfeits all creditable service for the period of his/her employment covered by the refund. If the individual returns to active membership in ERS, he/she can re-establish his/her creditable service after being re-employed for a period of two (2) years. At this point, the employee must pay ERS a lump sum payment equal to the refund amount originally received plus 4.25% interest compounded annually from the refund date to the buyback date.

(4). Air Time: active members may increase their retirement benefit when submitting a retirement application by directly purchasing up to three (3) additional years of creditable service. This is commonly known as purchasing “air time”. An employee desiring to purchase air time must pay the full cost of the additional service as calculated by the plan’s actuary. NOTE: air time does not count toward the ten (10) years of creditable service needed for the member to become vested.

(5). If an individual works in a position covered by the Teacher’s Retirement System in a non-TCSG state entity, i.e., another state agency, a Board of Regents college or university, a local board of education, etc., and subsequently becomes an employee of the Technical College System of Georgia, he/she may, if eligible, elect ERS membership and have his/her TRS creditable service and annuity savings fund account transferred to ERS. This decision must be made in writing to ERS. NOTE: if an individual was previously a member of TRS and received a refund of his/her TRS contributions, he/she may perform a refund buyback and establish his/her previous service with ERS after being an active member for at least two (2) years.

(6). The Uniformed Services Employment and Reemployment Rights Act (USERRA) provides members with certain rights regarding their employment and retirement benefits if a member performs qualified military service. If a member returns to employment after a military leave, he/she may receive creditable service for the period of leave if the employee makes application for such service with ERS in writing and he/she pays the applicable employee contributions for the period of service within five (5) years or within three (3) times the length of the qualified military service, whichever is shorter. NOTE: if a member is called to active duty in the National Guard or Reserves and is actively employed but in a non-pay status, he/she may make his/her employee contributions during the active duty period. ERS must be provided a copy of his/her orders as soon as they are received.

(7) Additional information regarding the ability to receive creditable service for “prior service” can be accessed from the ERS website or by contacting ERS.

3. Benefits Eligibility

a. Retirement benefits available to a member are based on a benefit’s formula funded through employee contributions and employer contributions.

b. A member who has earned ten (10) years of creditable service has a vested right to a service retirement at age sixty (60) even if he/she terminates employment before reaching age sixty (60).

c. A member’s “right” to a retirement benefit may be forfeited based on a conviction of state or federal law or a withdrawal of contributions and interest.

d. When a member terminates employment, he/she may be eligible for one of the following types of benefits: service benefits (normal retirement, early retirement, and terminated vested retirement); refund of contribution and interest; disability benefits; or, death benefits.

4. Retirement Benefits

a. Service Retirement

(1).Normal Retirement: under the GSEPS, the New Plan, or the Old Plan, a member who reaches the Normal Retirement Age can retire and begin receiving monthly benefits. Normal Retirement Age is defined as the earlier of: reaching age sixty (60) with ten (10) years of creditable service or attaining thirty (30) years of creditable service.

(2) Early Retirement: benefits can commence at any age before the Normal Retirement Age after a member has attained twenty-five (25) years of creditable service. The benefit payable at Early Retirement will be an amount equal to a member's normal retirement benefit earned at that time, reduced by either 7% for each year the member commences benefits prior to age sixty (60) or 7% for each year under thirty (30) years of creditable service, whichever reduction is less. The reduction cannot exceed 35%.

(3) Terminated Vested Retirement: if a member terminates employment after attaining ten (10) years of creditable service, but prior to age sixty (60), he/she will be eligible [given the considerations outlined in Paragraph VI.A.3.(d)] to draw retirement benefits after reaching age sixty (60). NOTE: It is advisable for a former member should contact ERS ninety (90) days prior to reaching age sixty (60).

b. Refund of Contributions and Interest

(1). After terminating TCSG employment, an individual is immediately entitled to receive a refund of the contributions and interest in his/her annuity savings fund account in a lump sum payment

(2) The consequences of taking a refund of these monies are as follows: the individual waives all other benefit rights, i.e., no other benefits will be payable to the individual or his/her beneficiary(ies); if an individual has ten (10) or more years of creditable service and is vested, taking refund cancels his/her right to receive a monthly benefit in the future; or if a former ERS member is later rehired, he/she will become a member of the plan in effect at the date of rehire (i.e., currently GSEPS). This is true even if the individual later buys back refunded creditable service.

(3), If an individual has Group Term Life Insurance (GTLI) coverage, he/she waives such coverage when receiving a refund. NOTE: Neither employee or employer contributions made for GRLI premiums are refundable.

c. Disability Benefits

(1). A member may receive Disability Retirement Benefits if he/she is an active ERS member at the time he/she becomes disabled; is unable to perform his/her job or any offered alternative position due to one or more permanent medical condition(s); and, if he/she has met minimum

service requirements, of either thirteen (13) years and four (4) months of creditable service (for New Plan and Old Plan members) or fifteen (15) years of creditable service (for GSEPS members).

(2). An application for a disability retirement must be filed prior to the last day of employment. NOTE: it generally takes ERS sixty (60) to ninety (90) days to process an application for disability retirement. Additionally, the five (5) part disability retirement application must be forwarded to the System Office or technical college Office of Human Resources prior to submitting the document to ERS. NOTE: employees considering disability retirement are encouraged to discuss this matter with a human resources representative before submitting the referenced retirement application.

(3). A member who retires under Disability Retirement is subject to medical re-examination annually for the first five (5) years following retirement and every three (3) years thereafter until reaching the age of sixty (60). Refusal to submit to the medical re-examination may result in a discontinuation of benefits until the re-examination occurs. If the refusal continues for one year, all rights to a disability retirement benefit may be revoked by the ERS Board of Trustees.

d. Group Term Life Insurance and Accompanying Death Benefits

(1).Participation in Group Term Life Insurance (GTLI) is a condition of employment for all ERS members in the New or Old Plans.

(2) Employees in GSEPS do not have GTLI coverage.

(3) GTLI provides a lump sum death benefit in the event of the death of a member or retiree

(4) The GTLI base benefit is eighteen (18) times a member's monthly eligible compensation; however, as the member ages, the base benefit is reduced. At age sixty (60) a member's eligible compensation is frozen and coverage is reduced by ½% per month until the member reaches age sixty-five (65).

(5) At retirement, the GTLI coverage continues; however, the retiree will no longer pay premiums and the amount of coverage (regardless of age) is reduced to 70% of the benefit payable at the date of retirement or age sixty (60) whichever was earlier.

(6). Disability retirees retain full GTLI coverage until age sixty (60), when coverage reduces to 70%.

5. Designating a Beneficiary

a. All active members are encouraged to designate one or more beneficiary(ies) to receive the ERS benefit which may be payable at the member's death. New and Old Plan members should also designate one or more beneficiary(ies) to receive the Group Term Life Insurance benefits.

b. A new GSEPS member will receive a letter from ERS approximately forty-five (45) days after beginning employment and after the System Office or technical college has reported the membership to ERS. The letter will invite the employee to establish a member account

online at www.ers.ga.gov. After the account has been established, the employee can access his/her account and designate/update his/her beneficiary(ies).

c. A member may designate one or more primary beneficiary(ies) and one or more contingent beneficiary(ies) for both retirement plan benefits and GLI benefits. If a member's Estate is designated as the primary beneficiary, it is not necessary to designate a contingent beneficiary.

d. Failure to designate a beneficiary will result in any applicable death benefits for an active member being paid to the member's estate.

d. At retirement, the member will be asked to choose the form of benefit he/she wishes to receive and designate the applicable beneficiary(ies).

f. Additional information regarding beneficiary designation(s) can be accessed through the ERS website.

6. Applying for Retirement

a. An employee must file an application for retirement with ERS at least thirty (30) calendar days but no more than ninety (90) calendar days before his/her projected retirement date.

b. An application for retirement is not considered filed until received by ERS.

c. When an application is received less than thirty (30) days prior to the designated effective date, there will be a one-month delay in the member receiving his/her first benefits check.

d. Retirement benefits are payable on the first day of each calendar month.

e. Employees are encouraged to notify their immediate supervisor, reviewing manager, human resources director or other System Office or college official of his/her projected retirement date as soon as possible after making the decision to retire. This communication should occur no later than thirty (30) days before an employee's retirement will become effective.

7. Additional Information Regarding the Employees' Retirement System of Georgia, Member Benefits, and Retirement Options

a. Employees who are members of ERS are encouraged to access additional information about their member benefits and retirement options directly from the ERS website at www.ers.ga,gov.
b. Employees who are members of the New or Old Plans can select the ERS option under the Pension Plans tab and select the Handbook (Plan Guide) tab.

c. Employees who are members of GSEPS can select GSEPS Info tab under Pension Plans for additional information.

d. Questions can also be directed to ERS by calling 404-350-6300 or 1-800-805-4609.

8. Returning to State Employment

a. A TCSG employee who retires on a service retirement with ERS may elect to become a member of TRS if he/she is subsequently appointed to a to full-time, TRS-covered position with a TCSG work unit.

b. If an ERS retiree elects to become a member of TRS as provided in Paragraph VI.B.8.a., his/her ERS retirement benefits/allowance will be suspended if he/she works more than 1,040 hours during a calendar year.

c. Pursuant to the provisions of O.C.G.A. §47-2-110(4):

1.it is the responsibility of a retired ERS plan member to notify a TCSG work unit of his/her retirement status prior to accepting a position;

2. Any TCSG work unit that employs an ERS retiree must notify the ERS Board of Trustees, in writing, within thirty (30) days after employment is accepted of the name of the retiree and the number of hours the individual is projected to work annually;

3. If a retiree works more than 1,040 hours in any calendar year, the TCSG work unit must notify the ERS Board of Trustees as soon as this information is known;

4. Any TCSG work unit that fails to provide the required notification outlined in Paragraph VI.B.8.c.1. must reimburse ERS for any benefits wrongly paid; and,

5. If a retired ERS plan member fails to notify a TCSG work unit of his/her retirement status and is subsequently employed and the work unit becomes liable to ERS for the inappropriate payment of retirement benefits, the plan member shall hold the work unit harmless for all liability incurred.

C. Teachers Retirement System

1. Retirement Plans

a. All TRS members belong to a defined benefit plan offering two distinct “plans” of retirement. The first provides a maximum benefit to the member. The second provides a reduced benefit and a monthly survivor’s benefit to a member’s beneficiary(ies) after his/her death.

(1).Maximum Plan: this plan provides a member with the largest possible monthly lifetime benefit for the remainder of his/her life. The contributions and interest made by the member during his/her employment are reduced monthly from the gross benefit payment. In most instances, the contributions and interest will be depleted within 18 months of retirement; however, the monthly benefits will continue for the remainder of the member’s life. The named beneficiary does not receive a monthly benefit after the death of a retiree; however, if the retiree dies before receiving the total amount of his/her contributions and interest, the remaining funds are paid in a lump sum to the designated beneficiary.

(2) Survivorship Plan: this plan provides members with six (6) survivorship options which are outlined in the TRS Member Guide. A member selecting the survivorship plan will receive an actuarially-reduced monthly benefit to provide the designated beneficiary(ies) with a lump sum payment or monthly payment for life after a retiree’s death.

2. Creditable Service

a. a TRS member may establish up to forty (40) years of creditable service through one or more of the following:

(1).membership service for work performed in a TRS-covered position;

(2) service that the member purchases, if eligible; and,

(3).unused sick leave credit that is retroactively awarded one or two months after a member's retirement date.

b. Membership Service: an individual's normal active service for which he/she has been employed and for which he/she has made and is making contributions to TRS. The position held must be permanent and the member must work or be on paid leave at least one-half of the normal working days and working hours in a given calendar month. A member working nine (9) calendar months in a year will receive credit for one year of service.

c. Service Available for Purchase: depending upon the type of service to be purchased, a member must submit either a completed TRS form, a letter, or a written or verbal request. After the information is received by TRS, a cost calculation will be mailed to the member if the service is eligible for purchase. Examples of available service purchases include:

(1).TRS Withdrawn Service: if an individual was previously a TRS member and withdrew available funds, his/her service credits were also withdrawn for those years of service. After re-establishing membership, the member may repay his/her withdrawn account(s) and reinstate the previous service credit. The member is eligible to purchase the withdrawn service after having completed three a minimum of three (3) years of TRS service and repaying the total amount of monies withdrawn plus interest. The number of years of active membership needed to purchase previous service is based on the number of previous TRS accounts (i.e., periods of employment).

(2). ERS Withdrawn Service: if a TRS member was previously an ERS member and withdrew available funds, he/she may purchase the withdrawn ERS service by repaying the total amount of monies withdrawn plus interest after completing a minimum of three (3) years of TRS service.

(3). Out- of-State Service: may be established only if the out-of-state employment (had it been rendered in Georgia) would have been considered TRS eligible service (i.e., permanent, half-time or greater service at an out-of-state public school, college or university). Service credits cannot be established if the member is eligible to receive a retirement benefit from this service. After a member works six (6) years in Georgia, he/she can purchase one additional year of out-of-state service for each year of Georgia service, up to a maximum of ten (10) years. The member must pay both employee and employer costs plus interest based on the salary earned at the out-of-state school.

(4) Air Time: a member possessing at least twenty-five (25) years of creditable service may purchase up to three (3) additional years of service at retirement. Air time service can only be purchased at the time a member applies for retirement and the cost of such service will be the

full actuarial amount to fund the additional benefit. These monies will be refunded if the retirement application is later withdrawn.

d. Unused Sick Leave Credit: each TRS covered employer that a member has worked for must certify the member's sick leave as part of the retirement process. Unused sick leave is allowed only for State of Georgia service, including repurchased withdrawn TRS accounts and service transferred from a local retirement plan. NOTE: Georgia law does not permit unused sick leave credit to be granted for any other service including ERS and PSERS.

(1). Unused sick leave credit is awarded on the basis on one month of service for every twenty (20) days of unused sick leave. Nine (9) months of sick leave credit equals one year of credible service.

(2). A member must have at least sixty (60) days of unused sick leave combined from all TRS covered employers to be eligible for a sick leave credit at retirement.

(3). The maximum monthly sick leave accumulation/accrual for a TRS service credit is 1 ¼ days per month of actual service.

(4). A member's monthly benefit will be adjusted retroactively for any unused sick leave credit applied toward his/her total creditable service.

(5). Members cannot be paid for unused sick leave by a covered employer and also receive a service credit.

3. Benefits Eligibility

a. Retirement benefits available to a member are based on a benefits formula funded through employer contributions and employer contributions.

b. A member who has earned ten (10) years of creditable service has a vested right to a service retirement at age sixty (60) even if he/she terminates employment before reaching age sixty (60) provided he/she has not withdrawn his/her TRS contributions;

c. When a member terminates employment, he/she may be eligible for one of the following types of benefits: service benefits (normal retirement, early retirement and terminated vested retirement) or, a disability retirement.

3. Retirement Categories

a. Normal Service Retirement: pertains to those members who reach the service eligibility requirements for the distribution of monthly benefits without penalty to include:

(1).thirty (30) or more years of creditable service regardless of age; or,

(2). ten (10) of more years of creditable service and at least age sixty (60).

NOTE: a vested member who is not eligible for a normal service retirement may elect to terminate his/her TRS-covered employment and freeze his/her retirement until age 60, thereby allowing the member to receive monthly retirement benefits at age 60 without penalty.

b. Disability Retirement: an active member is eligible to apply for a disability retirement is he/she has at least ten (10) years of creditable service and is no longer able to perform his/her job duties due to a physical or mental impairment or a combination of both. Disability status is determined by a panel of physicians comprising the TRS Medical Board. A member may be approved for temporary disability retirement, for permanent disability retirement or may be denied benefits. Temporary disability means that the member must be re-examined after one year of disability benefits to determine any change(s) in the member's condition. The member may be approved again or may be denied continuation of benefits if the condition has improved enough that he/she is able to (again) perform the job duties of the last job held. All disability retirees may be re-examined as provided for by law. If denied, a member may appeal the decision, in writing, within sixty (60) days.

c. Early Retirement: within TRS guidelines, the term is defined as a retirement by a member that begins distribution of his/her monthly retirement benefits when he/she has an active account with at least twenty-five (25) years, but less than thirty (30) years of creditable service and the member has not reached age sixty (60).

(1).If a member's unused sick leave credit will give him/her twenty-five (25) years of creditable service, the member may use his/her sick leave credit to become eligible for retirement. In this instance, the sick leave will be processed by TRS prior to completing the member's retirement application.

(2).If early retirement is selected, a monetary penalty of the lesser of the following two options will apply: 1/12 of 7% for each month below age sixty (60) or 7% for each year or fraction of a year below thirty (30) years of service.

d. Terminated Vested Retirement: if a member is vested and no longer contributing to TRS (i.e., terminates employment with a TRS covered employer prior to age sixty [60]), he/she will be eligible to apply for retirement benefits when he/she reaches age sixty (60). It is the former member's responsibility to apply for benefits at the time he/she becomes eligible. The member may apply for retirement benefits during the six (6) month period prior to attaining age sixty (60), but no later than the month the benefits are to become effective. If a former member fails to apply for benefits in the required time frame, TRS will not pay any benefits between the time of the individual's first eligibility and the time of the application.

5. Options for a Member Terminating Employment Before Reaching Retirement Eligibility

a. Less Than Ten (10) years of Creditable Service (Not Vested):

(1). A member may leave his/her funds in TRS and collect interest for up to four (4) years;

(2). A member may withdraw funds in his/her account. The refund payment is a lump-sum distribution of a member's contributions and interest and is subject to applicable state and federal taxes. In certain instances, additional federal taxes are required from the taxable portion of the refund. To defer tax implications, a member may elect a direct rollover of all or some (i.e.,

the taxable portion of the refund) to another qualified retirement plan, a 403(b) tax sheltered annuity, a governmental 457 plan or a traditional Roth or rollover IRA.

(3) As provided in Paragraph VI.C.2.c.(1)., an individual who re-establishes and maintains his/her TRS membership for a minimum period of three (3) years may re-establish withdrawn service by repaying the withdrawn amount plus interest. If a member has three (3) or more withdrawn accounts, the minimum work period increases.

b. At Least Ten (10) Years of Creditable Service (Vested), But Under Retirement Age:

(1). A member may leave his/her funds in TRS and receive benefits starting at age 60.

(2). A member may withdraw funds in his/her account. The refund payment is a lump-sum distribution of a member's contributions and interest and is subject to applicable state and federal taxes. In certain instances, additional federal taxes are required from the taxable portion of the refund. To defer tax implications, a member may elect a direct rollover of all or some (i.e., the taxable portion of the refund) to another qualified retirement plan, a 403 (b) tax sheltered annuity, a governmental 457 plan, or a traditional Roth or rollover IRA.

(3). As provided in Paragraph VI.C.2.c.(1)., an individual who re-establishes and maintains his/her TRS membership for a minimum period of three (3) years may re-establish withdrawn service by repaying the withdrawn amount plus interest. If a member has three (3) or more withdrawn accounts, the minimum work period increases.

c. A member who terminates employment with one covered employer to accept a TRS covered position with another covered employer is not eligible for a refund of the funds in his/her TRS account.

6. Designating a Beneficiary

a. A new member of TRS will be notified in writing requesting that he/she designate a primary and secondary beneficiary(ies) via his/her online TRS account.

b. Employees are encouraged to keep their beneficiary(ies) up-to-date should their personal situation change. NOTE: a will, divorce decree, remarriage, etc. does not determine the settlement of a member's TRS account; instead, Georgia law requires that the settlement be made according to the beneficiary designation on file with TRS.

7. Applying for Retirement Benefits

a. An employee must apply for a service retirement online via his/her TRS personal account. After initiating an online application, a member has forty-five (45) days to complete the application. If not completed within this time frame, the member must begin the process again.

b. In addition to the online application, a member must also complete additional steps which are outlined in the TRS Member Guide.

b. An application for a service retirement must be received by TRS no later than the end of the month in which the retirement is to become effective and no earlier than 180 days (6 months) in

advance of the anticipated effective date. NOTE: TRS recommends that a member considering retirement begin the process six (6) months prior to the planned retirement date.

c. If a member is eligible to establish service credit in addition to membership service, the member must do so before the effective date of his/her retirement. After a retirement becomes effective, a member/retiree is no longer eligible to establish additional service credit(s).

d. Generally, the first retirement benefit payment will be a paper check processed on a “New Retirement Payroll” which is normally scheduled for the middle of each month. Future benefit payments will be transferred electronically into a retiree’s account (e.g. checking or savings account) on the first business day of each month.

e. Employees are encouraged to notify their immediate supervisor, reviewing manager, human resources director, or other System Office or technical college official of his/her projected retirement date as soon as possible after making the decision to retire. This communication should occur no later than thirty (30) days before an employee’s retirement will become effective.

8. Returning to State Employment

a. A TCSG employee who retires on a service retirement with TRS is prohibited by the provisions of O.C.G.A. §47-3-60(m) and corresponding TRS plan guidelines from returning to full-time employment with a TCSG work unit and becoming a member of ERS.

b. A TRS retiree may return to work in one of the following capacities:

1.Part-time Employment

(a). A TCSG retiree may work in a salaried position provided he/she receives no more than 49% of the normal monthly contracted salary/compensation for the position held and works no more than 49% of the full-time status of the position; or,

(b). A TCSG retiree may work in an hourly paid position provided: he/she receives no more than 49% of the salary/compensation that would normally be paid if he/she worked on a full-time basis in the position; and, his/her “hours worked” in a given calendar month does not exceed the maximum number of hours threshold for that month as established by TRS.2. Temporary Employment

(a). A TCSG retiree may return to temporary employment in a full-time capacity for no more than three (3) months in a fiscal year provided the retiree is paid at the normal salary/compensation for the position held. NOTE: the three (3) months do not have to be worked consecutively.

3. Adjunct Faculty

(a). Pursuant to TRS plan guidelines, a TCSG retiree may serve as adjunct faculty (e.g., an adjunct instructor) at the historical rate of pay for the academic area of assignment.

c. Georgia law stipulates that TRS-covered employers must certify the date a TRS plan member's employment is or will be terminated and that no agreement exists to permit the individual to return to service after retirement to include service as an independent contractor.

d. TRS retirees must have a break-in-service of at least one (1) calendar month before returning to employment with a TRS-covered employer. If a TCSG work unit employs a retiree during the calendar month immediately following the individual's retirement, the work unit must reimburse TRS for that month's benefit; however, if the retiree fails to notify his/her TRS-covered employer of the effective date of his/her retirement, the retiree will be required to reimburse the employer for these monies.

e. If a TRS retiree returns to a TRS covered position in a TCSG work unit working one-half time or more (with the limited exception noted in Paragraph VI.C.8.b.2(a), his/her TRS pension will cease. If a retirement benefit is stopped, the retiree can elect to suspend or terminate his/her retirement benefit. If the retiree does not elect to suspend or terminate his/her benefit, termination of the retirement benefit by TRS is the default position taken. More information regarding these options can be found on the TRS website (www.trsga.com). NOTE: a retiree is encouraged to consult with TRS before making a decision to suspend or terminate his/her retirement benefit given that his/her choice will impact the available benefit at re-retirement.

9. Additional Information Regarding the Teachers Retirement System of Georgia, Member Benefits, and Retirement Options:

a. Employees who are members of TRS are encouraged to access additional information about their member benefits and retirement options directly from the TRS website (www.trsga.com) and the TRS Member Guide.

b. Questions can be directed to TRS by calling 404-352-6500 or 1-800-352-0650.

D. Public School Employees Retirement System

1.In the rare instance that a newly hired employee appointed to a salaried, benefits-eligible position is not eligible for membership in the Teachers Retirement System or the Employees' Retirement System, he/she shall become a member of the Public School Employees Retirement System (PSERS). PSERS is administered by the Employee's Retirement System of Georgia.

2. Pertinent information regarding PSERS can be obtained by accessing the Employees' Retirement System website (www.ers.ga.gov); selecting the Pension Plans tab; selecting PSERS; and then selecting the Handbook (Plan Guide) tab.

3. Questions relating to PSERS membership and benefits information can also be directed to Employees' Retirement System by calling 404-350-6300 or 1-800-805-4609.

VII. RECORD RETENTION

Records created or collected pursuant to this procedure shall be maintained pursuant to the Georgia Archive's Retention Schedule for State Government Paper and Electronic Records.

POLICY: 4.9.2. (III.U.4)

Flexible Benefits Programs

Revised: January 17, 2001
Last Reviewed: June 23, 2005
Adopted: April 2, 1987

POLICY:

The Technical College System of Georgia [TCSG] and its constituent technical colleges shall permit qualified employees to participate in the flexible benefits programs permitted other State of Georgia employees.

The programs may include legal, dental, life, disability, and vision insurance; deferred compensation programs and so-called flexible spending accounts that permit certain health related and child care expenses to be paid by employees out of pre-tax dollars.

Any employee who works at least thirty (30) hours a week and is expected to work for at least nine (9) months is eligible for the Flexible Benefits Program. Some employees, such as temporary, contingent, and student employees, however, are not eligible.

The employee may select the flexible plans they wish at the time of their appointment or during the annual open enrollment period.

Employees of technical colleges upon conversion from Local Board to State Board control shall select their benefits in accordance with state law.

Employees may also participate in Board approved Tax Shelter Annuity Plans. Currently, these include those offered by Georgia Merit System, Travelers' Insurance and VALIC.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
Georgia Merit System

Procedure: 4.9.2p. (III.U.4.)
Flexible Benefits Programs

Revised: January 17, 2001
Last Reviewed: June 23, 2005
Adopted: April 2, 1987

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Employees may also participate in Board approved Tax Shelter Annuity Plans. Currently, these include those offered by Georgia Merit System, Travelers' Insurance and VALIC.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Georgia Merit System

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POLICY: 4.9.3. (III.U.11)

Tuition Remission and Reimbursement for Approved Staff Development

Revised: September 9, 2004; April 1, 2004
Last Reviewed: June 23, 2005
Adopted: August 6, 2001

POLICY:

Credit Classes
The Technical Colleges System of Georgia 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.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 4.9.4. (III.Z)

Employee Assistance Program

Revised: October 29, 2014
Last Reviewed: October 29, 2014
Adopted: September 15, 2010

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.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Procedure: 4.9.4p. (III.Z)
Employee Assistance Program

Revised: October 29, 2014
Last Reviewed: October 29, 2014
Adopted: September 15, 2010

I.PURPOSE:

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. 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: 4.4.1. Positive Discipline
State Personnel Board Rule 30 – Employee Assistance Program

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

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:

Attachment: 4.9.4p.a1. Management Referral Form – Mandatory EAP Referral
Attachment: 4.9.4p.a2. 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: 4.8.1p1.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 (4.4.1.).
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 4.9.4p.a1.). 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 4.9.4p.a2., 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.

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TECHNICAL COLLEGE
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SYSTEM OF GEORGIA

Attachment 4.9.4p.a1

Employee Assistance Program
Management Referral Form

General Instructions:

The purpose of this form is to provide information to the named employee and the Employee Assistance Program (EAP) regarding the reason(s) for a mandatory EAP referral.

The referring supervisor/manager must complete all sections of the form. All referenced information and/or observations should be based on documented concerns regarding the employee's unsatisfactory job performance, unacceptable behavior/conduct, and/or patterns of attendance deficiencies/difficulties.

The information/observations will be used by the EAP provider to assist the employee in alleviating the noted area(s) of concern.

Employee Information:
(please type or print)

Employee Name: _____ Referral Date: _____

Home Mailing Address: _____

_____
City State Zip Code

Home Phone: _____ Cell Phone:_____

System Office/Technical College Work Unit: _____

Job Title: _____

Referring Supervisor/Manager Information:
(please type or print)

Name of Supervisor/Manager: _____

System Office/Technical College Work Unit: _____

Job Title: _____ Work Phone: _____

Cell Phone: _____

Reason(s) for Referral:

NOTE: if sufficient space is not available, please attach a supplemental sheet.

Job Performance

_____ The documented concerns are not related to job performance.

_____ The documented concerns relate directly to unsatisfactory job performance as evidenced by the presence of one or more of the following:

__Failure to meet established deadlines
__Decreased productivity
__Lower quality of work
__Increased errors in work produced
__Erratic work patterns
__Issues with decision making and judgment
__ Other _____

Rate the severity of the unsatisfactory job performance on a scale of 1 to 4 as follows:

____ 1. Extremely Severe ____ 2. Moderately Severe
____ 3. Somewhat Severe ____ 4. Troublesome

Behavior/Conduct

_____ The documented concerns are not related to behavior/conduct.

_____ The documented concerns relate directly to unacceptable behavior/conduct as evidenced by the presence of one or more of the following:

__Unusually sensitive or resistant/hostile to advice or constructive criticism
__Frequent mood swings
__Highly critical of others to include supervisor and co-workers
__Frequent conflicts with supervisor and/or co-workers
__Less communicative with supervisor and co-workers
__Use of inappropriate language in the workplace
__Questionable judgment/Inability to concentrate
__Apparent disregard for the safety of others (e.g., supervisor and co-workers)
__Inability to work effectively with supervisor, co-workers, etc.
__Threatened or intimidated others at work
__Other _____

Rate the severity of the unacceptable behavior/conduct on a scale of 1 to 4 as follows:

____ 1. Extremely Severe ____ 2. Moderately Severe
____ 2. Somewhat Severe ____ 4. Troublesome

Attendance

_____ The documented concerns are not related to attendance.

_____ The documented concerns relate directly to attendance deficiencies/difficulties as evidenced by the presence of one or more of the following:

__Significant number of full- or partial day absences
__Consistent failure to follow call in procedures when absent
__Frequently away from work unit
__Frequent late arrivals
__Frequent early departures
__Pattern of absences following a holiday or on a Monday or Friday
__Extended lunch periods
__On an established attendance plan
__Other _____

Rate the severity of the attendance deficiencies/difficulties on a scale of 1 to 4 as follows:

____ 1. Extremely Severe ____ 2. Moderately Severe
____ 3. Somewhat Severe ____ 4. Troublesome

Substance Use/Abuse Concerns

_____The identified concerns are not related to the use/potential abuse of alcohol or a controlled substance.

_____ The identified concerns are related to the employee's use/potential abuse of alcohol or a controlled substance as follows:

__Work-related difficulties are reasonable linked to the use/abuse of alcohol or a controlled substance
__Present at work with alcohol on his/her breath
__Meets the criteria for a "reasonable suspicion" alcohol or drug test

Circle the appropriate answer to the following question:

The supervisor/manager making the referral determination on the basis of substance use/abuse concerns has been trained in the methods of identifying the physical, behavioral, speech and performance indicators of probable illegal drug use and/or alcohol misuse.

YES NO

Circle the appropriate answer to the following questions:

Yes No Have the above observations been discussed with the employee ?

Yes No Have these observations been documented?

Yes No Has disciplinary action been delivered in conjunction with the provisions of the State Board policy on Positive Discipline?

If Yes, what level of discipline was delivered? _____
If Yes, what date was the disciplinary action delivered? _____

Yes No Has the employee been notified that participation in the mandatory EAP referral process is a condition of employment?

Yes No Has the employee been notified that his/her refusal to sign the Management Referral Form; his/her refusal to sign the EAP Provider HIPAA-compliant consent for treatment and information release form; his/her failure to actively participate in all provider-recommended counseling sessions; and, his/her failure to comply with any subsequent treatment recommendations made by the provider may result in the delivery of disciplinary action up to and including separation from Employment?

Employee's Signature

I understand that my supervisor/manager is referring me to the Employee Assistance Program and my signature verifies that I have seen and reviewed the contents of this form. My signature below does not signify my agreement or disagreement with any of the noted concerns.

Please check either:

_____ Yes, I will participate in the Employee Assistance Program mandatory referral process.

_____ NO, I will not participate in the Employee Assistance Program mandatory referral process.

_____ _____
Employee Signature Date

_____ _____
Supervisor/Manager Signature Date

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Attachment: 4.9.4p.a2.

Effective November 2014 - Scope and Description of EAP Services Available to Covered TCSG Employees and other Covered Individuals

1. Participation in the Technical College System of Georgia (TCSG) Employee Assistance Program (EAP) is limited to full-time employees working in the TCSG System Office, Quick Start Headquarters and Quick Start Regional Offices, and all associated technical colleges, as well as other "covered individuals". The definitions of the terms "covered employee", "full-time employee", and "covered individual" are included in the Definitions Section of Employee Assistance Program Procedure (III.Z).

2. The term "covered individual" also includes minor dependent children who may live elsewhere as well as a child or children who may attend a secondary school, college, or university in another state.

3. An employee may contact the EAP directly twenty-four (24) hours per day, seven (7) days per week toll-free at 800-334-6014. For callers within the Metro Atlanta area, the local contact number is 404-843-3399.

4. During regular business hours (i.e., Monday through Friday - 8:00 a.m. through 5:00 p.m.) an EAP intake counselor will determine if the employee's/individual's issue/difficulty is of a non-emergency, urgent, or an emergency nature. If there is no emergency, the counselor will offer the caller a confidential appointment with an EAP provider within forty-eight (48) hours. For urgent/emergency situations and dependent upon the time of the call, the counselor will offer an appointment the same day (if possible), but no later than twenty-four (24) hours from the time of the call. In an emergency and dependent upon the circumstances of the call, the caller may be encouraged to seek immediate assistance at the closest emergency facility.

5. During non-business hours, an EAP intake counselor will first determine the criticality of the employee's/individual's issue/difficulty. If there is no emergency, the counselor will record the caller's relevant demographic information and submit the information to a staff counselor the following day. For urgent or emergency situations, the counselor will make a determination as to the level of assistance/services needed and provide this information to the caller.

6. All EAP providers are licensed clinicians in one of the following disciplines: clinical social worker (LCWS); professional counselor (LPC); marriage and family therapist (LMFT); or, psychologist.

7. A covered employee/individual may receive up to eight (8), one (1) hour counseling sessions during a twelve (12) month period for each identified issue/difficulty. The total number and frequency of these session(s) shall be determined by the employee's/individual's EAP provider.

8. If an employee leaves employment with a TCSG work unit or technical college after an initial counseling session, he/she shall be eligible to receive services up to the maximum allotted eight (8) sessions for the identified problem/difficulty.

9. If an employee leaves employment with a TCSG work unit or technical college without accessing services immediately prior to his/her departure, he/she shall be eligible to receive services through an EAP provider for a period of thirty (30) calendar days from the date of his/her leaving employment with the System Office, Quick Start Headquarters or Regional Office, or a technical college.

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POLICY: 4.9.5. (III.U.8)

Staff Development

Revised: September 28, 2001
Last Reviewed: June 23, 2005
Adopted: July 1, 1986

POLICY:

The Technical College System of Georgia 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 System's Statement of Equal Opportunity.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure: 4.9.5p. Staff Development

Procedure: 4.9.5p. (III.U.8)
Staff Development Procedures

Revised: July 10, 2009
Last Reviewed: July 10, 2009
Adopted: September 28, 2001

I.PURPOSE:

It is the policy of the Technical College System of Georgia to provide staff development opportunities to its employees.

II. RELATED AUTHORITY:
State Board POLICY: 6.6.1. Student Tuition and Fees
State Board POLICY: 4.9.5. Staff Development

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

IV. DEFINITIONS:
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.

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.

Georgia Leadership Institute Programs are training courses offered by the Carl Vinson Institute of Government in conjunction with the State Personnel Administration.

V. ATTACHMENTS: n/a

VI. 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

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.

VII. RECORD RETENTION: n/a

POLICY: 4.9.6. (III.P)
Defense and Indemnification

Revised: July 23, 2001
Last Reviewed: June 23, 2005
Adopted: July 23, 2001

POLICY:

In accordance with O.C.G.A. § 45-9-1 and O.C.G.A. § 45-9-4, any System 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 System Office 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 System Office 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 TCSG's officers, officials and employees as provided by O.C.G.A. § 45-9-4(a).

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. § 45-9-1
O.C.G.A. § 45-9-4

Procedure: 4.9.6p. (III.P)
Defense and Indemnification

Revised:
Last Reviewed: June 23, 2005
Adopted: August 21, 2001

I.PURPOSE:

II.RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY: 4.9.6. Defense and Indemnification

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

IV.DEFINITIONS:

Under Georgia's Tort Claims Act:

"**state officer or employee**" means any officer or employee of the State, including elected or appointed officials, law enforcement officers, and persons acting on behalf or in service of the State in an official capacity, whether with or without compensation, but the term does not include an independent contractor doing business with the State.

The term **state officer or employee** also includes any natural person who is a member of a board, commission, committee, task force, or similar body established to perform specific tasks or advisory functions, with or without compensation, for the state or a state government entity, and any natural person who is a volunteer participating as a volunteer, with or without compensation, in a structured volunteer program organized, controlled, and directed by a state government entity for the purposes of carrying out the functions of the state entity. An employee shall also include foster parents and foster children.

The term shall not include a corporation whether for profit or not for profit, or any private firm, business proprietorship, company, trust, partnership, association or other such private entity.

Under the System's general liability insurance, "**Insured**" means any person employed, appointed to a board, elected, hired or allowed to assume a temporary or permanent position or office or any others authorized by the Georgia General Assembly to be an insured in or with the State of Georgia or any of its departments, bureaus, offices, agencies, authorities, boards, or community service boards which have elected to purchase coverage in this policy. The election to accept coverage under this policy shall be exclusively determined by organizations electing to purchase this coverage.

V.ATTACHMENTS: n/a

VI.PROCEDURE:

VII.RECORD RETENTION: n/a

POLICY: 4.9.7. (III.U.1)

Payroll Deductions

Revised: September 28, 2001
Last Reviewed: July 23, 2005
Adopted: July 2, 1987

POLICY:

The State Board authorizes the use of payroll deductions for all employees.
The Commissioner shall approve the kinds and number of payroll deductions allowed.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure: 4.9.7p. Payroll Deductions

Procedure: 4.9.7p. (III.U.1)
Payroll Deductions

Revised:
Last Reviewed: June 23, 2005
Adopted: September 28, 2001

I.PURPOSE:

II.RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

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

IV. DEFINITIONS: n/a

V. ATTACHMENTS: n/a

VI. PROCEDURE:

Note: *Employees who have any questions regarding this policy should contact their personnel representative. Personnel representatives who have questions regarding payroll deductions should contact the System Office for the Technical College System of Georgia at (404) 679-1759.*

Required Payroll Deductions

Employees of the TCSG 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. After June 30, 1982, all members appointed must participate in the New Plan.

(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.

VII. RECORD RETENTION: n/a

Procedure: 4.9.8p. (III.U.2)
Direct Deposit of Pay

Revised: November 15, 2016, July 13, 2010
Last Reviewed: November 15, 2016
Adopted: July 13, 2010

I. PURPOSE:

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. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

III. APPLICABILTY:

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

IV. 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.

V. ATTACHMENTS:

Attachment: 4.9.8p.a1. Direct Deposit Authorization Agreement (Technical College)
Attachment: 4.9.8p.a2. Direct Deposit Authorization Agreement (System Office)
Attachment: 4.9.8p.a3. Direct Deposit Notification Form (Technical College)
Attachment: 4.9.8p.a4. Direct Deposit Notification Form (System Office)
Attachment: 4.9.8p.a5. Direct Deposit Personal Exemption Request Form (Technical College)
Attachment: 4.9.8p.a6. Direct Deposit Personal Exemption Request Form (System Office)

VI. PROCEDURE:

A. Participation:

1. All individuals newly 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 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. Employees hired prior to May 1, 2010 and not currently participating in the direct deposit program should enroll or request an exemption. Employees who fail to do so will continue to receive a paper check.

3. To initially enroll in direct deposit, an employee must complete a Direct Deposit Authorization Agreement.

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.

B. 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 to the State Accounting Office by facsimile (770-359-5944) or e-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 appropriate attachment within thirty (30) calendar days of the date of his/her appointment.

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 accountholder, 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 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 System Office, or employing technical college. The check will be dated and disbursed 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 is accurate.

8. The State Accounting Office, System Office, and employing technical college assume 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.

C. 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 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, System Office, and employing technical college assume 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:

The following checks will not be automatically deposited into an employee's account:

1. The first check following enrollment in the direct deposit program;
2. 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.;
3. An off-cycle paycheck.
4. 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.

5. 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. Employees must provide to Human Resources documentation (i.e. a screen shot) of any changes for inclusion in the personnel file.

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

VII. RECORD RETENTION:

A completed Direct Deposit Authorization Agreement shall be maintained in an employee's official personnel file with all other employment-related documents.

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Attachment: 4.9.8p.a1.

AUTHORIZATION AGREEMENT FOR DIRECT DEPOSIT OF NET PAY AND/OR OTHER EXPENSE REIMBURSEMENT for Technical College Employees

Employee:	**Work Unit:**	**Email:**
Daytime Phone:	**Emp ID #:**	**Social Security #:**

☐ **PAYROLL ACTION** ☐ New Agreement ☐ Modify Existing Agreement

☐ Checking (Attach voided check[s]) ☐ Savings (Attach blank deposit slip[s]) ☐ Debit Card (Attach Agreement)	Financial Institution Routing #/#(s): Account #/#(s):

☐ **OTHER ACTION (e.g., Travel)** **Note: 100% of reimbursement must be deposited into a single bank account – multiple %'s or multiple bank accounts are not allowed**

☐ New Agreement ☐ Modify Existing Agreement

☐ Checking (Attach voided check) ☐ Savings (Attach blank deposit slip[s]) ☐ Debit Card (Attach Agreement)	Financial Institution Routing #: Account #:

I authorize the _____ Technical College to deposit ____% of my net pay and/or 100% of other reimbursements (e.g., travel) directly to my account(s) and to adjust any over/under deposit/funds transfer. I recognize that this/these transaction(s) shall be accomplished electronically. Additionally, I acknowledge that the responsibility of my employer to provide me with my net pay and/or other reimbursement shall be satisfied by the College providing a correct credit entry consistent with the automatic service agreement (credits) between the College and _____ (name of financial institution[s] or debit card provider).

Should the College notify the financial institution(s)/debit card provider that funds to which I am not entitled have been inadvertently deposited/transferred to my account(s), I hereby authorize and direct the financial institution(s)/debit card provider to return said funds to the College as soon as possible. I also agree to repay any funds deposited/transferred to my account(s) by the College, but not earned by me as soon as possible after notification, but no later than at the time of my termination from employment.

I understand that I am responsible for notifying the offices noted below if I change financial institution(s) or debit card provider or, if I add a new direct deposit account, cancel an existing direct deposit account, or modify an existing direct deposit account (e.g., account number or routing number) or the amount deposited into said account(s) through the People Soft Employee Self Service Module under the Team Georgia Connection:

Payroll changes: _____
Travel/Other changes: _____

I further agree that if I have an active garnishment, I will not modify this Agreement using the Employee Self Service Module until first notifying: _____

By signing this Authorization for Direct Deposit, I understand that the following checks will not be automatically deposited into my account(s):

- First check following initial enrollment in the direct deposit program.
- As applicable, the first check after I initiate any change to my personal account(s), including a change of financial institution(s) or debit card provider.
- Any off-cycle check.
- Terminal leave pay.

Employee Signature: _____ Date: _____

AS APPLICABLE, ATTACH VOIDED CHECK(S) AND/OR SAVINGS DEPOSIT SLIP(S) HERE;
TAPE ON BOTH SIDES *(NO STAPLES PLEASE) – ATTACH SEPARATE SHEET, IF NECESSARY, FOR ADDITIONAL CHECKS/SLIPS.*

Payroll Direct Deposit – *must have Voided Check(s), Blank Savings Deposit Slip(s), or Completed Debit Card Agreement*
Other Direct Deposit – *must have Voided Check, Blank Savings Deposit Slip, or Completed Debit Card Agreement*

Attachment: 4.4.2p.a1. – Technical College Employees

Back

Attachment: 4.9.8p.a2.

AUTHORIZATION AGREEMENT FOR DIRECT DEPOSIT OF NET PAY AND/OR OTHER EXPENSE REIMBURSEMENT for System Office Employees

Employee:	**Work Unit:**	**Email:**
Daytime Phone:	**Emp ID #:**	**Social Security #:**

☐ **PAYROLL ACTION** ☐ New Agreement ☐ Modify Existing Agreement

☐ Checking (Attach voided check[s]) ☐ Savings (Attach blank deposit slip[s]) ☐ Debit Card (Attach Agreement)	Financial Institution Routing #/#'s: Account #/#'s:

☐ **OTHER ACTION (e.g., Travel)**

NOTE: 100% of reimbursement must be deposited into a single bank account – multiple %'s or multiple bank accounts are not allowed

☐ New Agreement ☐ Modify Existing Agreement

☐ Checking (Attach voided check) ☐ Savings (Attach blank deposit slip) ☐ Debit Card (Attach Agreement)	Financial Institution Routing #: Account #:

I authorize the Technical College System of Georgia (TCSG) to deposit ____% of my net pay and/or 100% of other reimbursements (e.g., travel) directly to my account(s) and to adjust any over/under deposit/funds transfer. I recognize that this/these transaction(s) shall be accomplished electronically. Additionally, I acknowledge that the responsibility of my employer to provide me with my net pay and/or other reimbursement shall be satisfied by the TCSG providing a correct credit entry consistent with the automatic service agreement (credits) between the TCSG and _____ (name of financial institution[s] or debit card provider).

Should the TCSG notify the financial institution(s)/debit card provider that funds to which I am not entitled have been inadvertently deposited/transferred to my account, I hereby authorize and direct the financial institution(s)/debit card provider to return said funds to the TCSG as soon as possible. I also agree to repay any funds deposited/transferred to my account(s) by the TCSG, but not earned by me as soon as possible after notification but no later than at the time of my termination from employment.

I understand that I am responsible for notifying the TCSG's Human Resources Director if I change financial institution(s) or debit card provider or, if I add a new direct deposit account, cancel an existing direct deposit account, or modify an existing direct deposit account (e.g., account number or routing number) or the amount deposited into said account(s) through the People Soft Employee Self Service Module under the Team Georgia Connection.

I further agree that if I have an active garnishment, I will not modify this agreement using the Employee Self Service Module until first notifying the TCSG Office of Human Resources.

In signing this authorization for Direct Deposit, I understand that the following checks will not be automatically deposited into my account(s):

- First check following initial enrollment in the direct deposit program.
- As applicable, the first check after I initiate any change to my personal account(s), including a change of financial institution(s) or debit card provider.
- Any off-cycle check.
- Terminal Leave Pay.

Employee Signature: _____ Date: _____

AS APPLICABLE, ATTACH VOIDED CHECK(S) AND/OR SAVINGS DEPOSIT SLIP(S) HERE;
TAPE ON BOTH SIDES *(NO STAPLES PLEASE) – ATTACH SEPARATE SHEET, IF NECESSARY, FOR ADDITIONAL CHECKS/SLIPS*

Payroll Direct Deposit – *must have Voided Check(s) or Blank Savings Deposit Slip(s), or Completed Debit Card Agreement*
Other Direct Deposit– *must have Voided Check or Blank Savings Deposit Slip, or Completed Direct Card Agreement*

Attachment 4.4.2p.a2.. – System Office Employees

Attachment- 4.9.8p.a3.

Technical College System of Georgia

Direct Deposit Notification Form for Technical College Employees

Pursuant to an April 2010 directive from the State Accounting Officer and the Commissioner of the State Personnel Administration, all full- and part-time employees hired on or after May 1, 2010 shall be required, as a condition of employment, to use direct deposit to receive payroll related payments unless specifically exempted by the State Accounting Officer in the manner addressed in State Board Policy 4.9.7.

I understand that as a condition of employment I must comply with this directive and the accompanying Technical College System of Georgia policy, and may also be required to have all other reimbursements (e.g., travel) directly deposited. I understand that I must enroll in direct deposit using the Direct Deposit Authorization Agreement Form (Technical College) within thirty (30) calendar days of beginning work. I further understand that I must participate in direct deposit throughout my employment with _____ Technical College or any work unit or other technical college associated with the Technical College System of Georgia.

Should the College notify the bank(s), financial institution(s), or, as applicable, debit card provider, that funds to which I am not entitled have been inadvertently deposited to my account(s), I authorize and direct the bank(s), financial institution(s), provider to return said funds to the College as soon as possible. I also agree to repay any funds deposited to my account(s) or, as applicable, a debit card by the College, but not earned by me as soon as possible but no later than at the time of my leaving employment.

I further understand that if an exemption request is not approved by the State Accounting Officer, I must participate in direct deposit. If I fail to enroll in direct deposit within the time frame referenced above, I understand that I will be subject to disciplinary action up to and including dismissal.

Employee Name (Please Print): _____

Employee Name (Signature): _____

Date: _____

Copy to the Employee and Personnel File

Attachment: 4.9.8p.a4.

Technical College System of Georgia

Direct Deposit Notification Form for System Office Employees

Pursuant to an April 2010 directive from the State Accounting Officer and the Commissioner of the State Personnel Administration, all full- and part-time employees hired on or after May 1, 2010 shall be required, as a condition of employment, to use direct deposit to receive payroll related payments unless specifically exempted by the State Accounting Officer in the manner addressed in State Board Policy 4.9.8.

I understand that as a condition of employment I must comply with this directive and the accompanying Technical College System of Georgia policy, and also have all other reimbursements (e.g., travel) directly deposited unless an exemption is authorized. I understand that I must enroll in direct deposit using the Direct Deposit Authorization Agreement Form (System Office) within thirty (30) calendar days of beginning work. I further understand that I must participate in direct deposit throughout my employment with System Office or any technical college associated with the Technical College System of Georgia.

Should the Technical College System of Georgia notify the bank(s), financial institution(s) or, as applicable, debit card provider, that funds to which I am not entitled have been inadvertently deposited to my account(s), I authorize and direct the bank(s), financial institution(s), provider to return said funds to the Technical College System of Georgia as soon as possible. I also agree to repay any funds deposited to my account(s) or, as applicable, a debit card by the Technical College System of Georgia, but not earned by me as soon as possible but no later than at the time of my leaving employment.

I further understand that if an exemption request is not approved by the State Accounting Officer, I must participate in direct deposit. If I fail to enroll in direct deposit within the time frame referenced above, I understand that I will be subject to disciplinary action up to and including dismissal.

Employee Name (Please Print): _____

Employee Name (Signature): _____

Date: _____

Copy to the Employee and Personnel File

Back

Attachment: 4.9.8p.a5.

Direct Deposit Personal Exemption Request Form for College Employees

Employee Information

Last Name	First		Middle
Street Address	City	State	Zip Code
Job Title		Employee ID	
Technical College		Work Unit	
E-Mail Address		Work Telephone Number	

Policy:

It is the policy of the State of Georgia that all employees paid by the PeopleSoft HCM central payroll system (System) administered by the State Accounting Office (SAO) be required to use direct deposit to receive payroll related payments. The policy can be located on SAO's website (www.sao.georgia.gov) at the following location: State Accounting Office Policy Manual: Category 5 – Business Process Policies & Procedures.

Personal Exemption Request:

I request to be paid by paper check for the following reason (check one):

_____ I currently do not have an account at an eligible financial institution and am unable to obtain an account. Attached is a letter from an eligible financial institution to this effect.

_____ I request that the State Accounting Officer consider an exemption for my specific extreme hardship. Attached is a letter explaining my hardship.

Employee Acknowledgements:

All payroll related payments will be made in accordance with O.C.G.A. 50-5B-3(3) which states "The State Accounting Officer shall prescribe the manner in which disbursements shall be made by state government organizations." I understand that all paper checks will be dated and mailed by the State Accounting Office on the employee's designated payday. No post-dated paper checks will be mailed prior to the designated payday. An employee receiving his/her pay by paper check will be required to maintain a valid mailing address in the PeopleSoft System.

The State of Georgia assumes no responsibility for a delay in an employee receiving a paper check via the United States mail or its equivalent.

If it is necessary for a paper check to be reissued in response to a lost check, the employee understands that he/she may have to wait up to seven (7) days before a replacement check can be issued and mailed.

An employee may enroll in direct deposit at any time should his/her circumstances change and understands that he/she may be offered other payment methods as options (other than paper check) when such options may become available.

By signing in the signature block below, I acknowledge having been provided a copy of the referenced policy requiring direct deposit; acknowledge the advisement to new hires and rehires regarding possible dismissal; acknowledge the risks associated with paper checks; and, hereby submit my request for an exemption for the reason state above.

_____ _____

Signature Date

Completed form should be submitted to:

State Accounting Office
Fax Number: 770-359-5944
E-Mail: stateaccountingoffice@sao.ga.gov

Back

Attachment: 4.9.8p.a6.

Direct Deposit Personal Exemption Request Form for System Office Employees

Employee Information

Last Name	First		Middle
Street Address	City	State	Zip Code
Job Title		Employee ID	
Agency/Department		Work Unit	
E-Mail Address		Work Telephone Number	

Policy:

It is the policy of the State of Georgia that all employees paid by the PeopleSoft HCM central payroll system (System) administered by the State Accounting Office (SAO) be required to use direct deposit to receive payroll related payments. The policy can be located on SAO's website (www.sao.georgia.gov) at the following location: State Accounting Office Policy Manual: Category 5 – Business Process Policies & Procedures.

Personal Exemption Request:

I request to be paid by paper check for the following reason (check one):

_____ I currently do not have an account at an eligible financial institution and am unable to obtain an account. Attached is a letter from an eligible financial institution to this effect.

_____ I request that the State Accounting Officer consider an exemption for my specific extreme hardship. Attached is a letter explaining my hardship.

Employee Acknowledgements:

All payroll related payments will be made in accordance with O.C.G.A. 50-5B-3(3) which states "The State Accounting Officer shall prescribe the manner in which disbursements shall be made by state government organizations." I understand that all paper checks will be dated and mailed by the State Accounting Office on the employee's designated payday. No post dated paper checks will be mailed prior to the designated payday. An employee receiving his/her pay by paper check will be required to maintain a valid mailing address in the PeopleSoft System.

Back

The State of Georgia assumes no responsibility for a delay in an employee receiving a paper check via the United States mail or its equivalent.

If it is necessary for a paper check to be reissued in response to a lost check, the employee understands that he/she may have to wait up to seven (7) days before a replacement check can be issued and mailed.

An employee may enroll in direct deposit at any time should his/her circumstances change and understands that he/she may be offered other payment methods as options (other than paper check) when such options may become available.

By signing in the signature block below, I acknowledge having been provided a copy of the referenced policy requiring direct deposit; acknowledge the advisement to new hires and rehires regarding possible dismissal; acknowledge the risks associated with paper checks; and, hereby submit my request for an exemption for the reason state above.

_____ _____

Signature Date

Completed form should be submitted to:

State Accounting Office
Fax Number: 770-359-5944
E-mail: stateaccountingoffice@sao.ga.gov

POLICY: 4.9.9. (III.U.10.)

Workers' Compensation and Return to Work

Revised: December 5, 2013; September 7, 2001
Last Reviewed: December 5, 2013
Adopted: April 2, 1987

POLICY:

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:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
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: 4.9.9p. Workers Compensation and Reporting Accident

Procedure: 4.9.9p. (III.U.10.a)
Workers' Compensation - Reporting an Accident

Revised: September 12, 2013; September 7, 2001
Last Reviewed: September 12, 2013
Adopted: April 2, 1987

I.PURPOSE:

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: 4.2.7p.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
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: 4.1.4p. (Categories of Employment)
TCSG Procedure: 4.5.1p. (Family and Medical Leave Act)
TCSG Procedure: 4.6.2p. (Reasonable Accommodations in Employment)

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

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:

Attachment: 4.9.9p.a1. DOAS Employee's Report of Injury Form
Attachment: 4.9.9p.a2. DOAS Supervisor's Accident Investigation Form
Attachment: 4.9.9p.a3. DOAS Telephonic Reporting Instructions
Attachment: 4.9.9p.a4. DOAS Georgia Activity Analysis Form
Attachment: 4.9.9p.a5. TCSG Incident Report
Attachment: 4.9.9p.a6. Transitional Employment Plan
Attachment: 4.9.9p.a7. Essential and Marginal Job Function Analysis Worksheet
Attachment: 4.9.9p.a8. Transitional Employment Tracking Form
Attachment: 4.9.9p.a9. DOAS Leave Election Form

VI. PROCEDURE:

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: 4.9.9p.a1.). 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: 4.9.9p.a2.) 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: 4.9.9p.a3.(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: 4.9.9p.a4.) 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: 4.9.9p.a7.). 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:4.9.9p.a5. (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 4.9.9p.a9.) 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 TCSG Procedure 4.5.1p. 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: 4.6.2p. 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: 4.5.1p.

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: 4.9.9p.a7. (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: 4.9.9p.a6. (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: 4.9.9p.a.8.) 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. RECORD 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.

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TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Attachment: 4.9.9p.a1.

Employee's Report of Injury

Employee Name (Please Print): _____

Date of Birth: ____/____/____ Sex: ___Male ___Female Cell #: _____

Home Address: _____
Street/P.O. Box

City: _____ State: _____ Zip Code: _____

Job Title: _____ How Long Employed: _____

Social Security Number: _____-_____-_____ Monthly Salary or Hourly Rate of Pay: _____

Location of Accident: _____
System Office/Technical College Campus Area (office/bathroom/etc.)

Date of Accident: _____ Time of Accident: _____

Describe how the accident occurred (including events immediately preceding the accident): _____
_____
_____
_____
_____
_____
_____

Describe bodily injury sustained (please be specific about the body part(s) affected): _____
_____
_____
_____

As applicable, recommendations on how to prevent this accident from reoccurring: _____
_____
_____

Name of Supervisor: _____ Work Phone #: _____

Name(s) of Witness(es): _____ Work Phone #: _____

_____ Work Phone #: _____

Date Accident Reported to Supervisor: _____

Date Accident Reported to Office of Human Resources: _____

Do you Require Medical Attention? ____Yes ____No

If you have already received treatment for the injury, please provide the name of the treating health care provider and his/her phone number: _____

Signature of Employee: _____ Date: _____

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Attachment: 4.9.9p.a2.

Georgia Depatment of Administrative Services
Risk Management Services Division
200 Piedmont Ave SE, Suite 1208 West
Atlanta, Georgia 30334

SUPERVISOR'S ACCIDENT INVESTIGATION

Location where accident occurred	Employer's Premises Yes ☐ No☐ Job Site Yes ☐ No☐		Date of accident or illness
Who was injured?			Time of Accident
Date Employed	Job Title	Department	
Property/Equipment Damaged			
What was the employee doing when the injury/illness occurred? What machine or tool was being used? What type of operation?			
How did the injury/illness occur? List all objects and substances involved.			
Part of body affected/injured?		Any prior physical conditions? If so, what?	
Nature and extent of injury/illnesses and property damaged (be specific)			

PLEASE INDICATE ALL OF THE FOLLOWING WHICH CONTRIBUTED TO THE INJURY/ILLNESSES:

Failure to Lockout _____
Failure to Secure_____
Horseplay _____
Improper dress _____
Improper guarding _____
Improper Instruction _____

Improper maintenance _____
Improper protective equipment _____
Inoperative safety device _____
Lack of training or skill _____
Operating without authority _____
Physical or mental impairment _____

Poor housekeeping _____
Poor ventilation _____
Unsafe arrangement or process _____
Unsafe equipment _____
Unsafe position _____
Other _____
_____

Back

Supervisor's corrective action to ensure this type of accident does not recur:

Was the employee trained in the appropriate use of Personal Protective Equipment/Proper safety procedures?_____

Was the employee cautioned for failure to use Personal Protective Equipment/Proper safety procedures? _____

Did the employee promptly report the injury/illness? _____

Is there modified duty available? _____

Supervisor's Name	Signature	Date	Phone Number

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TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Attachment: 4.9.9p.a3.

Telephonic Reporting Instructions
Occupational Injuries and Illnesses

DOAS Call Center
Call Toll Free 1-877-656-7475
24 hours a Day/7 Days a Week

NOTE: Claims can only be reported by a Human Resources Representative, Supervisor, or Other Designated College Official.

As soon as possible following an accident, contact the DOAS Call Center with the following information:

- Name and Address of Injured Employee
- Name, Address and Telephone Number of the System Office/Technical College
- Social Security Number of Injured Employee
- Age and Sex of Injured Employee
- Date and Time of Accident
- Description of Accident (How, Where, Why)
- Type of Injury (Cut, Scrape, Burn, etc.)
- Exact Part of Body Injured
- Hourly/Weekly/Monthly Wage
- As Applicable, Name and Address of Physician/Hospital
- Has Injured Employee Returned to Work?

Injuries should be reported to the DOAS Call Center within 24 hours of the accident. Reporting should be delayed only long enough to ensure that an employee has been transported or has transported himself/herself to a health care provider or managed care facility for treatment.

After a claim has been initially reported to the DOAS Call Center, any subsequent correction should be made be made by contacting TCSG's dedicated DOAS Workers' Compensation Claim Specialist. A copy of the completed first report of injury (Form WC-1) will be faxed to both the System Office or employing technical college and the DOAS Workers' Compensation Claim Specialist as soon as possible after the report is filed.

NOTE: only injuries requiring medical care or lost work time should be reported to the DOAS call center. Injuries requiring only first aid or requiring no medical care should be reported on the TCSG Incident Notice.

`

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Attachment: 4.9.9p.a4. Georgia Activity Analysis

POSITION TITLE:	EMPLOYEE NAME:
DATE/BY WHOM:	AGENCY/LOCATION:

I. PURPOSE OF POSITION (Describe in terms of the reason the position exists.)

II. TASKS

A. Describe each task, in order of frequency performed. What is required to do the position?
B. Indicate primary physical, mental and environmental demands required to perform each task.

A. Tasks	B. Demands

III. REQUIRED PRODUCTIVITY (Describe production rate including quantity & quality of work required)

IV. WORK SCHEDULE REQUIREMENTS (Describe specific shifts (including rotating) and/or hours, travel or overtime)

PHYSICIAN COMMENTS (Complete the appropriate box below and provide comments as necessary)

➢I release _____ to this job as above described.

➢I release _____ to this job under the following conditions:

The medical rationale is:

➢I cannot release _____to any part of this job at this time. The medical rationale is:

Next appointment is scheduled for

Physician's Signature:		Date:

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TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Attachment: 4.9.9p.a5.

Incident Report

Instructions: This form should be completed by an employee's supervisor or System Office or technical college human resources representative only if an employee's injury or illness does not require medical attention/treatment or does not result in an absence from work. If an injury or illness does require medical attention/treatment, a System Office or technical college human resources representative or other designated official should contact AmeriSys at 678-781-2848 or 1-800-900-1582 as provided in the TCSG Procedure governing Workers' Compensation and Return-to-Work Program.

Date Employee Reported Incident: _____

Date of Incident: _____ Time of Incident: _____

Name of Injured Employee: _____ Employee ID#: _____

Job Title: _____

Description of Incident: _____
_____
_____
_____

Type of Injury: _____
_____
_____

Location Where Injury Occurred: _____
_____

Was First Aid Administered: _____Yes _____No

If Yes, what type? _____
_____
_____

Were There Any Witnesses Present? _____Yes _____No

If Yes, please provide name(s) and contact information: _____
_____
_____

Supervisor's Name: _____ Telephone #: _____

Individual Completing Report: _____ Telephone #: _____

Date Report Completed: _____

NOTE: This form does not replace WC-1, Employer's First Report of Injury

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TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Attachment: 4.9.9p.a6.

Transitional Employment Plan

Employee Name (Please Print): _____

Job Title: _____

System Office/Technical Office Work Unit: _____

Physical Capacities/Restrictions Recommended by Health Care Provider: _____
_____
_____
_____
_____
_____
_____

Date Restrictions Began: _____ Next Review Date: _____

Plan Specifications

State Date: _____ End Date: _____

Describe Job and/or Specific Tasks to Performed: _____
_____
_____
_____
_____
_____
_____
_____
_____

As Applicable, Describe Modified Work Schedule (hours per day and days per week): _____
_____
_____
_____
_____

If Applicable, Describe Projected Modifications to Initial Work Schedule as Recommended by Health Care Provider and Potential Date of Such Modifications: _____
_____
_____
_____

Special Considerations: _____
_____
_____
_____

Acknowledgements

The Transitional Employment Plan has been reviewed and discussed with me to clarify any questions I may have. I have been provided with a copy of the Plan and understand that should I experience any difficulties while performing the transitional duties, I will immediately contact my supervisor.

Employee's Signature: _____ Date: _____

We have reviewed and discussed the Transitional Employment Plan with the employee and have provided him/her with a copy of the Plan.

Return to Work Coordinator's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

Health Care Provider Authorization

I have reviewed and approved the Transitional Employment Plan.

Health Care Provider's Signature: _____ Date: _____

OR

I will not authorize the Transitional Employment Plan for the following reasons: _____

_____

_____

_____

_____

Health Care Provider's Signature: _____ Date: _____

Attachment: 4.9.9p.a7.

TECHNICAL COLLEGE SYSTEM OF GEORGIA

Essential and Marginal Job Function Analysis Worksheet

SECTION I: Guidelines for Determining Essential versus Marginal Functions

Under applicable provisions of the Americans with Disabilities Act (ADA), as amended, covered employers are required to complete an essential function analysis when a disability accommodation request is made. All TCSG System Office work units and all associated technical colleges are encouraged to complete the analysis prior to advertising a vacant position and to use the information in the interviewing process, as appropriate.

Job descriptions should include references to essential job/position functions and this information is applicable to staff training and development activities as well as with the performance appraisal/evaluation processes.

Pursuant to ADA guidelines, employment decisions are to be based on the essential functions of a particular job/position. Other functions categorized as marginal or secondary are not to be used as the basis for an employment decision. Unlike an essential job/position function, a marginal function is relatively incidental to the reason the position exists. Also, unlike an essential function, a marginal function can be transferred to another position without causing an undue hardship to the work unit. Although the task must be accomplished, it can be carried out by another employee.

Used properly, the Worksheet is an effective tool to ensure the accurate identification of both essential and marginal functions, the percentage of time required to perform job-related physical activities, the physical and cognitive requirements of the job/position, the equipment used, if any, and the accompanying environmental surroundings.

SECTION II: Job/Position Information

Position #: _____ Position Title: _____

Job Code#: _____ Work Unit: _____

Incumbent Name (if applicable): _____

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SECTION III: Position Summary

Provide a brief position summary which describes the purpose of the position (please attach additional page(s) if needed):

_____
_____
_____
_____
_____
_____

For Sections IV, V, VI, please assess and indicate whether each identified category/statement is either "Essential" (E), "Marginal" (M), or "Not Applicable" (N/A).

SECTION IV: Cognitive Processes	**E**	**M**	**N/A**
1. Is the inspection of products, objects or materials necessary?			
2. Does the job require analyzing information, documents, or data?			
3. Does the job require planning sequences of operations or actions?			
a. Simple Planning			
b. Complex Planning			
4. Does the job require decision-making skills?			
a. Simple Decisions			
b. Complex Decisions			
5. Is logic required to define problems, collect information, and establish facts? draw accurate conclusions, interpret information and/or deal with abstract variables?			
6. Are basic counting, addition and/or subtraction required?			
7. Is performing algebra, geometry, and/or statistics necessary?			
a. Simple calculations			
b. Complex calculations			
8. Is the ability to comprehend written language required?			
a. Basic instructions, safety rules, correspondence			
b. Technical or professional materials, financial or legal documents			
9. Is the ability to write necessary?			
a. Compose letters or memoranda			
b. Compose and/or edit reports or other professional materials			
10. Is the ability to comprehend verbal instructions a necessary part of the job?			
a. Comprehend simple verbal instructions			
b. Comprehend technical and/or complex verbal instructions			
11. Is verbal communication a necessary part of the job?			
a. Is talking in standard English required?			
b. Is talking using complex, technical or professional English required?			
c. Is knowing a foreign language required? Is so, please identify the foreign language: _____			

Back

Comments:

_____
_____
_____
_____
_____
_____

SECTION V: Position Components
(Assessment of the responsibilities and required aptitudes)

	E	M	N/A
1. Work with frustrating situations: Job objectives are often hindered by events beyond the incumbent's control.			
2. Job is a high demand position with associated stress			
3. Advising required: counsel, recommend, guide or caution others in legal, financial, scientific, technical, educational, or other professional matters			
4. Coordinate, monitor, and organize the activities of others to achieve desired objectives, without possessing supervisory authority			
5. Teaching/training others or providing academic instruction			
6. Participate in group activities requiring interpersonal skills and cooperation			
7. Working under time pressures and established deadlines			
8. Working an irregular schedule. May be required to work additional hours			
9. Must manage multiple assignments with conflicting demands or priorities			
10. Concentration: maintain attention to detail over extended period(s) of time. Must be continually aware of variations to changing situations_			
11. Frequent travel is a job requirement			
12. Reaction or response: quick reaction or immediate response to emergencies			
13. Research and analysis: fact-finding, interpretation, and investigation required In preparing reports, documents, or evaluations			
14. Accountability and consequence of error: responsible for money, equipment or personnel. If work objectives are not met, serious consequences may result			
15. Work is performed independently or with minimal on-site supervision			
16. Supervise others: recruit, screen, assign and monitor work products, train and evaluate other employees			
17. Confidentiality: works with confidential information, material, or records			

Comments:

_____
_____
_____
_____
_____
_____

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SECTION VI: Physical Requirements

	E	M	N/A
1. Is talking necessary?			
2. Is hearing necessary?			
3. Is sight necessary? (If Not Applicable, skip to 3.e.)			
a. Is the ability to distinguish between colors necessary?			
b. Is vision clarity of greater than 20 feet necessary?			
c. Is vision clarity of less than 3 feet necessary?			
d. Is depth perception necessary?			
e. Is an entire field of vision/periphery required?			
4. Is walking necessary? (If Not Applicable, skip to question #5)			
a. Is walking on ramps a regular duty assignment?			
b. Is walking distances of a mile or less daily a regular duty assignment?			
5. Is sitting a part of the job? (If Not Applicable, skip to question #6)			
a. 0-2 hours per day			
b. 2-4 hours per day			
c. 4-8 hours per day			
6. Is standing a part of the job? (If Not Applicable, skip to question #7)			
a. 0-2 hours per day			
b. 2-4 hours per day			
c. 4-8 hours per day			
7. Is a certain amount of dexterity required? (If Not Applicable, skip to Question #8)			
a. Is good balance required?			
b. Must the employee possess the ability to grip, hold and turn an object in his/her hands?			
c. Does the job require a “pinch” type activity using one’s fingers?			
8. Is climbing ladders and/or stairs a job requirement? (If Not Applicable, skip to Question #9)			
a. Will climbing involve carrying object(s) of greater than 10 lbs.?			
b. Will climbing frequency be 25 or more times per day?			
9. Does the job require the lifting of objects? (If Not Applicable, skip to Question #10)			
a. Lifting 10 - 24 lbs.			
b. Lifting 25 - 49 lbs.			
c. Lifting greater than 50 lbs.			
d. Is lifting a frequent task?			
e. Is lifting an infrequent task?			
10. Is pushing or pulling objects required? (If Not Applicable, skip to Question #11)			
a. Is pushing or pulling objects a frequent task?			
b. Is pushing or pulling objects an infrequent task?			
11. Does the position require repetitive motion – excessive repeating movement of hands, wrist and arms?			
12. Is stooping, kneeling, or crouching required? (If Not Applicable, skip to to Question #13)			
a. Is stooping, kneeling, or crouching a frequent task?			
b. Is stooping, kneeling, or crouching an infrequent task?			
13. Is crawling (i.e., to crawl and move about on hands and knees) required?			

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Comments:

_____

_____

_____

Physical Requirements – Definitions:

Talking: communicate verbally, converse with, convey, express oneself, exchange information.
Hearing: perceive the nature of sounds by ear.
Seeing/Sight: detect, identity, perceive with the eyes, to observe.
Walking: moving about on foot to accomplish tasks, moving from one work site to another
Sitting: remain in a seated position.
Standing: remaining on one's feet in an upright position without moving about.
Balance: maintaining body equilibrium to prevent falling when walking, standing, crouching, kneeling, running, etc., on surfaces which may be slippery, narrow, of changing elevations, of different conditions, etc.
Fingering: picking, pinching, typing or otherwise working primarily with fingers rather than with the whole arm or hand. To grip or hold an object in one's hand(s).
Climbing: ascending or descending ladders, stairs, scaffolding, ramps, poles using feet and legs and/or hands and arms. This factor is important if the amount and kind of climbing required exceeds that required for ordinary locomotion.
Lifting: raising objects from a lower position to a higher position or moving objects horizontally from position to position. This factor is important if it occurs to a considerable degree and requires the substantial use of the upper extremities and back muscles.
Pushing: to exert force against an object; uses upper extremities to press against something with steady force (i.e., to thrust forward, downward, or outward) to move the object away from the force.
Pulling: using upper extremities to exert force in order to draw, drag, haul or tug objects in a sustained motion.
Stooping: bending body downward and forward by bending spine at the waist. This factor is important if it occurs to a considerable degree and requires the full use of the lower extremities and back muscles.
Crouching: bending the body downward and forward by bending leg and spine.
Crawling: moving about on hands and knees or hands and feet.
Kneeling: bending legs at knee to come to a rest on knee or knees.

SECTION VII: Degree of Physical Activity – Indicate the percentage of time engaged in pushing and pulling activities. The total should equal 100%

		N/A	<25%	25-49%	50-74%	>75%
Sedentary	Exert up to 10 lbs. of force occasionally* or a minute amount frequently**	___	___	___	___	___
Light	Exert up to 20 lbs. of force occasionally and/or up to 10 lbs. of force frequently	___	___	___	___	___
Medium	Exert 20-50 lbs. of force occasionally and/or 10-15 lbs. of force frequently	___	___	___	___	___
Heavy	Exert 50-100 lbs. of force occasionally and/or 25-50 lbs. of force frequently	___	___	___	___	___
Very Heavy	Exert 100 lbs. of force occasionally and/or 50 lbs. of force frequently	___	___	___	___	___

NOTE: *Occasionally: activity or conditions exist up to 1/3 of the time

**Frequently: activity or conditions exist from 1/3 to 2/3's of the time

Comments:

_____
_____
_____
_____
_____

SECTION VIII: Physical Surroundings and Hazards – indicate which statements are applicable:

_____ Spends 0-2 hours per day outdoors
_____ Spends 2-4 hours per day outdoors
_____ Spends 4-8 hours per day outdoors
_____ Works in temperatures at or below 32 degrees for more than one hour at a time
_____ Works in temperatures at or above 90 degrees for more than one hour at a time
_____ Does noise require an employee to shout in order to be heard
_____ Is there exposure to vibrating movements to the extremities or the entire body
_____ Is there a risk to bodily injury due to the proximity to mechanical parts, motorized equipment, instruments, electric currents, or chemicals
_____ Are there conditions that may affect the respiratory system, skin, or allergies (e.g., fumes, odors, air particles

Comments:

_____
_____
_____
_____
_____
_____
_____
_____

SECTION IX: Equipment, Tools, Electronic and Communication Devices – List those the employee will use to perform his/her assigned duties

1 _____
2 _____
3 _____
4 _____

Back

5 _____

6 _____

7 _____

8 _____

Comments:

_____

_____

_____

_____

SECTION X: Essential and Marginal Function Statements – A job function statement should focus on the purpose (of the job), the result(s) to be accomplished, and the productivity required rather than the manner in which the function is performed. Identify whether the functions are essential or marginal and provide the projected percentage of time devoted to each in a normal work day. Please start each statement with a verb. NOTE: the Essential and Marginal Functions should total 100%

Essential (Primary) Functions	**%**	**Marginal (Secondary) Functions**	**%**
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Back

Comments:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

SECTION XI: General Information:

Must a vehicle be driven to perform the essential/primary functions of the position ? ___ Yes ___ NO

Location(s) where the work is performed: _____

Assigned work schedule: _____

Name of Immediate Supervisor: _____

Name and Title of Individual Completing this Worksheet: _____

_____

Date: _____

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Attachment: 4.9.9p.a8.

Transitional Employment Tracking Form

Employee Name	Work Unit	Date of Accident	Date of Next Health Care Prov. Appt	Plan Start Date	Plan End Date	Date of Next Meeting w/ Employee	Action/Comments (MMI=Maximum Medical Improvement)

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Employee Name	Work Unit	Date of Accident	Date of Next Health Care Prov. Appt	Plan Start Date	Plan End Date	Date of Next Meeting w/ Employee	Action/Comments (MMI=Maximum Medical Improvement)

Attachment: 4.9.9p.a9.

Leave Election Form

Date: _____

To: DOAS/Risk Management Services
200 Piedmont Ave SE, Suite 1208 West
Atlanta, GA 30334
Fax 404-657-1188

From: _____ (Name of Injured employee)

Date of Injury: _____

Contact Number _____

Re: Workers' Compensation (WC) Benefit Payments

On the above referenced injury date, I was injured while working for _____ (agency name). If I lose any time from work because of this injury, I request that I be paid in the manner shown below. (Please initial beside the option you choose)

_____ From my accumulated sick leave and if necessary, from accumulated annual leave before receiving WC benefits for loss of wages. I understand that when I have used my accumulated sick and annual leave, I will receive WC benefits if I am still unable to work due to the injury.

_____ WC Benefits for loss of wages instead of full pay from accumulated sick and annual leave to be paid in regular weekly installments, effective _____ (date).

_____ From my accumulated sick leave and if necessary from my accumulated annual leave through _____ (date) after which time I wish to be paid WC benefits for loss of wages.

Signature of Injured Employee _____ Date _____

If a mark is used, two witnesses are required:

_____ _____
Witness Date Witness Date

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POLICY: 4.9.10. (III.H)
Promotions

Revised: September 28, 2001

Last Reviewed: June 23, 2005

Adopted: September 5, 1985

POLICY:

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 System Office shall be approved by the Commissioner. Promotions in the technical college shall be approved by the President.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY: 4.1.1. Recruitment and Hiring

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 5
Academic Affairs

5.1 ..... Academic Administration
5.2 ..... Non-Credit Programs

Section 5.1
Academic Administration 1/2

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TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 5.1
Academic Administration 2/2

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Procedure: 5.1.1p. (IV.C)
Academic Freedom

Revised: July 15, 2015; November 5, 2009; April 23, 2001
Last Reviewed: October 14, 2016
Adopted: September 1, 1988

I.PURPOSE:

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. TCSG 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.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

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

IV. DEFINITIONS: n/a

V. ATTACHMENTS: n/a

VI. PROCEDURE:

VII. RECORD RETENTION: n/a

POLICY: 5.1.2. (IV.D)

General Program and Program Specific Standards

Revised: March 5, 2015
Last Reviewed: October 14, 2016
Adopted: April 23, 2001

POLICY:

The Commissioner shall, in coordination with the Presidents' Council, develop and maintain general program and program specific standards. These standards shall be approved by the State Board. Each technical college shall operate in accordance with these standards.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
Attachment 5.1.2.a1. General Program Standards

Attachment: 5.1.2.a1.

State Board Approval Date:	
Implementation Date:	
Last Updated:	**October 5, 2016**

General Program Standards

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ADMISSION

Admission Procedures

Standard Number: 02-01-01

Standard Statement

Written admission policies and procedures are published, disseminated, and implemented by the college.

Explanatory Comment

Persons age 16 and over (and any eligible dual enrolled students) may enroll in the college.

Evaluative Criteria

Published admission policies and procedures implemented by the college are in accordance with the State Board of the Technical College System of Georgia policy and applicable regulations.

Admission procedures are consistent with the mission of the college.

Admission policies and procedures are nondiscriminatory in accordance with State Board of the Technical College System of Georgia policy.

Admission procedures are outlined for all students, regardless of enrollment status.

Clearly defined procedures regarding the academic dismissal, suspension, and readmission of students are published.

ADMISSION

Process – Degree, Diploma, and Technical Certificate of Credit Programs

Standard Number: 02-01-02

Standard Statement

The admission process facilitates student enrollment and opportunity for success in degree, diploma, and technical certificate of credit programs.

Explanatory Comment

Admission processes are simple and designed to facilitate student pursuit of educational goals.

Evaluative Criteria

The admission process facilitates student entrance into degree, diploma, and technical certificate of credit programs.

The admission process for degree, diploma, and technical certificate of credit program applicants includes:

1. recruitment;
2. orientation to admission procedures, as needed;
3. assessment of students and placement;
4. career advisement, as needed;

5. financial advisement, as needed;

6. procedures to assist disabled students, as needed;

7. program placement; educational plan development, as needed; and

8. placement into learning support or admission to a degree, diploma, and technical certificate of credit program on a provisional or regular basis.

The college maintains admission process documentation and appropriate records pertaining to all applicants in accordance with the State Board of the Technical College System of Georgia policy and the TCSG Records/Retention policy.

ADMISSION

Regular Admission Requirements

Standard Number: 02-01-03

Standard Statement

Admission requirements, as a minimum, are implemented for each degree, diploma, and technical certificate of credit program.

Explanatory Comment

The State Board of the Technical College System of Georgia's program-specific standards establish admission requirements.

Program admission requirements consider applicable regulatory and accreditation standards.

Evaluative Criteria

The college publishes and implements clearly stated admission policies and procedures.

All degree, diploma, and technical certificate of credit program students achieve regular admission status prior to graduation. Students admitted into an approved basic workforce certificate will be able to complete without a high school diploma or a General Education Diploma.

ADMISSION

Provisional Admission Requirements

Standard Number: 02-01-04

Standard Statement

Provisional program admission requirements are implemented for each degree, diploma, and technical certificate of credit program.

Explanatory Comment

Provisional admission is granted to qualified students who do not meet the regular program admission requirements.

Provisionally admitted students are allowed to take learning support courses and certain occupational courses as designated in the program-specific standards.

Evaluative Criteria

The college implements clearly stated written policies and procedures for entry into degree, diploma, and technical certificate of credit programs on a provisional basis.

Students initially admitted on a provisional basis must meet regular admission requirements prior to graduation.

ADMISSION

Learning Support Placement

Standard Number: 02-01-05

Standard Statement

Written policies and procedures for placement into learning support instruction are implemented by all colleges.

Explanatory Comment

Learning support courses assist students to improve their understanding and performance in the areas of language usage, reading, mathematics, and algebra.

Learning support instruction is provided by each college.

Evaluative Criteria

Students are eligible for placement into learning support instruction when the following conditions are met:

1. completion of required admission and related procedures; and
2. non-admission to degree, diploma, or technical certificate of credit programs on a regular or provisional basis.

Students who are admitted to degree, diploma, and technical certificate of credit programs on a provisional basis are eligible to enroll in learning support courses.

ADMISSION

Assessment and Placement

Standard Number: 02-01-06

Standard Statement

Student assessment is used for evaluation and placement of all applicants.

Explanatory Comment

Assessment and placement are used to evaluate applicants' readiness for a program.

Evaluative Criteria

Assessment procedures and placement guidelines are explained to all applicants.

In cases where students have had appropriate assessment within the last five years, evaluation of academic achievement requires only review of prior scores.

The college utilizes approved assessment instruments, and TCSG minimum cut score standards, or college justified higher score standards for each specific program.

Assessment results are confidential and are used only for program placement and technical education purposes.

Interest and ability assessments are made available to students whose career goals are undecided.

The college staff conducts student assessment and maintains appropriate assessment records as outlined in TCSG Records/Retention policy.

ADMISSION

Recruitment

Standard Number: 02-01-07

Standard Statement

Program recruitment materials and practices are in the best interests of the students, college, community, and employment market and meet applicable regulatory and accreditation standards.

Explanatory Comment

Recruitment efforts inform potential students of programs and services provided by the college.

The recruitment effort seeks to serve the economic development of the community by affording opportunities to prospective students.

The college develops and implements a systematic recruitment effort designed to aid potential students in meeting their educational and employment needs.

Evaluative Criteria

The recruitment effort aids in maintaining and/or increasing program and college enrollments.

The recruitment effort of each program includes participation in or assistance with:

1. development and dissemination of informational materials;
2. recruitment activities with other programs within the college;
3. communication with potential students through contact with employers, secondary schools, organizations, the advisory committee, and others;
4. promotion of program awareness among individuals and groups; and
5. consideration of the industrial and business needs of the community and employment market.

All recruitment materials and practices are ethical, equitable, accurate, and meet applicable regulatory and accreditation standards in the depiction of the college, programs offered, student performance expectations, program completion requirements, and the potential benefits of program completion.

A written description of the admission requirements and procedures, tuition fees, and other costs of each degree, diploma, and technical certificate of credit program is made available to potential students.

The college provides a current catalog and other official publications readily available to students, prospective students, and the general public. The publications contain accurate information to include:

1. college mission;
2. admission requirements and procedures;
3. program description of each educational program;
4. basic information on programs and courses, with any required sequences and frequency of course offerings explicitly stated;
5. program completion requirements, including length of time required;
6. full-time faculty with degrees held and the conferring institution;
7. rules and regulations for student conduct;
8. tuition, fees, and other program costs;
9. opportunities and requirements for financial aid;
10. policies and procedures for refunding fees and charges to students who withdraw from enrollment;
11. national and/or state legal requirements for eligibility for licensure or entry into an occupation or profession for which education and training are offered;
12. any unique requirements for career paths, or for employment and advancement opportunities in the profession or occupation described;
13. contact information of regional or national accreditation agencies;
14. grading system; and
15. academic calendar.

ADMISSION

Admission Requirements Evaluation

Standard Number: 02-01-08

Standard Statement

The admission requirements of each degree, diploma, and technical certificate of credit program are published and evaluated.

Explanatory Comment

The admission requirements of each degree, diploma, and technical certificate of credit program are to be compatible with the admission policies and procedures of the college.

Evaluative Criteria

Program admission requirements are evaluated annually to assure compliance with the State Board of the Technical College System of Georgia policies, procedures, standards, and applicable accrediting agency requirements.

Program faculty and advisory committees will conduct an annual evaluation of program admission requirements to assess their adequacy in meeting the needs of the students, community, and employment market.

PROGRAM STRUCTURE

Curriculum Design

Standard Number: 02-02-01

Standard Statement

The curriculum of each degree program includes general education, occupational courses, and may include elective courses.

The curriculum of each diploma program includes basic skills, occupational courses, and may include elective courses or general education courses.

The curriculum of each technical certificate of credit program includes occupational courses and may include general education or basic skills courses.

Explanatory Comment

General education, basic skills, and program courses are designed to embody a coherent program of study.

Evaluative Criteria

Each degree/diploma program requires student completion of general education/basic skills courses required by the State Board of the Technical College System of Georgia and the appropriate institutional and program regulatory and accrediting agencies.

Each degree, diploma, and technical certificate of credit program requires completion of occupational courses in introductory concepts, principles, and technologies that provide the foundations for the given occupation and related fields.

The college documents the integration of academic competencies and occupational skills into instruction for each degree, diploma, and technical certificate of credit program.

PROGRAM STRUCTURE

Program Numbering System

Standard Number: 02-02-02

Standard Statement

A major code is applied to all the State Board of the Technical College System of Georgia degree, diploma, and technical certificate of credit programs.

Explanatory Comment

Assignment of a statewide major code to every degree, diploma, and technical certificate of credit program is the basis from which statewide programmatic consistency is developed.

Each degree, diploma, and technical certificate of credit program complies with the assigned major code(s) established in the relevant program-specific standards of the State Board of the Technical College System of Georgia.

Evaluative Criteria

Each authorized degree, diploma, and technical certificate of credit program is assigned a program major code.

Each degree, diploma, and technical certificate of credit program having a given major code is consistent with all other programs throughout the state which have the same major code.

Degree, diploma, and technical certificate of credit programs having multiple specializations are assigned a specialization code for each option.

PROGRAM STRUCTURE

Program Consistency

Standard Number: 02-02-03

Standard Statement

Each degree, diploma, and technical certificate of credit program utilizes standards and competencies consistent with statewide program requirements.

Explanatory Comment

Programs that have an identical major code are consistent statewide.

Program title and description, standards, competencies, exit points, and minimum course credit requirements designated for each major code are established by the program-specific standards of the State Board of the Technical College System of Georgia.

Evaluative Criteria

Each degree, diploma, and technical certificate of credit program is assigned a state wide major code and utilizes essential standards and competencies designated for that statewide major code. Program components designated for a given degree, diploma, and technical certificate of credit program major code include, but are not limited to:

1. program title;
2. description;
3. essential general education, basic skills, and occupational courses (as applicable); and
4. minimum number of total semester credit hours required for graduation.

PROGRAM STRUCTURE

Credentials Conferred

Standard Number: 02-02-04

Standard Statement

The college documents awards conferred to all graduates.

Explanatory Comment

A graduate is a student who has received at least one award (degree, diploma, or technical certificate of credit).

A leaver is a student who enrolled in a major program of study and was not coded as special admit or transient, did not graduate from that major, and is no longer enrolled in the major for two consecutive terms.

Evaluative Criteria

The college grants a diploma, an associate degree, or a technical certificate of credit certifying satisfaction of program requirements.

Upon request, each degree, diploma, and technical certificate of credit program graduate or leaver is provided a transcript detailing courses taken, grades, credits earned, credential awarded, and where applicable, specialization completed, or courses entered and not completed (as appropriate).

PROGRAM STRUCTURE

Course Code

Standard Number: 02-02-05

Standard Statement

A statewide course identification code is applied to each course.

Explanatory Comment

An alphanumeric identification code is assigned to each course.

All State Board of the Technical College System of Georgia approved courses are included in the course identification coding system.

Evaluative Criteria

Each course is assigned an alphanumeric descriptor that serves as the statewide course identification code. The following criteria shall be followed in assigning the alphanumeric descriptor:

1. All course prefix codes shall be four letters and approved by TCSG staff prior to submission to the State Board for approval.
2. Guidelines for numbering: **
   1) Learning Support courses: 0090 - 0099;
   2) General Education courses:
      a. Diploma courses: 1000-1099
      b. Degree courses: 1100-2999
   3) Program courses: 1000 – 2999* (*Advanced level courses may begin with a 2000 number code.)
   4) Specializations: Alphanumeric descriptors should be grouped together as closely as possible.
3. The individual technical college or revision project IFCC working committee shall conduct research to recommend an appropriate course number prefix and course number for institutionally developed courses.

Note: (refer to the TCSG curriculum data base)

PROGRAM STRUCTURE

Course Consistency

Standard Number: 02-02-06

Standard Statement

Courses with a given course identification code are consistent throughout TCSG.

Explanatory Comment

Courses with the same course identification code are consistent; all credit hour requirements for lecture and lab are met.

Note: Federal Definition of the Credit Hour. Credit hour, as defined in the U.S. Department of Education guidance to institutions and accrediting agencies regarding a credit hour as defined in the final regulations published on October 29, 2010.

"An amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than:

1. one hour of classroom or direct faculty instruction and a minimum of two hours out of class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time, or
2. At least an equivalent amount of work as required outlined in item 1 above for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours."

One distance or hybrid course credit is defined as an equivalent amount of instruction and student work leading to equivalent learning outcomes as required for a traditional class.

Note: Practicum: A course designed to give students supervised practical application of previously studied theory.

Internship: A course designed to give students supervised, practical training.

Clinical: A course designed to give students opportunities for the direct, supervised observation and treatment of patients/clients.

Evaluative Criteria

Each course assigned a given course identification code utilizes the listed components identical to those designated for that course identification code statewide.

1. course title;
2. essential course description;
3. essential competency areas taught; and
4. number of semester credit hours awarded for course completion.
5. credit hour requirements for lectures and lab are met

   Specific Computations are as follows:

   Lecture: 750 minutes of lecture is one credit hour unit

   Lab 2: 1500 minutes of 2-1 lab time is one credit hour unit

   Lab 3: 2250 minutes of 3-1 lab time is one credit hour unit

Note: Lab is any learning activity that is not specifically designated as lecture. Activities can include, but are not limited to, demonstration, practicum, internship, or clinical (see definitions below). Designation of an activity as Lab 2 or Lab 3 is at the discretion of the course developer.

Demonstration – teacher assisted learning activities, normally requiring some out-of-class preparation by the student, and may require out-of-class practice assignments.

Practicum – instruction which emphasizes structured activities requiring application and practice of occupational competencies. Normally requires only limited out-of-class preparation by the student and no out-of-class practice assignments.

Internship or Clinical – instruction which emphasizes supervised work-experience activities requiring the application of occupational competencies. Normally requires only limited out-of-class preparation by the student and no out-of-class practice assignments. Clinical is normally associated with health sciences technology related programs.

PROGRAM STRUCTURE

Course Category Sequence 02-02-07

Standard Statement

Each degree, diploma, and technical certificate of credit program requires students to progress through the instructional course categories in a developmentally valid sequence.

Explanatory Comment

The instructional course categories are general education, basic skills, program, and elective courses as applicable.

Guidelines for developmentally valid instructional sequences are established on a program by program basis in the program-specific standards established by the State Board of the Technical College System of Georgia.

Evaluative Criteria

Each degree, diploma, and technical certificate of credit program requires students to complete applicable prerequisite courses prior to enrolling in subsequent courses (if applicable).

Each degree, diploma, and technical certificate of credit program complies with the admission requirements established in the relevant program-specific standards.

Each degree, diploma, and technical certificate of credit program reflects the suggested course prerequisites established in the relevant program-specific standards.

PROGRAM STRUCTURE

Electives

Standard Number: 02-02-08

Standard Statement

Electives may be made available for each degree, diploma, and technical certificate of credit program.

Explanatory Comment

Students may be provided opportunities to enroll in elective courses as per relevant program specific standards.

Evaluative Criteria

Elective courses are documented in the TCSG curriculum database and the college catalog.

PROGRAM STRUCTURE

Course Articulation and Transfer

Standard Number: 02-02-09

Standard Statement

Degree, diploma, and technical certificate of credit program courses are transferable subject to the determination of the receiving college assuring that accreditation requirements are met.

Explanatory Comment

The receiving college evaluates program courses on the basis of similarity in competency areas and SACSCOC requirements for faculty credentials.

Non-traditional course credit may be awarded by prior learning assessment based upon military and/or industry training courses or experience where appropriate and in accordance with SACSCOC guidance.

Evaluative Criteria

Course credit may be awarded for courses completed with a “C” or better from a college, university or other postsecondary institution accredited by a regional or national accrediting agency recognized by the U.S. Department of Education.

Note: Reference State Board Policy # IV. J. Articulation and Transfer

PROGRAM STRUCTURE

Program Length, Degree

Standard Number: 02-02-10

Standard Statement

Programs that offer an Associate Degree meet accreditation requirements for program length.

Explanatory Comment

The Associate Degree is conferred on students successfully completing requirements in programs of study.

Evaluative Criteria

The Associate Degree program length is normally within the range of sixty (60) to seventy-three (73) semester credit hours.

PROGRAM STRUCTURE

Program Length, Diploma

Standard Number: 02-02-11

Standard Statement

Programs that offer a diploma meet the Technical College System of Georgia requirements for program length and applicable accrediting agencies.

Explanatory Comment

The diploma is conferred on students successfully completing requirements in specified programs of study.

Evaluative Criteria

The diploma program length is normally within the range of thirty-seven (37) to fifty-nine (59) semester credit hours.

PROGRAM STRUCTURE

Program Length, Technical Certificate of Credit

Standard Number: 02-02-12

Standard Statement

Programs that offer a Technical Certificate of Credit meet the Technical College System of Georgia requirements for program length.

Explanatory Comment

The Technical Certificate of Credit is conferred on students successfully completing requirements in specified programs of study.

Evaluative Criteria

The Technical Certificate of Credit program length is normally within the range of nine (9) to thirty-six (36) semester credit hours.

PROGRAM STRUCTURE

Program Learning Outcomes

Standard Number: 02-02-13

Standard Statement

The college develops program learning outcomes for each degree, diploma, and technical certificate of credit program.

Explanatory Comment

The college defines and develops program learning outcomes.

Program learning outcomes include measurable, time specific, and operational terms.

Program learning outcomes include knowledge, skills, or attitudes to be acquired by students through planned instructional activities.

Evaluative Criteria

Each program as defined by the college has clearly defined, written program learning outcomes that are reviewed by the program faculty, the administration, and the program advisory committee.

Any addition to the program learning outcomes is developed by the program faculty, administration, and the program advisory committee.

Course outlines and lesson plans are based on program learning outcomes.

PROGRAM PLANNING AND EVALUATION

Program Planning and Evaluation

Standard Number: 02-03-01

Standard Statement

The college implements an institution-wide planning and evaluation process.

Explanatory Statement

An operational plan, based on evaluation results, is developed and implemented for each program, as defined by the college.

An operational plan should be based on data collected from, but not limited to, students, graduates, faculty, program advisory committee, employers, and administration.

The operational plan provides a basis for recommendations for program and course continuation, addition, deletion, improvements and/or modification based on needs assessment information and input from the administration of the college, the program faculty, and the advisory committee.

The operational plan considers information from appropriate national, state, and local governmental and non-governmental agencies.

The operational plan considers information such as demographic studies, occupational surveys, current curricula, cost estimates, instructor availability, equipment needs, and projected enrollment figures that include special populations.

Evaluative Criteria

A program operational plan is developed and implemented by the college and a formal planning and evaluation for each program is conducted by the college to ensure program effectiveness.

The program operational plan utilizes program evaluation to provide program offerings of sufficient size, quality, and scope to meet community and employment market needs.

PROGRAM PLANNING AND EVALUATION

Program Performance Outcomes Evaluation

Standard Number: 02-03-02

Standard Statement

The college conducts an annual evaluation of each program performance outcome.

Explanatory Comment

Acceptable program performance outcomes include, but are not limited to, enrollment, retention rates, completion rates, award production, and placement levels.

Criteria for program performance outcomes should be based upon established thresholds.

Evaluative Criteria

Evaluation of the program assessment measures and performance outcomes is conducted and documented by the administration and program faculty.

Factors contributing to the outcomes of each program are identified and analyzed. Where enrollment, retention rates, completion rates, award production, placement levels, and other college identified program issues are unacceptable, appropriate corrective action is taken.

INSTRUCTIONAL PROGRAM

Course Content

Standard Number: 02-04-01

Standard Statement

The essential content of each course is consistent statewide for courses having the same alphanumeric code.

Explanatory Comment

Course content is defined in terms of competency areas taught. The program-specific standards of the State Board of the Technical College System of Georgia detail the essential competency areas for each course identification code.

Evaluative Criteria

The content of each course having a given course identification code includes, but is not limited to, essential competency areas identified for that course identification code.

Competency areas included in the course content reflect student, community, and employment market needs, and advances in the subject area and occupational field.

The overall content of each course is consistent with established program learning outcomes.

INSTRUCTIONAL PROGRAM

Course Instruction

Standard Number: 02-04-02

Standard Statement

Faculty will use instructional techniques and resources suitable to the course competencies.

Explanatory Comment

A wide variety of instructional techniques and resources are used to direct student learning experiences.

Evaluative Criteria

Course outlines, syllabi, and group or individual lesson preparations serve to organize instruction.

Instructional materials such as competency tests, text books, instruction sheets, audiovisuals, instructional technology, and others are utilized to meet program learning outcomes and enhance instructional effectiveness.

Teaching methods, strategies, materials, and procedures make provisions for individual differences, learning styles, and capabilities. Instruction should be interactive and engaging. Opportunities for remediation are provided to students as needed.

Student learning experiences include a combination of theoretical instruction and practical application of knowledge.

Student progress is systematically monitored, evaluated, and recorded by the program faculty as part of the instructional process.

Desirable employability skills are integrated into program course instruction.

Academic skills are integrated into program course instruction.

A syllabus which outlines course objectives, requirements, content, and evaluation techniques is made available to students enrolled in each course.

INSTRUCTIONAL PROGRAM

Occupation-based Instruction

Standard Number: 02-04-03

Standard Statement

Programs offer effective occupation-based instructional delivery where appropriate.

Explanatory Comment

Occupation-based instructional delivery systems include labs, practica, internships, and clinicals.

Occupation-based instruction is defined in the following manner:

1. **Lab:** any learning activity that is not specifically designated as lecture. Activities can include, but are not limited to;

2. **Demonstration:** teacher assisted learning activities, normally requiring some out-of-class preparation by the student, and may require out-of-class practice assignments;

3. **Practicum:** instruction which emphasizes structured activities requiring application and practice of occupational competencies. Normally requires only limited out-of-class preparation by the student and no out-of-class practice assignments; and

4. **Internship or Clinical:** instruction which emphasizes supervised work-experience activities requiring the application of occupational competencies. Normally requires only limited out-of-class preparation by the student and no out-of-class practice assignments. Clinical is normally associated with health technology related programs.

Degree, diploma, and technical certificate of credit programs that require occupation-based instruction, do so on the basis of designated essential competency areas and courses for the given program.

Evaluative Criteria

Any occupation- based instructional experience that is a degree, diploma, and technical certificate of credit program requirement or elective is:

1. listed as a course having a course identification code;

2. awarded course credit and requires tuition;

3. subjected to the same minimum requirements for statewide course title, course description, and essential competency areas as any other degree, diploma, and technical certificate of credit program course;

4. controlled and supervised by program faculty, and/or an employee possessing appropriate instructor qualifications designated to coordinate work experience courses; and

5. managed through the use of prescribed, written individual training plans that detail required student learning and performance objectives, and appropriate agreements between colleges and work experience supervisors, including specifying the on-site employer representative responsible for guiding and overseeing student learning experiences and participating in written evaluation of the student.

Grading for labs, practica, internships, and clinicals is based on student attainment of course competencies.

INSTRUCTIONAL PROGRAM

Evaluation of Students

Standard Number: 02-04-04

Standard Statement

Faculty develops and implements a system for evaluation of students for each degree, diploma, and technical certificate of credit program.

Explanatory Comment

Evaluation of students is based on tests, observations, records, interviews, homework, projects, and/or other evidence of student performance.

Evaluative Criteria

The course student evaluation system is clearly defined in the course syllabus, provided to the student at the beginning of the course, and consistent with college grading policies.

Evaluation of students is competency-based using tests and other evidence.

Evaluation of students uses formative and summative assessments.

Evaluation of students includes evaluation and documentation of student achievement in the cognitive, affective, and psychomotor domains (as applicable).

Evaluation of students demonstrates the application of one or more academic competencies including communication, computation, critical thinking, reading comprehension, and problem solving within the occupational areas of the program.

INSTRUCTIONAL PROGRAM

Grading Procedure

Standard Number: 02-04-05

Standard Statement

Each program implements the statewide grading scale.

Explanatory Comment

Course grading procedures are published in the course syllabus.

Evaluative Criteria

The faculty of each program develops, implements, and disseminates a written grading system that incorporates statewide grading standards.

The grading reflects the objectives of each program.

The grading of each program is used to promote student awareness of learning progress.

The grading of occupational courses is based on documented measures of student knowledge, practical application of knowledge, and on the approved college work ethic model for employability skills.

The grading of each program establishes passing grades that document student achievement of course competencies at levels acceptable for job entry.

The grading of each program requires use of a grading scale whereby 90 to 100% is an A, 80 to 89% is a B, 70 to 79% is a C, 60 to 69% is a D, and 0 to 59% is an F.

The grading components for each course are evaluated regularly by the program faculty and revised, as needed.

INSTRUCTIONAL PROGRAM

Laboratory Management

Standard Number: 02-04-06

Standard Statement

A system for instructional laboratory management is developed and implemented by the faculty of each program.

Explanatory Comment

An established laboratory management system facilitates productive instructional laboratory operation. Where applicable, general guidelines for laboratory management are provided in the program-specific standards established by the State Board of the Technical College System of Georgia.

Evaluative Criteria

The faculty of each program that incorporates laboratory work into its curriculum develops and implements a written laboratory management system.

The laboratory management system is disseminated to program students and faculty.

College policy regarding safety, liability, and laboratory operation are reflected in each program laboratory management procedure.

The laboratory management system is consistent with the relevant program-specific standard guidelines for laboratory management.

The laboratory management system is consistent with the goals and objectives of the program.

The laboratory management system maximizes the instructional usefulness of student laboratory experiences. The laboratory management system is designed to meet student needs in learning program competencies.

The laboratory management system complies with and stresses safety practices, requires that safety instruction precede laboratory instruction, and establishes required safety tests.

The laboratory management system is developed using input from program faculty, advisory committee members, and, when possible, students.

The laboratory management system is evaluated annually and revised, as needed.

INSTRUCTIONAL PROGRAM

Live Work

Standard Number: 02-04-07

Standard Statement

The faculty of each program that includes live work as part of its curriculum develops and implements a written live work plan.

Explanatory Comment

Live work is a vital component of many occupational/technical programs and is integrated into the curriculum where specific courses require laboratory experience.

Where applicable, general guidelines for live work are provided in the program specific standards established by the State Board of the Technical College System of Georgia, relevant to state ethics laws.

Evaluative Criteria

The college will maintain:

1. a list of programs which are eligible to perform live work;
2. a list of the type of work that may be performed;
3. definitions of the type and scope of Live Work Projects which may be performed for profit and those for which the college will only be reimbursed for actual costs associated with the project;
4. prioritized list of persons for whom live work may be performed (i.e. faculty, staff, students, general public);
5. established parameters within which live work may be conducted (i.e. business hours, school days, etc.);
6. a statement that live work shall always involve student participation and that live work may not be performed solely by instructors;
7. procedures that must be followed when live work is conducted (scheduling procedures, forms, etc.);
8. a statement to inform the customers that they assume the risk of the work being performed;
9. that the students and facilities may not be used for personal gain or profit;
10. the costs related to the services (i.e. fees and/or purchase of parts/supplies) for the customer;
11. that live work projects shall not be of a production nature and do not compete with private enterprises; and
12. that all Live Work Projects shall comply with the Governor's Executive Order on Ethics.

Note: Reference State Board Policy # IV. M. Live Work Projects-VI. Procedure

INSTRUCTIONAL PROGRAM

Resources, Equipment, and Facilities

Standard Number: 02-04-08

Standard Statement

The resources, equipment, and facilities for each program are sufficient, appropriate, and adequately maintained to support safe and effective instruction.

Explanatory Comment

Program resources, equipment, and facilities are appropriate to the occupation and facilitate learning outcomes used in the delivery of instruction.

Evaluative Criteria

Current and adequately maintained resources, equipment, and facilities are available to meet the program learning outcomes.

Students in each program use instructional equipment, tools, materials, and supplies that are comparable to those currently used in the relevant occupation. Tools and equipment reflect up-to-date industry quality standards.

Program resources, equipment, and facilities meet or exceed applicable local, state, and federal health and safety standards.

Each program makes provisions to ensure that all health and safety equipment, machine guards, fixtures, materials, and supplies required by local codes and state law and professional practice are available and maintained in working order.

First aid supplies appropriate for the program are available throughout each program area.

Each program delineates proper procedures for purchasing, maintaining, locating, storing, inventorying, securing, distributing, repairing, replacing, and safely using instructional items.

Each program utilizes its advisory committee and other inputs to evaluate the adequacy, safety, and management of equipment, materials, and supplies.

INSTRUCTIONAL PROGRAM

Physical Facility

Standard Number: 02-04-09

Standard Statement

Each program is provided with adequate and appropriate facilities.

Explanatory Comment

Program resources, equipment, and facilities are appropriate to the occupation, student enrollment, and program learning outcomes.

Evaluative Criteria

Space allocations for each program are appropriate for the number of students enrolled and the type of instructional activity involved.

The physical facilities for each program are designed to facilitate instructional delivery, allow program flexibility, accommodate instructional management, protect students and staff against safety hazards, protect equipment from loss or damage, provide accessibility to all students, and create a positive atmosphere for effective learning.

The physical facilities for each program are arranged to separate noise-producing activities from those that require a quiet environment, expedite student traffic flow, and prevent disruption of instruction.

Water, electricity, and other utilities are safely and conveniently provided to each program on the basis of instructional needs.

Each program is provided with lighting, heating, cooling, ventilation, and any specialized control systems needed to maintain healthy and safe working conditions and meet instructional requirements.

The physical facilities for each program include classrooms, laboratories, and/or other specialized learning areas needed to meet instructional requirements.

The college provides adequate and appropriate non-instructional facilities including offices, restrooms, storage areas, and any other specialized areas needed to meet program needs.

The facility for each program is maintained regularly and operated efficiently (economically) and effectively.

The faculty and advisory committee of each program conduct an annual facility evaluation, which contributes to the overall college facility review process.

INSTRUCTIONAL PROGRAM

Distance Education and Hybrid Delivery Mode

Standard Number: 02-04-10

Standard Statement

Distance Education courses will be designed, developed, and delivered in accordance with applicable regulatory and accrediting body guidelines, policies, and standards.

Explanatory Comment

Distance education courses are defined as educational processes in which the majority of the instruction (interaction between students and instructors and among students) occurs when the students and instructors are not in the same location.

A Hybrid course is defined as one for which regularly scheduled classroom time is replaced consistently throughout the semester by required activities completed at a distance and managed online. The following parameters further clarify the hybrid definition in two variances:

K1 Hybrid: Courses that include 50 percent or greater instruction via distance learning.

K2 Hybrid: Courses that include less than 50 percent instruction via distance learning.

Evaluative Criteria

Distance education/hybrid courses shall have registration, enrollment, retention, work ethics, and credential requirements that are qualitatively consistent with those in effect for on-campus courses.

Responsible office/department for distance education is identified in the organizational structure

Distance education/hybrid courses must meet quality assurance criteria approved by the local college offering the courses.

Students are required to initiate contact with the program instructors teaching distance education/hybrid courses during the drop-add period and maintain acceptable contact throughout the term, as identified by the local college.

Program instructors teaching distance education/hybrid courses are trained in the software platform used to offer the course

Program instructors teaching distance education/hybrid courses are trained in the design and delivery of content at a distance

Deans/directors/program chairs are trained on distance education/hybrid course evaluation process and procedures as identified by the local college.

Technical colleges ensure distance education/hybrid program quality through methods such as:

1. appropriate involvement of on-campus administrators;
2. inclusion of faculty in planning, design, and evaluation;
3. peer review;
4. initial and reoccurring approval process and procedure;
5. on-going (continual) evaluation process(es); and
6. Periodic review and update of courses/programs.

Colleges offering distance education must document the following:

1. demonstrate that the student who registers in a distance education course or program is the same student who participates in and completes the course or program and receives the credit by verifying the identity of the student who participates in class or coursework by using such methods as (a) a secure login and pass code, (b) proctored examinations, or (c) new or other technologies and practices that are effective in verifying student identification;
2. have a written procedure for protecting the privacy of students enrolled in distance education courses or programs; and
3. have a written procedure distributed at the time of registration or enrollment that notifies students of any projected additional student charges associated with verification of student identity.

ACADEMIC SKILLS

Academic Requirements

Standard Number: 02-05-01

Standard Statement

Academic achievement standards are established for each degree, diploma, and technical certificate of credit program.

Explanatory Comment

Examples of academic skills include, but are not limited to, communication, reading comprehension, computation, critical thinking, and problem solving skills.

Learning Support courses assist students in the improvement of their understanding and performance in the skills areas of language usage, reading, and mathematics prior to regular program admission.

Academic skills entrance and exit achievement standards are established in the program-specific standards established by the State Board of the Technical College System of Georgia.

Evaluative Criteria

Each program assigned a given major code number utilizes identical academic achievement standards.

Each program utilizes academic achievement standards for admission that reflect skills necessary for successful participation in the instructional program.

The college offers learning support to students who do not meet academic achievement standards for program admission.

The college offers a required general core curriculum consisting of academic instruction (if applicable).

Opportunities for academic remediation are provided to students while enrolled in program courses.

Each program utilizes academic evaluation achievement standards that reflect skills necessary for successful performance on the job.

Where a state-approved evaluation has not been established, evaluation of essential academic skills is conducted according to standards developed by the local program faculty.

EMPLOYABILITY SKILLS

Job Acquisition

Standard Number: 02-06-01

Standard Statement

Job acquisition competency areas are integrated into the curriculum of each degree, diploma, and technical certificate of credit program.

Explanatory Comment

Job acquisition competency areas consist of essential employability skills that directly influence the ability to obtain a job.

Employability skills refer to the basic academic, interpersonal, and critical thinking skills that, when transferred to the occupational setting, facilitate job acquisition, retention, and advancement.

Employability skills are taught through a variety of techniques such as employability seminars offered by the program, faculty demonstrations, labs, practica, internships, clinicals, live work, and college sponsored employability activities.

Evaluative Criteria

The faculty of each program, excluding general education, basic skills, and learning support, ensures that job acquisition competency areas are included in the curriculum.

The faculty of each program utilizes job follow-up data, current research, and the expertise of the program advisory committee to evaluate and update the delivery of program employability skills training.

The faculty of each program assists in providing student employment information to the career services office.

The faculty of each program encourages and guides students in preparing occupationally appropriate job acquisition readiness such as applications, resumes, letters of reference, work histories, course descriptions or outlines, transcripts, and other related information.

EMPLOYABILITY SKILLS

Job Retention and Advancement

Standard Statement: 02-06-02

Standard Statement

Job retention and advancement competency areas are integrated into the curriculum of each degree, diploma, and technical certificate of credit program and referred to collectively as Work Ethic.

Explanatory Comment

Work Ethic refers to the basic academic, interpersonal, critical thinking skills, and work ethic behavior that, when transferred to the occupational settings, facilitate job acquisition, retention, and advancement.

Work Ethic traits and definitions addressed in TCSG colleges are as follows:

Trait	Definition
1. Appearance	Displays appropriate dress, grooming, and hygiene.
2. Attendance	Attends class; arrives/leaves on time; notifies instructor in advance of planned absences.
3. Attitude	Demonstrates a positive outlook; demonstrates mannerly behavior; follows chain of command.
4. Character	Displays loyalty, honesty, trustworthiness, dependability, reliability, initiative, self-discipline, and self-responsibility.
5. Communication	Displays appropriate nonverbal, verbal, and written skills.
6. Cooperation	Handles criticism, conflicts, and complaints appropriately; works well with others.
7. Organizational Skills	Prioritizes and manages time and resources effectively; demonstrates flexibility in handling change; follows directions and procedures for the work environment.
8. Productivity	Completes tasks assigned efficiently, effectively, and timely; demonstrates problem-solving capabilities.
9. Respect	Tolerates other points of view; acknowledge and appreciates rights of others, has regard for diversity.
10. Teamwork	Works collaboratively with others toward a common goal in a respectful and cooperative manner; participates appropriately as a team member.

Evaluative Criteria

The administration and faculty of each program excluding general education, basic skills, and learning support ensure~~s~~ that job retention and advancement competency areas are included in the curriculum through implementation of the following essential components of a work ethic program:

Uniform Work Ethic Model

1. A uniform work ethic model for teaching, marketing, and evaluating employability skill/work ethic, utilizing appropriate student/teacher/employer interaction is being followed. Any institutionally developed work ethic model must be approved in writing by the Commissioner of TCSG.

2. The general student body is oriented on the importance of a good work ethic.

3. Work ethic instruction is conducted on a regular basis.

4. A formal system is in place for instructors to give feedback to their students for exceptional or unacceptable work behavior exhibited in the class.

5. A semester work ethic grade for all non-developmental occupational courses completed is issued to students and placed in the student's permanent academic record. The assignment of a work ethic grade in developmental and general education courses is optional.

6. The grades assigned for work ethic are: exceeds expectations = 3, meets expectations = 2, needs improvement =1 and unacceptable = 0.

7. The work ethic model is regularly marketed to students, faculty/staff and business/industry.

8. Students are issued a periodic progress report of their work ethic performance.

Institutionally Developed Work Ethic Model

1. Any institutionally developed work ethic model must be approved in writing by the Commissioner of TCSG.

2. The general student body is oriented on the importance of a good work ethic.

3. Work ethic instruction is conducted in a course or courses of each program for any institutionally developed work ethic model.

4. Colleges with an approved institutionally developed work ethic model adhere to their work ethic grading policy as stated in their approved institutional developed work ethic model.

5. The work ethic model is regularly marketed to students, faculty/staff and business/industry.

6. Learning outcomes for the work ethic model are included in each program. By including work ethic learning outcomes, each program teaches and assesses the 10 work ethic traits.

7. A statement will appear in each course syllabus, website, and college catalog such as the following: The Technical College System of Georgia instructs and evaluates students on their work ethic in all programs of study. Ten work ethic traits have been identified and defined as essential for student success: appearance, attendance, attitude, character, communication, cooperation, organizational skills, productivity, respect, and teamwork.

8. The college transcript will include a statement indicating the student has successfully completed the work ethic assessment.

STAFF

Faculty Qualifications and Responsibilities

Standard Number: 02-07-01

Standard Statement

Credentialed faculty are responsible for the program learning outcomes.

Explanatory Comment

Guidelines for faculty credentials and responsibilities are outlined in applicable policies and procedures of the State Board of the Technical College System of Georgia, SACSCOC Principles of Accreditation, and other applicable accrediting and regulatory agencies.

Evaluative Criteria

The qualifications for each part-time (adjunct) or full-time faculty member meet the requirements of the State Board of the Technical College System of Georgia, as appropriate, and the requirements of the applicable accrediting and regulatory agency(ies).

The faculty of each program use annual staff development opportunities to maintain occupational and instructional competency.

ADVISORY COMMITTEE

Function

Standard Number: 02-08-01

Standard Statement

A program advisory committee provides expert support for each program area.

Explanatory Comment

A program advisory committee is established to promote interaction between the program and businesses and industries served by the program.

Faculty use the expertise of the advisory committee to improve program content and operation.

Evaluative Criteria

Program advisory committees assist in evaluation of strategic and operational plans.

Program advisory committees review and recommend requirements of existing degree, diploma, and technical certificate of credit offerings.

Program advisory committees provide advice regarding curriculum content to ensure that courses relate to present and future employment needs.

Program advisory committees make suggestions regarding the modification, addition, or deletion of course offerings.

Program advisory committees make recommendations regarding the design and use of physical facilities.

Program advisory committees make recommendations regarding the selection and maintenance of equipment.

The program advisory committee assists in evaluation of program effectiveness, job development, job placement, and program promotion, evaluation in relation to standards, program advocacy, and industrial support of the program.

The program advisory committee reviews and recommends requirements for admissions, program content and length, program objectives, instructional materials and tests, equipment, technology, methods of evaluation, and level of skills and/or proficiency required for completion of new, existing, and revised programs.

College administration provides documented evidence that program advisory committee recommendations are considered with specific action taken.

ADVISORY COMMITTEE

Membership

Standard Number: 02-08-02

Standard Statement

The membership of each program advisory committee is representative of the community and employment market served by the program.

Explanatory Comment

The program advisory committee is composed primarily of persons in the industry served by the program and includes persons within the community and employment market who positively impact the program.

Evaluative Criteria

The faculty of each program area, in cooperation with the administration of the college, selects the advisory committee.

The program advisory committee includes a cross-section of representatives from program related businesses and industries.

The program advisory committee includes program related business and industry representatives who have varying occupational positions.

The program advisory committee is comprised of at least three members external to the college (graduates of the program should not comprise a majority of the committee).

ADVISORY COMMITTEE

Meetings

Standard Number: 02-08-03

Standard Statement

Program advisory committees have an annual program of work.

Explanatory Comment

Regularly scheduled formal advisory committee meetings focus on planning, developing, implementing, and evaluating degree/diploma/certificate programs.

Evaluative Criteria

The program advisory committee has an annual program of work on file.

The program advisory committee follows an agenda, developed from the annual program of work, which is distributed to members prior to each meeting.

The program advisory committee meets a minimum of two times annually with at least three members present who are external to the college; one of these meetings may be electronic in nature.

The program advisory committee elects officers, including a chairperson and a secretary.

The program advisory committee maintains minutes indicating date, agenda, members present, and recommendations.

Minutes record progress toward a program of work.

The program advisory committee maintains an open file of minutes and other necessary documents for a minimum of three years.

The program advisory committee members are invited to make periodic classroom visits to the college.

SPECIAL STUDENT POPULATIONS

Commitment

Standard Number: 02-09-01

Standard Statement

The degree, diploma, and technical certificate of credit program is committed to providing technical education to special student populations.

Explanatory Comment

Special student populations are those who are:

1. individuals with disabilities;
2. individuals from economically disadvantaged families, including foster children;
3. individuals preparing for non-traditional fields;
4. single parents, including single pregnant women;
5. displaced homemakers; and
6. individuals with limited English proficiency

Requirements to meet the special needs of students meet or exceed all relevant local, state, and federal legislation.

This legislation includes, but is not limited to, specific approved accommodations removal of architectural and equipment barriers, and non-restrictive career advisement.

Evaluative Criteria

Policies and operational procedures that comply with current local, state, and federal special needs legislation are implemented in the college and its program.

Special student populations are provided special services and assistance to enable them the opportunity to access programs.

Students who have physical and/or intellectual or developmental disabilities are provided special services and assistance to enable them to have equal access in a degree/diploma/ technical certificate of credit program, in accordance with Americans with Disabilities Act requirements and Section 504 of Rehabilitation Act.

Students who are national origin minority students with limited English language skills are provided special services and assistance to enable them the opportunity to succeed in a degree/diploma/ technical certificate of credit program.

Program faculty are prepared, through staff development education and assistance from the Disability Services and Special Populations offices, to provide equal access for special populations students.

All personnel responsible for special student populations follow the applicable policies and procedures of State Board of the Technical College System of Georgia.

Course objectives within the program are utilized as the basis for developing an educational plan for each disabled student enrolled in a program or in learning support.

Learning support course objectives are utilized as the basis for developing an educational plan for each disabled student placed in learning support.

EQUITY

Commitment

Standard Number: 02-10-01

Standard Statement

Each degree, diploma, and technical certificate of credit program affords equal access and opportunities to all qualified students and staff.

Explanatory Comment

Equal access and equal opportunity refer to the prohibition of discrimination on the basis of race, color, creed, national or ethnic origin, religion, gender, age, or disability in educational programs, activities, and employment.

The equal access and equal opportunity requirements of the State Board of the Technical College System of Georgia meet or exceed all relevant state and federal legislation.

Equal access and equal opportunity legislation includes, but is not limited to, mandates for: equitable admissions practices, advisement, employment, grievance procedures, and leave; nondiscriminatory recruitment and promotional materials; and public notification of nondiscrimination.

Evaluative Criteria

The nondiscrimination policies of the instructional program comply with current State Board of the Technical College System of Georgia policy and state and federal law.

College policy ensures equal access to all qualified students who can safely benefit from instructional services regardless of race, color, creed, national or ethnic origin, religion, gender, age, or disability is implemented in each program.

HEALTH AND SAFETY

Commitment

Standard Number: 02-11-01

Standard Statement

Each degree, diploma, and technical certificate of credit program provides a safe and healthy environment for students and staff.

Explanatory Comment

Appropriate health and safety conditions, equipment, practices, and procedures are available in the State Board of the Technical College System of Georgia Policy as well as local, state, and federal law/regulations. Emergency plans, incident reports, and emergency drill procedures are outlined by various authorities, including the State Fire Marshall's Office, the Civil Defense Division, and the Georgia Department of Human Resources, among others.

Health and safety provisions required by the State Board of the Technical College System of Georgia meet or exceed appropriate local, state, and federal law. Health and safety plans required by the State Board of the Technical College System of Georgia Policy include the following:

1. Emergency Operations and Safety Plan;

2. Exposure Control Plan; and

3. Hazard Communication Program Plan (with associated Biennial Hazardous Chemical List).

Evaluative Criteria

The physical facility, furnishings, equipment, supplies, and practices of the degree, diploma, and technical certificate of credit program meet or exceed appropriate local, state, and federal health and safety standards.

Proper health and safety practices are developed, implemented, and integrated into the degree, diploma, and technical certificate of credit program. Current, approved health and safety plans including the Emergency Operations and Safety Plan; Exposure Control Plan; and Hazard Communication Program Plan (with associated Biennial Hazardous Chemical List) are available and posted appropriately.

Procedure: 5.1.2p. (IV.D.1)

Business Affiliation Agreements

Revised: September 10, 2014
Last Reviewed: October 14, 2016
Adopted: September 10, 2014

I. PURPOSE:

The Technical College System of Georgia [TCSG] is committed to developing a well-educated, globally competitive workforce for Georgia. To this end, certain occupational areas have been identified as requiring specific skills or competency mastery that can best be obtained or demonstrated in an educational/applied learning experience with businesses or organizations associated with those occupational areas. These learning experiences may include, but are not be limited to student internships, externships, practicums, and/or clinical rotations. Any program curriculum incorporating educational/applied learning experiences shall be consistent with standards approved by the State Board of the Technical College System of Georgia. Affiliation agreements with external businesses or other organizations for the educational/applied learning experiences of students should be memorialized in writing consistent with the provisions of this procedure.

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board Policy: 5.1.2. General Program and Program Specific Standards
TCSG Procedure: 4.1.9p. Background Investigations
TCSG Procedure: 4.8.1p1. Drug and Alcohol Testing
Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. ("FRCA")
Family Educational Rights and Privacy Act of 1974 (as amended), 20 U.S.C. § 1232g et seq. ("FERPA")

III. APPLICABILITY:

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

IV. DEFINITIONS:

Affiliate: a private, public, or non-profit business or organization that enters into an agreement with a college to provide students with educational/applied learning experiences.

Educational/applied learning experience: an approved program/curriculum requirement that enables students to gain knowledge of and practical experience in an occupational area related to their program of study.

Pre-requisite screening requirements: an affiliate's written terms and conditions which govern the placement of a TCSG student and/or supervising staff/faculty member in an educational/applied learning experience. Screenings may include, but are not limited to a criminal history background check, motor vehicle records check, drug screening, fingerprinting, physical examination or proof of certain vaccinations(s). NOTE: Some screenings may be required by law for service in a given occupational area.

Section 504 Coordinator: an individual designated by the president of the college to ensure compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 as Amended, and any other state and federal regulations governing disabilities; the responsibilities of the 504 Coordinator will include, but may not be limited to evaluating students requesting accommodations for a disability and ensuring equal access to facilities, services and programs.

Title IX Coordinator: an individual designated by the president of the college to ensure compliance with Title IX of the Educational Amendments of 1972, 20 U.S.C. §§ 1681 et seq., and related federal regulations. The Title IX Coordinator may also be assigned the responsibility for compliance with other state and federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education.

V. **ATTACHMENTS:**

Attachment: 5.1.2p.a1. Healthcare Affiliation Sample Agreement
Attachment: 5.1.2p.a2. Childcare Affiliation Sample Agreement
Attachment: 5.1.2p.a3. Internship Sample Agreement
Attachment: 5.1.2p.a4. Legal Services Letter to Affiliates
Attachment: 5.1.2p.a5. Sample Student Acknowledgment for placement in Childcare facility

VI. **PROCEDURE:**

A. Affiliation Agreements

1. The sample Affiliation Agreements attached to this procedure should be utilized when engaging an affiliate for educational/applied learning experiences for students.
2. Should an affiliate insist on using its own agreement, the college president or designee shall review the proposed agreement and ensure that all provisions in conflict with the terms outlined in the "Legal Services Letter to Affiliates" are changed as explained therein to comply with Georgia law. The Letter may be transmitted to the representative of the affiliate to explain which provision(s) are not consistent with state law.
3. If after negotiation of the terms of the affiliation agreement, the parties are unable to reach consensus, the college should consult with TCSG Office of Legal Services for additional assistance.
4. The agreement templates include optional provisions that may be added to an agreement to address specific business functions of the college or the affiliate. If

applicable, these provisions may be proposed for inclusion in an agreement prepared by the affiliate.

5. All affiliation agreements must be reviewed and executed by the college president or his/her authorized designee.

B. While the educational/applied learning experiences are offered in conjunction with an affiliate, the college shall maintain control over the associated curriculum and final responsibility for the evaluation of student academic success. In addition, student conduct while participating in an educational/applied learning experience will be governed by the college's Code of Conduct and addressed in accordance with the college's disciplinary procedure.

C. The affiliate will retain responsibility for their business operations and will maintain administrative and professional supervision of students insofar as their presence or participation affects the operation of the business, customer service, or as applicable, the care of patients or children.

D. Through assigned staff or faculty, colleges will provide the appropriate level of on-site supervision to students participating in an educational/applied learning experience.

E. Educational/applied learning experiences will be assigned and provided to students without regard to race, national origin, religion, creed, gender, genetic information, age, disability or veteran's status.
   1. Colleges are required to make reasonable accommodations for qualified individuals with disabilities to ensure their effective participation in the affiliate program. Any requests for accommodations must be referred to the college's Section 504 Coordinator.
   2. As a condition of affiliation, hosting businesses/organizations must agree in writing to not engage in any unlawful discrimination or harassment of participating student, staff, or faculty.
   3. Colleges are responsible for investigating complaints arising from a student's participation in an educational/applied learning experience. As provided for in applicable TCSG/college procedures, complaints must be referred and investigated by appropriate officials such as the Title IX Coordinator.
   4. Colleges are required to take timely preventive and/or corrective actions to ensure unlawful discrimination or harassment does not occur and to protect students from any further instances of unlawful discrimination or harassment or unlawful retaliation. Required actions may include, but are not be limited to training, reassignment of students or faculty to an alternate site, providing additional monitoring of students at a site, or ending an affiliation agreement.

F. Unless otherwise prohibited by state or federal law, college students and faculty are required to follow the administrative policies, standards and practices of the affiliate when participating in educational/applied learning experiences.

G. Pre-requisite Screening Requirements for Student Participation:
   1. Should an affiliate have pre-requisite screening requirement(s) that students must meet to participate in an educational/applied learning experience at its location, the accompanying Business Affiliation Agreement must clearly identify which screening(s) are required; the accompanying review standards/criteria;

and the determination as to whether the affiliate or college will review the results.

2. Screening requirements must be communicated in writing to and acknowledged by students as soon as possible after program enrollment. It is recommended that all such screening requirements are also referenced in handbooks, orientation materials, and course syllabi.
3. Students should be informed in writing that their inability to participate or complete a required educational/applied learning experience may result in their inability to complete program requirements.
4. As noted above in paragraph VI.G.a, no student may be subject to a pre-requisite screening unless the requirement is in incorporated in the Business Affiliation Agreement with the affiliate to which the student is to be assigned.
5. By design, an affiliate should be responsible, either thru the use of their own staff or a third-party vendor, to obtain (when necessary) written student consent; to review and screen the results of any pre-requisite screenings; and to communicate, in writing, the acceptance or rejection of a particular student.
6. If an affiliate refuses to assume the responsibilities outlined in VI.G.e, the college must perform these functions and also:
    a. Ensure that those responsible for the academic evaluation of students in the applicable program avoid any participation in the review of the screening results; and
    b. Incorporate any statutory limitations pertaining to the occupational area of assignment. (Example: certain criminal convictions would by state or federal law, prohibit a student's participation in an applied learning experience hosted in a childcare setting.)
    c. Must not share any corresponding records obtained through a screening with the affiliate (e.g. actual criminal history records). The only exception to this general prohibition is when a student provides his/her written authorization to release certain records to the affiliate.

7. If a student is denied participation by the initial host affiliate, the college should attempt to place the student in an alternative educational/applied learning experience if another appropriate affiliate site is available. Colleges who have identified another placement site but who believe the alternate placement would result in a safety or security threat must consult the Office of Legal Services.
8. Pre-requisite screening results must be maintained confidentially by college personnel and shared only with those who have a legitimate need to know. Should a pre-requisite screening result in an adverse decision regarding placement of the student with a particular affiliate for a required educational experience, the college shall provide the student with rights of review as required under state or federal law or by TCSG policy or procedure.

H. Pre-requisite Screening Requirements for Staff/Faculty Participation
    1. Should an affiliate have pre-requisite screening requirement(s) that college staff/faculty must meet to observe and/or supervise students involved in an educational/applied learning experience at its location, the type(s) of screening and, as applicable, the accompanying review standards/criteria must be identified in the Business Affiliation Agreement. NOTE: colleges may not execute a Business Affiliation Agreement without first consulting with the TCSG Office of Legal Services if any of the identified screenings would be inconsistent with applicable State Board policies and TCSG procedures.

2. Current employees and other applicants applying for a position subject to affiliate-mandated screening(s) shall be notified of the specific requirements through a notice placed in the corresponding vacancy announcement and, as applicable, during the selection process. The recommended candidate's written conditional offer of employment must state that the successful completion of the identified screening(s) is considered a condition of employment.
3. Current faculty members may become subject to one or more affiliate-mandated screenings provided participation in the observation or supervision of students at an affiliate site is considered a condition of employment.
4. Current faculty members whose position involves participation in the observation or supervision of students in an affiliate site may become subject to one or more affiliate-mandated screening(s) due, for example, to a change in assigned clinical sites. In these situations, the employee shall be notified of the screening requirement(s) prior to any such placement.
5. Any identified pre-requisite screening(s) required by an affiliate must be consistent with State Board policies and TCSG procedures governing employment related screenings.
6. Any screening(s) required of a faculty member shall be undertaken by the college and the college may only communicate to the affiliate that the employee met the established review standards/criteria. The college may not share with the affiliate any records generated as a result of a screening (e.g. faculty member's criminal history records).
7. A faculty member who is denied participation by an affiliate site due to the results of additional screening requirements and cannot continue to perform the essential functions of his/her job, may be subject to disciplinary action up to and including dismissal from employment as provided in the State Board policy on Positive Discipline (4.4.1.) and the TCSG procedure governing Adverse Employment Actions (4.4.2p.)

I. Colleges are required to maintain confidentiality of student educational records pursuant to the provisions of FERPA and TCSG policies and procedures.

J. Colleges shall at all times observe and comply with federal, state, and local laws, rules and regulations as well as TCSG and college procedures when committing to and executing its obligations under a Business Affiliation Agreement.

K. Affiliated organizations will be responsible for compliance with applicable labor and employment laws pertaining to student internships in determining whether students are considered their employees.

VII. **RECORD RETENTION:**

Business Affiliation Agreements will be retained for seven (7) years after expiration of the agreement.

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[Attachment: 5.1.2p.a1.]

Memorandum of Agreement
between
[INSERT NAME] Technical College
and
[HEALTH CARE CLINICAL SITE]

I. Purpose:

The purpose of this Memorandum of Agreement ("Agreement") is to provide instruction and practice for [INSERT NAME] Technical College Students ("Students") at the [INSERT NAME OF CLINICAL SITE]. The instruction and practice is intended to benefit the College's Students in accomplishing their educational goals and create a highly trained work force.

II. Parties:

[INSERT NAME] Technical College (hereinafter the "College") and [CLINICAL SITE] (hereinafter the "Facility").

III. Affiliating Agreement

This is a mutual Agreement between the Facility and the College that provides for the Facility to accept Students in the [INSERT PROGRAM DESCRIPTION] programs for College faculty coordinated clinical experience in the Students' field of study. In addition, this agreement provides:

A. Educational experiences will be provided by the College and the Facility without regard to race, color, national origin, sex, religion, disability, genetic information or age of the persons involved. Provided however, that with respect to disability, the disability must not be such as would, even with reasonable accommodation, in and of itself preclude Participant's participation in the program.

B. While the educational experiences contemplated by this agreement shall be offered jointly, the College shall maintain control over the curriculum offered the College's Students and the Facility shall maintain control and responsibility for its patients/clients.

C. Educational experiences will be of such content and cover such periods of time as may from time to time be mutually agreed upon by the College and the Facility. The starting and ending date for each individual educational experience shall be agreed upon before the experience commences.

D. The number of Students participating in each educational experience shall be determined by mutual agreement of the parties and at any time may be modified by mutual agreement.

E. The Facility will serve as a clinical laboratory and will furnish facilities for the Students in such manner and at such time as the parties herein mutually agree.

F. The Facility will not be required to provide free treatment for Students or College faculty. Students or College faculty may request treatment from the Facility at their own personal expense. The College does not accept any liability or responsibility whatsoever for treatment individually requested by a College Student or College faculty member.

G. Clinical rotation(s) will be planned by the College faculty of the College program(s), in conjunction with the Facility's representative, in order to meet requirements mandated by the College or licensing/certification Board.

H. No College faculty or Student will receive monetary or other type of reimbursement from the Facility for work done during the clinical rotation. Nor shall any College faculty or Student hold him or herself out as an employee or agency of the Facility during the clinical rotation.

IV. The Facility Agrees To The Following:

A. Provide a program of clinical experience for the Students to engage in so as to benefit their knowledge of the Student's program of study at the College. The number of hours and experience may vary each year but will be mutually agreed upon with the College.

B. The Facility will retain responsibility for the care of the patients, clients and/or customers and will maintain administrative and professional supervision of Students, insofar as their presence affects the operation of the Facility and/or patient, client or customer care.

C. Observe the following personnel policies:

1. College faculty and Students will be permitted to observe the College's calendar for holidays and events.

2. Students will be allowed to make up time lost due to unavoidable absences.

3. Students shall wear the accepted College uniform or conform to Facility policies regarding acceptable dress during the clinical experience.

4. Faculty employed by the Technical College System of Georgia ("TCSG") or the College will be under the full jurisdiction of the College's administration.

D. The Facility shall maintain insurance as it deems advisable to protect itself as appropriate given the College's limitations on liability for damages as described below in Paragraph V, subsections (I), (J) and (K).

E. Make provisions for orientation of College faculty members to the facilities, philosophies, and policies of the respective Facility. Such orientation shall include instruction on the Facility's privacy policies and procedures, particularly as related to patient health or other confidential information.

F. Assist in the orientation of the Students to the Facility and clear channels of administration for the use of equipment and records as necessary for teaching purposes and in accordance with Facility policies. Such orientation shall include instruction on the Facility's privacy policies and procedures, particularly as related to patient health or other confidential information.

G. In a case of improper exposure to bodily fluids, airborne tuberculosis, pathogens, antibody and or antigen by a Student or College faculty member, the Facility will use its best efforts to appropriately test the source patient and to obtain the patient's consent for disclosure of test results to the College's infection control personnel.

H. Facility staff shall, upon request, assist the College and College faculty in the evaluation of the learning and performance of participating Students. The Facility agrees to keep confidential any Student records or information it may obtain unless it has otherwise obtained prior written consent of the Student.

I. Provide on the job training that complies with the Fair Labor Standards Act regarding trainees by meeting all six of the following criteria:

1. The training, even though it includes actual operation of the Facility, is similar to that which would be given at the College;

2. The training is for the benefit of the Students;

3. The Students do not displace regular employees of the Facility, but work under constant supervision of Facility employees;

4. The Facility that provides the internship derives no immediate advantage, economic or otherwise, from the activities of the Students and, on occasion, the operations of the Facility may even be impeded;

5. The Students are not necessarily entitled to a job at the Facility at the conclusion of the training period; and

6. The Facility and the Students understand that the Students are not entitled to wages for the time spent in training.

J. Provide a safe work environment for College faculty and Students.

K. Assist and cooperate with the College in investigations related to complaints related to the educational experience at the Facility.

V. The College Agrees To The Following:

A. Ensure that the College's Student Code of Conduct is enforced for the Students at the Facility. Any Student whose behavior, conduct, attitude, or attire is in conflict with the College's Student Code of Conduct will be subject to appropriate disciplinary actions.

B. Provide College faculty in accordance with the required student-faculty ratio as mandated by the state licensing/certification agency or by the local Facility regulation(s).

C. Provide College faculty who have experience in specialty area where they will be supervising Students.

D. Assure that Students with unsatisfactory performance in the classroom and/or clinical practicum will not be placed on clinical assignments.

E. Provide specific written clinical behavioral objectives for the Facility staff prior to Student rotation. Conferences will be scheduled with Facility staff during rotation to discuss Student learning, Student performance, and patient services.

F. Submit a schedule with names of attending Students at least two weeks prior to the beginning of the Student's first day at the Facility.

G. Provide for all administrative functions required by the Facility necessary for smooth operation of the program (i.e., joint review of the use of clinical facilities).

H. Require the observance of Facility policies and procedures by the Students and faculty.

I. Assure that each Student and College faculty member has professional liability insurance with minimum coverage of one million dollars to cover his or her acts or omissions.

J. The College is self-insured under the State of Georgia, Department of Administrative Services, Risk Management Division, against tort claims, including comprehensive automobile liability, in the amount of one million ($1,000,000) per person and three million ($3,000,000) per occurrence; the College also maintains workers' compensation insurance through the State of Georgia.

K. The College is prohibited by the Constitution of Georgia from contracting to indemnify or hold harmless any individual or entity. Article VII, Sec. 4, Paragraph 8; Article III, Sec. 6, Para. 6, Constitution of the State of Georgia. The College will be liable only for personal injury or property damage caused by acts or omissions of its employees in the performance of this contract to the extent provided by the Georgia Tort Claim Act (O.C.G.A. § 50-21-20 et seq.)

L. The College shall, to the extent required by law or policy, offer to Students and College faculty at substantial risk of directly contacting body fluids or airborne tuberculosis, pathogens, antibody and or antigen testing and vaccination in accordance with requirements of the Occupational Health and Safety Administration and the Centers for Disease Control and Prevention. The College shall follow then current Technical College System of Georgia Policy following an exposure of a college faculty or Student.

M. Maintain the following information on each Student and College faculty member who will be participating in clinicals:

[INSERT AS APPROPRIATE. (Examples, name, address, insurance iformation, etc.)]

VI. Withdrawal of Student from Facility

A. The Facility may request the College withdraw any Student from the educational experience at the Facility whose work or conduct may have a detrimental effect on patients or personnel; and/or reserves the right not to accept any Student who has previously been discharged by the Clinical Institute for non-discriminatory reasons, including but not limited to criminal or fraudulent activity, perceived lack of competency or failure to comply with the policies, procedures and rules of the College or Facility.

B. The College may request the withdrawal from the Facility of any Student whose progress, achievement, or adjustment does not justify continuance in the educational experience at the Facility.

VII. Representatives

Any communication regarding this contract should be directed to the following representatives:

For the College: [INSERT]

For the Facility: [INSERT]

VIII. Prohibition of Gratuities

All of the parties hereby certify that the provisions of O.C.G.A. § 45-10-20 through § 45 10-28, which prohibit and regulate certain transactions between State Officials, employees and the State of Georgia, and O.C.G.A. § 45-1-6, which prohibits gratuities, have not been violated and will not be violated in any respect throughout the term of this Contract.

IX. Additional Mutual Agreements

A. [INSERT AS APPROPRIATE. If no additional terms insert “Intentionally left blank.”]

B. [...]

Back

X. Miscellaneous

A. Term

1.The terms and conditions of this agreement shall be periodically reviewed by the parties.

2.This agreement will remain in effect until [INSERT SPECIFIC EXPIRATION DATE, RECOMMENDED NOT MORE THAN THREE ACADEMIC YEARS.]

3. Either party may terminate this agreement upon a 90 day notice in writing to the other party. However, if either party wishes to terminate this agreement it is understood that Students then enrolled in the educational experience at the facility shall be given the opportunity to complete the educational experience.

B. Entire Agreement

This Agreement, together with any documents incorporated herein, constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior negotiations, representations or contracts. No written or oral agreements, representations, statements, negotiations, understandings, or discussions which are not set out, referenced, or specifically incorporated into this Agreement shall in any way be binding or of effect between the parties.

C. Assignment

Neither party shall assign this Agreement, in whole or in part, without the prior written consent of the other party, and any attempted assignment not in accordance herewith shall be null and void and of no force or effect.

D. Applicable law

This Agreement shall be governed in all respects by the laws of the State of Georgia.

E. Amendments in Writing

No amendment of this Agreement, or any of the terms or provisions hereof, shall be binding upon either party except by a writing executed by both parties.

[INSERT NAME] Technical College _____

_____ _____

President Signing Party, Title

_____ _____

Date Date

[INSERT NAME] Technical College does not discriminate on the basis of race, color, religion, national origin, sex, disability, or age in its programs, admissions, employment, or any other activities. The following person has been designated to handle inquiries regarding the nondiscrimination policies that include Title VI, Title IX, 4505. Inquiries concerning application of this policy may be referred to [CONTACT INFORMATION FOR TITLE IX AND SECTION 504 COORDINATORS]

ADDITIONAL PROVISIONS TO BE INCLUDED AS REQUESTED:

Background Check and Drug Screen (Two options:)

1. Ideal (Clinic handles everything):

Before the Student begins his or her educational experience at the Facility, each Student will be required by the Facility to submit to [drug testing, background check, etc.]. All testing and results are to be controlled by the Facility. Students who refuse or fail to meet the Facility's standards on these tests may be withdrawn from participation in the clinical experience at the Facility at the Facility's request. No information regarding the specific deficiencies of the Student's test results shall be shared with the College.

2. Acceptable (College has limited involvement)

Before the Student begins his or her educational experience at the Facility, the College shall advise each Student that he/she will be required to submit to a background check by utilizing [Advantage Students or PreCheck or other service]. The background check shall be considered complete if it contains: [list of items, should not include anything that might be discriminatory on the basis of race, disability, religion, etc.]. Said background check shall be at Student Participant's sole expense. Results of the background check shall be provided to the Facility. The Facility shall have the right to require the withdrawal of any Student if he or she fails to meet the standards established by the Facility for an acceptable background check.

NOTE: AVOID IF AT ALL POSSIBLE REVIEW OF RESULTS OF BACKGROUND/DRUG TESTS BY THE COLLEGE. IF ABSOLUTELY REQUIRED BY THE FACILITY, THE PERSON(S) AT THE COLLEGE HANDLING RESULTS SHOULD NOT UNDER ANY CIRCUMSTANCES HAVE ANY ABILITY TO ASSIGN GRADES OR OTHERWISE IMPACT THE STUDENT'S SUCCESS IN THE PROGRAM. IF POSSIBLE, THE PERSON(S) AT THE COLLEGE WITH ACCESS TO THE RESULTS SHOULD BE COMPLETELY ADMINISTRATIVELY REMOVED FROM THE EDUCATIONAL PROGRAM (e.g., President's office, accounting, etc.) Also, make sure that there are set specific guidelines for "Failure" of a background check. There should be little discretion; should be "yes" or "no" as possible answers to the extent possible. Example: "Does student have a felony? Yes/No".

Confidentiality

Ideal:

Students and College Faculty shall not disclose to any third party, except as permitted or required by law or approved by the Facility in writing, any medical record or other patient information. Students and College faculty shall comply with all federal and state laws and regulations, and all bylaws, rules, regulations and policies of the Facility regarding the confidentiality of patient information.

College acknowledges that the Facility must comply with the applicable provisions of the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320 et seq. ("HIPAA") and its related regulations. College, Students and College faculty shall not request, use or further disclose any Protected Health Information ("PHI") other than for the treatment and training purposes specified in this Agreement. The College will promptly report to the Facility any uses or disclosures of which the College becomes aware of PHI in violation of this Agreement.

Acceptable additions:

To the extent permitted by the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.), College agrees that the College will not disclose to others confidential information of the Facility obtained during the course of the clinical experience. Information which the Facility wishes considered confidential shall be clearly marked and identified as "confidential." No copies of confidential information shall be provided to College, College faculty or Students; all written copies are to remain at the Facility. Confidential information shall not include the terms and conditions of this Agreement or any other document the College would be required to produce under the Georgia Open Records Act.

Licensing

The College will not knowingly assign any College faculty to the Facility who is not appropriately licensed or certified, and will make evidence of the licensure or certification of its assigned faculty available to the Facility upon request.

Exposures to Bloodborne or Other Pathogens

Acceptable addition to College responsibilities (Section V):

> In the event of an exposure, the College will be responsible for offering appropriate testing to the affected Student or College faculty, providing appropriate medical care, counseling, and recordkeeping in accordance with the College exposure control plan. In no instance shall the College's responsibility as defined in the paragraph exceed a period of one year after the Student or College faculty leaves the program in accordance with State Policy.

Attachment: 5.1.2p.a2.

Memorandum of Agreement
between
[INSERT NAME] Technical College
and
[CHILD CARE SITE]

I. Purpose

The purpose of this Memorandum of Agreement ("Agreement") is to provide instruction and practice for [INSERT NAME] Technical College Students ("Students") at the [INSERT NAME OF CLINICAL SITE]. The instruction and practice is intended to benefit the College's Students in accomplishing their educational goals and create a highly trained work force.

II. Parties

[INSERT NAME] Technical College (hereinafter the "College") and [CLINICAL SITE] (hereinafter the "Facility").

III. Affiliating Agreement

This is a mutual Agreement between the Facility and the College that provides for the Facility to accept early childcare Students for a practicum or internship assignment and to provide a structured and supervised classroom environment and varied educational experiences to facilitate desired learning outcomes and practical, on the job training. In addition, this agreement provides:

A. Educational experiences will be provided by the College and the Facility without regard to race, color, national origin, sex, religion, disability, genetic information or age of the persons involved; provided however, that with respect to disability, the disability must not be such as would, even with reasonable accommodation, in and of itself preclude Participant's participation in the program.

B. While the educational experiences contemplated by this agreement shall be offered jointly, the College shall maintain control over the curriculum offered the College's Students and the Facility shall maintain control and responsibility for the children enrolled in the Facility.

C. Educational experiences will be of such content and cover such periods of time as may from time to time be mutually agreed upon by the College and the Facility. The starting and ending date for each individual educational experience shall be agreed upon before the experience commences.

D. The number of Students participating each semester shall be determined by mutual agreement of the parties and at any time may be modified by mutual agreement.

E. The Facility will furnish facilities for the Students in such manner and at such time as the parties herein mutually agree.

F. Clinical rotation(s) will be planned by the College faculty of the College program(s), in conjunction with the Facility's representative, in order to meet requirements mandated by the College or licensing/ certification Board.

G. No College faculty or Student will receive monetary or other type of reimbursement from the Facility for work done during the clinical rotation. Nor shall any College faculty or Student hold him or herself out as an employee or agency of the Facility during the clinical rotation.

IV. **The Facility Agrees to the following**:

A. Provide appropriate classroom environments and educational and learning experiences for Students to enhance their knowledge of early childhood education. The number of hours and experience may vary each year but will be mutually agreed upon with the College.

B. Ensure that the Facility has on file all documentation required for each Student to participate in a practicum or internship at the Facility in compliance with Georgia law and the Regulations of the Georgia Department of Early Child Care and Learning.

C. The Facility will retain responsibility for the care of the children enrolled at the Facility and will maintain administrative and professional supervision of Students, insofar as their presence affects the operation of the Facility and children under the Facility's care.

D. Observe the following personnel policies:

1. College faculty and Students will be permitted to observe the College's calendar for holidays and events.

2. Students will be allowed to make up time lost due to unavoidable absences.

3. Students shall conform to Facility policies regarding acceptable dress during the clinical experience.

4. Faculty employed by the Technical College System of Georgia ("TCSG") or the College will be under the full jurisdiction of the College's administration.

E. The Facility shall maintain insurance as it deems advisable to protect itself as appropriate given the College's limitations on liability for damages as described below in paragraph V subsections (H) and (I).

F. Make provisions for orientation of Students and College faculty members to the facilities, philosophies, and policies of the respective Facility. Such orientation shall include instruction on the Facility's privacy policies and procedures particularly as related to confidential information.

G. Facility staff shall, upon request, assist the College in the evaluation of the learning and performance of participating Students. The Facility agrees to keep confidential any Student records or information it may obtain unless it has otherwise obtained prior written consent of the Student.

H. Provide on the job training related to early childhood education which complies with the Fair Labor Standards Act regarding trainees by meeting all six of the following criteria:

1) The training, even though it includes actual operation of the Facility, is similar to that which would be given at the College;

2) The training is for the benefit of the Students;

3) The Students do not displace regular employees of the Facility, but work under constant supervision of Facility employees;

4) The Facility that provides the internship derives no immediate advantage, economic or otherwise, from the activities of the Students and, on occasion, the operations of the Facility may even be impeded;

5) The Students are not entitled to a job at the Facility at the conclusion of the training period; and

6) The Facility and the Students understand that the Students are not entitled to wages for the time spent in training.

I. Provide a safe work environment for College faculty and Students.

J. Assist and cooperate with the College in investigations related to complaints related to the educational experience at the Facility.

V. The College Agrees to the following:

A. Ensure that the College's Student Code of Conduct is enforced for the Student at the Facility. Any Student whose behavior, conduct, attitude, or attire is in conflict with the College's Student Code of Conduct will be subject to appropriate disciplinary action.

B. Provide credentialed College faculty to visit, observe and evaluate each Student's success in meeting established learning objectives.

C. Assure that only Students in good academic standing are recommended to the Facility for a practicum or internship.

D. Conduct periodic conferences with Facility staff to discuss Student learning and Student performance.

E. Submit a schedule with names of assigned Students at least two weeks prior to the beginning of the practicum or internship.

F. Work collaboratively with the Facility regarding the schedule and selection of classroom assignments to maximize the learning experiences for participating Students.

G. Require the observance of Facility policies and procedures by the Students and College faculty.

The College is self-insured under the State of Georgia, Department of Administrative Services, Risk Management Division, against tort claims, including comprehensive automobile liability, in the amount of one million ($1,000,000) per person and three million ($3,000,000) per occurrence; the College also maintains workers' compensation insurance through the State of Georgia.

The College is prohibited by the Constitution of Georgia from contracting to indemnify or hold harmless any individual or entity. [Article VII, Sec. 4, Paragraph 8; Article III, Sec. 6, Para. 6, Constitution of the State of Georgia]. The College will be liable only for personal injury or property damage caused by acts or omissions of its employees in the performance of this contract to the extent provided by the Georgia Tort Claim Act (O.C.G.A. 50-21-20 et seq.)

Maintain the following information on each Student and College faculty member who will be participating in clinicals:

[INSERT AS APPROPRIATE. (Examples, “clearance letter” from DECAL, name, address, insurance information, etc.)]

VI. Withdrawal/Non-Acceptance of Student from Practicum/Internship

The Facility may request the College withdraw any Student from a practicum or internship in its Facility whose work or conduct may have a detrimental effect on the Facility’s enrolled children or personnel; and/or reserves the right not to accept any Student who has previously been discharged by the Facility for non-discriminatory reasons, including but not limited to criminal or fraudulent activity, perceived lack of competency or failure to comply with the policies, procedures and rules of the College or Facility.

The College may request the withdrawal from the Facility of any Student whose progress, achievement, or adjustment does not justify continuance in the educational experience at the Facility.

VII. Representatives

Any communication regarding this contract should be directed to the following representatives:

For the College:

[INSERT]

For the Facility:

[INSERT]

VIII. Prohibition of Gratuities

All of the parties hereby certify that the provisions of O.C.G.A. § 45-10-20 through § 45-10-28, which prohibit and regulate certain transactions between State Officials, employees and the State of Georgia, and O.C.G.A. § 45-1-6, which prohibits gratuities, have not been violated and will not be violated in any respect throughout the term of this Contract.

IX. Additional Mutual Agreements

[INSERT AS APPROPRIATE. If no additional terms insert “Intentionally left blank.”]

X. Miscellaneous

Term -The terms and conditions of this agreement shall be periodically reviewed by the parties.

This agreement will remain in effect until [INSERT SPECIFIC EXPIRATION DATE, RECOMMENDED NOT MORE THAN THREE ACADEMIC YEARS].

Either party may terminate this agreement upon a 90 day notice in writing to the other party. However, if either party elects to terminate this agreement it is understood that Students enrolled in the program shall be given the opportunity to complete the full program.

Entire Agreement - This Agreement, together with any documents incorporated herein, constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior negotiations,

representations or contracts. No written or oral agreements, representations, statements, negotiations, understandings, or discussions which are not set out, referenced, or specifically incorporated into this Agreement shall in any way be binding or of effect between the parties.

Assignment - Neither party shall not assign this Agreement, in whole or in part, without the prior written consent of the other party, and any attempted assignment not in accordance herewith shall be null and void and of no force or effect.

Applicable law - This Agreement shall be governed in all respects by the laws of the State of Georgia.

Amendments in Writing - No amendment of this Agreement, or any of the terms or provisions hereof, shall be binding upon either party except by a writing executed by both parties.

[INSERT NAME] Technical College	_____
_____	_____
President	Signing Party, Title
_____	_____
Date	Date

[INSERT NAME] Technical College does not discriminate on the basis of race, color, religion, national origin, sex, disability, or age in its programs, admissions, employment, or any other activities. The following person has been designated to handle inquiries regarding the nondiscrimination policies that include Title VI, Title IX, 4505. Inquiries concerning application of this policy may be referred to [CONTACT INFORMATION FOR TITLE IX AND SECTION 504 COORDINATORS]

ADDITIONAL PROVISIONS TO BE INCLUDED AS REQUESTED:

Background Check, Drug Screen, Fingerprints (Two options:)

Ideal (Clinic handles everything):

> Before the Student begins his or her educational experience at the Facility, each Student will be required by the Facility to submit to [drug testing, fingerprint records check, criminal history name check, etc.]. The Facility shall request and maintain copies of any requested/required testing/activities. The Facility shall inform the College as to whether or not the Student successfully completed all required tests/activities. However, the Facility shall not share any specific deficiencies with the College. A Student who refuses or fail to meet the Facility's established standards on these tests/activities or, as applicable, DECAL Regulations may not be accepted by the Facility or be withdrawn from participation in the practicum or internship at the Facility's request.

Acceptable (College has limited involvement)

> Before the Student begins his or her educational experience at the Facility, the College shall advise each Student that he/she will be required to [fingerprint record check, submit to a drug test, submit to a background check, etc.] as required by the Facility, statute or DECAL regulations by utilizing [Advantage Students or PreCheck or other service]. The results shall be considered acceptable if: [list

of items, should not include anything that might be discriminatory on the basis of race, disability, religion, etc.]. All such tests/activities shall be at the Student's sole expense. Results of the [fingerprint record check, submit to a drug test, submit to a background check, etc.] shall be provided to the Facility. The Facility shall have the right to require the withdrawal of any Student if he or she fails to meet the standards established by the Facility for an acceptable background check.

Confidentiality

Ideal:

Students and College Faculty shall not disclose to any third party, except as permitted or required by law or approved by the Facility in writing, any Student educational records or other information. Students and College faculty shall comply with all federal and state laws and regulations, and all bylaws, rules, regulations and policies of the Facility regarding the confidentiality of the children's information.

Acceptable additions:

To the extent permitted by the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.), College agrees that the College will not disclose to others confidential information of the Facility obtained during the course of the clinical experience. Information which the Facility wishes considered confidential shall be clearly marked and identified as "confidential." No copies of confidential information shall be provided to College, College faculty or Students; all written copies are to remain at the Facility. Confidential information shall not include the terms and conditions of this Agreement or any other document the College would be required to produce under the Georgia Open Records Act.

Licensing

The College will not knowingly assign any College faculty to the Facility who is not appropriately licensed or certified, and will make evidence of the licensure or certification of its assigned College faculty available to the Facility upon request.

Back

Attachment: 5.1.2p.a3.

Memorandum of Agreement
between
[INSERT NAME] Technical College
and
[CLINICAL SITE]

I. Purpose

The purpose of this Memorandum of Agreement ("Agreement") is to provide instruction and practice for [INSERT NAME] Technical College Students ("Students") at the [INSERT NAME OF CLINICAL SITE]. The instruction and practice is intended to benefit the College's Students in accomplishing their educational goals and create a highly trained work force.

II. Parties

[INSERT NAME] Technical College (hereinafter the "College") and [CLINICAL SITE] (hereinafter the "Facility").

III. Affiliating Agreement

This is a mutual Agreement between the Facility and the College that provides for the Facility to accept early Students for an internship assignment and to provide a structured and supervised classroom environment and varied educational experiences to facilitate desired learning outcomes and practical, on the job training. In addition, this agreement provides:

A. Educational experiences will be provided by the College and the Facility without regard to race, color, national origin, sex, religion, disability, genetic information or age of the persons involved; provided however, that with respect to disability, the disability must not be such as would, even with reasonable accommodation, in and of itself preclude Participant's participation in the program.

B. While the educational experiences contemplated by this agreement shall be offered jointly, the College shall maintain control over the curriculum offered the College's Students and the Facility shall maintain control and responsibility for the business operations and the patients or children enrolled in the Facility, if any.

C. Educational experiences will be of such content and cover such periods of time that should be mutually agreed upon by the College and the Facility.

IV. The Facility Agrees to the following:

A. Provide appropriate learning environments and educational and learning experiences for Students to enhance their knowledge of the Students' area of study. The number of hours and experience may vary but will be mutually agreed upon with the College.

B. Ensure that the Facility has on file all documentation required for each Student to participate in an internship at the Facility in compliance with Georgia law and, if applicable, the Regulations of the Georgia Department of Early Child Care and Learning.

C. The Facility will retain responsibility for the care of the business operations and patients or children enrolled at the Facility (if any) and will maintain administrative and professional supervision of Students, insofar as their presence affects the operation of the Facility and any persons under the Facility's care.

D. Observe the following personnel policies:

1. Students will be allowed to make up time lost due to-approved absences.
.
2. Faculty employed by the Technical College System of Georgia ("TCSG") or the College will be under the full jurisdiction of the College's administration.

E. The Facility shall maintain insurance as it deems advisable to protect itself as appropriate given the College's limitations on liability for damages as described herein.

F. Make provisions for orientation of Students and College faculty members to the facilities, philosophies, and policies of the respective Facility. Such orientation shall include instruction on the Facility's privacy policies and procedures particularly as related to confidential information.

G. Facility staff shall, upon request, assist the College in the evaluation of the learning and performance of participating Students. The Facility agrees to keep confidential any Student records or information it may obtain unless it has otherwise obtained prior written consent of the Student.

H. Provide a safe work environment for College faculty and Students.

I. Assist and cooperate with the College in investigations related to complaints related to the educational experience at the Facility.

V. The College Agrees to the following:

A. Provide credentialed College faculty to visit, observe and evaluate each Student's success in meeting established learning objectives.

B. Conduct periodic conferences with Facility staff to discuss Student learning and Student performance.

C. The College is self-insured under the State of Georgia, Department of Administrative Services, Risk Management Division, against tort claims, including comprehensive automobile liability, in the amount of one million ($1,000,000) per person and three million ($3,000,000) per occurrence; the College also maintains workers' compensation insurance through the State of Georgia.

D. The College is prohibited by the Constitution of Georgia from contracting to indemnify or hold harmless any individual or entity. Article VII, Sec. 4, Paragraph 8; Article III, Sec. 6, Para. 6, Constitution of the State of Georgia. The College will be liable only for personal injury or property damage caused by acts or omissions of its employees in the performance of this contract to the extent provided by the Georgia Tort Claim Act (O.C.G.A. § 50-21-20 et seq.)

E. Maintain the following information on each Student and College faculty member who will be participating in clinicals:

1. [INSERT AS APPROPRIATE. (Examples, "clearance letter" from DECAL, name, address, insurance information, etc.)]
2. [ ]

VII. Representatives

Any communication regarding this contract should be directed to the following representatives:

For the College:

[INSERT]

For the Facility:

[INSERT]

VIII. Prohibition of Gratuities

All of the parties hereby certify that the provisions of O.C.G.A. § 45-10-20 through § 45-10-28, which prohibit and regulate certain transactions between State Officials, employees and the State of Georgia, and O.C.G.A. § 45-1-6, which prohibits gratuities, have not been violated and will not be violated in any respect throughout the term of this Contract.

IX. Additional Mutual Agreements

A. [INSERT AS APPROPRIATE. If no additional terms insert "Intentionally left blank."]

B. […]

X. Miscellaneous

A. Term

1. The terms and conditions of this agreement shall be periodically reviewed by the parties.
2. This agreement will remain in effect until [INSERT SPECIFIC EXPIRATION DATE, RECOMMENDED NOT MORE THAN THREE ACADEMIC YEARS].
3. Either party may terminate this agreement upon a 90 day notice in writing to the other party. However, if either party elects to terminate this agreement it is understood that Students enrolled in the program shall be given the opportunity to complete the full program.

B. Entire Agreement

This Agreement, together with any documents incorporated herein, constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior negotiations, representations or contracts. No written or oral agreements, representations, statements, negotiations, understandings, or discussions which are not set out, referenced, or specifically incorporated into this Agreement shall in any way be binding or of effect between the parties.

C. Assignment

Neither party shall not assign this Agreement, in whole or in part, without the prior written consent of the other party, and any attempted assignment not in accordance herewith shall be null and void and of no force or effect.

D. Applicable law

This Agreement shall be governed in all respects by the laws of the State of Georgia.

E. Amendments in Writing

No amendment of this Agreement, or any of the terms or provisions hereof, shall be binding upon either party except by a writing executed by both parties.

[INSERT NAME] Technical College	_____
_____	_____
President	Signing Party, Title
_____	_____
Date	Date

[INSERT NAME] Technical College does not discriminate on the basis of race, color, religion, national origin, sex, disability, or age in its programs, admissions, employment, or any other activities. The following person has been designated to handle inquiries regarding the nondiscrimination policies that include Title VI, Title IX, 4505. Inquiries concerning application of this policy may be referred to [contact information for title ix and section 504 coordinators]

ADDITIONAL PROVISIONS TO BE INCLUDED AS REQUESTED:

Confidentiality

Ideal:

Students and College Faculty shall not disclose to any third party, except as permitted or required by law or approved by the Facility in writing, any Student educational records or other information. Students and College faculty shall comply with all federal and state laws and regulations, and all bylaws, rules, regulations and policies of the Facility regarding the confidentiality of the children's information.

Acceptable additions:

To the extent permitted by the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.), College agrees that the College will not disclose to others confidential information of the Facility obtained during the course of the clinical experience. Information which the Facility wishes considered confidential shall be clearly marked and identified as "confidential." No copies of confidential information shall be provided to College, College faculty or Students; all written copies are to remain at the Facility. Confidential information shall not include the terms and conditions of this Agreement or any other document the College would be required to produce under the Georgia Open Records Act.

Licensing

The College will not knowingly assign any College faculty to the Facility who is not appropriately licensed or certified, and will make evidence of the licensure or certification of its assigned College faculty available to the Facility upon request.

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Nathan Deal
Governor

Ronald W. Jackson
Commissioner

September 5, 2014

To whom it may concern:

The Technical College is one of 23 public colleges comprising the Technical College System of Georgia, a state agency within the executive branch of Georgia's government. As a public institution funded by state appropriated dollars, there are statutory and constitutional regulations governing their ability to enter into contracts, including clinical contracts. These regulations may not be applicable to the private clinical partners with whom you may also work, and therefore may require some deviation from the standardized clinical contracts you normally utilize for clinical agreements.

In order to assist you in understanding these regulations and hopefully minimize any delays in establishing clinical arrangements for our students, I have listed some of the most common contractual provisions to which our Colleges are unable to agree.

1. **Indemnification/Hold Harmless Clauses**

There are three separate legal principles that prohibit the College from entering into an agreement to defend a clinical partner or other third party and/or to hold them harmless from any liability, personal injury and property damage arising out the clinical relationship.

First, indemnification provisions have been determined to be void as unauthorized attempts to contractually waive the State's sovereign immunity. An opinion of the Attorney General of Georgia (the "Attorney General") counsels that an unauthorized attempt to waive sovereign immunity through an indemnification agreement would be ultra vires and void. 1980 Op. Att'y Gen. 80-67. The Supreme Court of Georgia confirmed this position, holding that an indemnification clause by a state governmental entity is invalid where the entity lacks the express statutory power to waive its sovereign immunity. CSX Transp., Inc. v. City of Garden City, 588 S.E. 2d 688, 690 (Ga. 2003).

Second, indemnification provisions violate the gratuities prohibition of the Georgia Constitution. The Georgia Constitution prohibits the granting of any donation or gratuity or forgiving any debt or obligation owing to the public. Ga. Const. art. III § VI, ¶ VI(a). It also prohibits the granting or authorization of extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into. Id. An opinion of the Attorney General also opines that indemnification provisions are gratuitous undertaking in violation of the gratuities prohibition. 1980 Op. Att'y Gen. 80-67.

Third, indemnification provisions violate the debt restriction on Georgia agencies and authorities. The Georgia Constitution prohibits the credit of the state from being pledged or loaned to any individual, company, corporation or association. Ga. Const. art. VII, § IV, ¶ VIII. Again, the Attorney General has interpreted the constitutional debt restriction as a prohibition upon a state agency from contractually agreeing to any indemnification and "hold harmless" provisions. 1980 Op. Att'y Gen. 80-67. An indemnification provision is open-ended in nature and thus violates this debt restriction.

2. **Governing law/venue in any state other than Georgia/waiver of jury trial or mandatory alternative dispute resolution**

There are two statutes that prohibit the College from agreeing to jurisdiction or governing law outside of Georgia. Georgia law requires that actions be brought only in the superior court of Fulton County, Georgia when involving an alleged breach of written contract by a state agency. O.C.G.A. § 50-21-1(b). Additionally, Georgia law requires that all tort actions against Georgia under the Georgia Tort Claims Act be brought only in the state court or superior court of the county in which the alleged loss occurred. O.C.G.A. § 50-21-28. Tort actions based on alleged losses sustained outside of Georgia must be brought in the Georgia County of residence of the employee or official upon whose actions the claim is based. Id. As such, the College can only agree to jurisdiction in Georgia.

In addition, the College is unable to agree to any arbitration or waiver of jury trial contract provisions. The Attorney General has exclusive jurisdiction in all legal matters related to the executive branch of Georgia government. O.C.G.A. § 45-15-34. The Attorney General is the "legal advisor of the executive branch" and is required to "represent the state in all civil actions tried in any court." O.C.G.A. §§ 4515-3(4) & (6). Whether a matter involving the College is litigated before a jury or resolved through arbitration is a decision within the exclusive purview of the Attorney General and cannot be contractually limited or altered by the College.

3. **Confidentiality/Non-Disclosure**

The College is subject to the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.) which allows any individual to view its records and to make copies for a fee, unless the records are specifically exempt from disclosure by state or federal law. While many of our student records are exempt from disclosure, the documents, contracts, electronic data, e-mails and other writings generated or received by the College during normal business operations are subject to public disclosure. The written agreement with the College, by its very nature, is a public record. As such, the College cannot agree to contract provisions that restrict it from releasing information related to the agreement itself or information that would otherwise be subject to public disclosure under the Georgia Open Records Act. There can, however, be provisions for maintaining the confidentiality of the clinical site's valid trade secrets, provided the site identifies the information as such when submitting it to the College and it is accompanied by an affidavit affirmatively declaring it as a trade secret. See O.C.G.A. § 50-18-72(a)(34). In addition, confidential health information, such as that protected by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), would **not** be subject to disclosure by the college under the Georgia Open Records Act. See O.C.G.A. § 50-18-72 (a) (1) and (2).

4. Insurance

As part of the Technical College System of Georgia, the College is self-insured under the State of Georgia, Department of Administrative Services, Risk Management Division, against employer liability and tort claims, including comprehensive automobile liability, in the amount of one million ($1,000,000) per person and three million ($3,000,000) per occurrence; the College also maintains workers' compensation insurance for its employees through the State of Georgia and often has professional liability insurance for its students and instructors working at the clinical site. The terms and conditions of this coverage must be confirmed with the individual college.

Provisions mandating that the College purchase additional insurance, increase policy limits, or name the vendor or other third party as an additional insured party cannot be included in contracts with the College. The College may be liable only for personal injury or property damage caused by acts or omissions of its employees in the performance of the contract to the extent provided by the Georgia Tort Claims Act (O.C.G.A. § 50-21-20 et seq.).

5. Unknown Damages, Costs or Expenses

The legal principles that prohibit the College from agreeing to indemnification clauses also prevent it from entering into any contract that requires it to pay attorneys' fees or any other expense that cannot be calculated. The College is specifically prohibited from agreeing to pay unknown damages of a third party or paying a contract termination fee.

We have worked successfully with many industries that have provided our students with applied learning experiences in their work-sites; these partnerships have been critical in the development of a well-educated, globally competitive workforce for the state of Georgia. We hope you too are able to recognize our value as a partner and will accommodate these contractual restrictions in your negotiations with the College. If you have any questions or concerns regarding the College's ability to participate in clinical programs with you, you may contact the College's Vice President of Academic Affairs or the Technical College System of Georgia's Office of Legal Services.

Sincerely,

Linda Osborne-Smith

Linda Osborne-Smith
General Counsel
Technical College System of Georgia

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Attachment: 5.1.2p.a5.

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

(COLLEGE NAME)

Acknowledgment of Criminal History Records Check Requirements
Early Childhood Care and Education Program

As a prospective or currently enrolled student in the Early Childhood Care and Education (ECCE) Degree or Diploma program I, _____ (Print Name), have been advised and understand that the established curriculum requires participation in both a practicum/lab and an internship. I also understand that the Technical College System of Georgia (TCSG) and its associated technical colleges operating a child enrichment center or group day care home follow all Rules and Regulations established by the Georgia Department of Early Care and Learning regarding the operation of these facilities.

Additionally, these Rules and Regulations and the authorizing legislation require all individuals (including ECCE students) performing duties/tasks in a paid or unpaid capacity that involve personal contact with any child being cared for by a public or private child care learning center, group day care home, or family day care home to undergo a fingerprint-based criminal records check as well as a review and evaluation of their criminal history records. With respect to my participation in a practicum/lab or internship, I also understand that there may be additional standards established by individual site operators that I must meet and that my placement at a particular site for a practicum/lab or internship is contingent upon acceptance by the individual operator.

I acknowledge and understand that before I can be placed in a practicum/lab or internship on or after January 1, 2014, I must be fingerprinted and receive a satisfactory fingerprint records check determination from the Georgia Department of Early Care and Learning. If I receive an unsatisfactory fingerprint records check determination due to my criminal history, I understand that I cannot participate in the required practicum/lab and/or internship unless the unsatisfactory determination is reversed. I also acknowledge that I have been provided with the definition of a “crime” for which a past conviction; entering a plea of nolo contendere; or, the existence of a pending charge will likely prevent me from working/serving in a child care learning center, group day-care home, or family day-care home in a position which involves personal contact with children.

I understand that if I receive an unsatisfactory fingerprint records check determination from the Georgia Department of Early Care and Learning I will be provided an opportunity to show that the record is in error and/or to appeal the determination by requesting a hearing before an Administrative Law Judge at the Office of Administrative Hearings.

I also acknowledge and understand that if an unsatisfactory determination from the Georgia Department of Early Care and Learning is not reversed; if I am unable to meet other practicum/lab or internship requirements established by an individual site operator; if I am removed from and cannot return to complete a practicum/lab or internship placement in response to an arrest, conviction, or other change(s) in my criminal history status involving a covered crime; or, if I fail to meet other established academic requirements associated with the ECCE program, I will be unable to graduate from _____ Technical College with an Early Childhood Care and Education Degree or Diploma.

I understand that I am responsible for all costs associated with the above referenced fingerprint records check. I also understand that the Georgia Department of Early Care and Learning reserves the right to require me to undergo an additional fingerprint records check if the agency has reason to believe that I possess a criminal record that renders me ineligible to have contact with children in my internship or practicum/lab site. I understand that I will also be responsible for all costs associated with any additional fingerprint record check(s) that may be required.

I acknowledge that I have reviewed the attached Early Childhood Care and Education Program Disclosure of Arrest/Conviction Form. I understand that if I am arrested, convicted of any crime, or subject to any other criminal history status change for a covered crime while performing an internship or practicum/lab in a child enrichment center or group day care home operated by a technical college associated with the Technical College System of Georgia, I must verbally notify and provide _____ (Name of Child Enrichment Center/Group Day Care Home Director) a completed Disclosure of Arrest/Conviction Form no later than three (3) calendar days following the arrest, conviction, or change regarding my criminal history status.

_____ _____
Student Signature Date

_____ _____
College Representative Signature Date

Attachments: Covered Crimes and Offenses
Disclosure of Arrest(s)/Conviction(s) Form

NOTE: A copy of the completed Acknowledgment Form will be provided to the student and a copy will be retained by the ECCE Program Director or other designated college official.

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Covered Crimes and Offenses

While not exhaustive, the following is a list of covered crimes and offenses for which an arrest, charge or conviction could prevent an individual from placement/working in a child care center or other setting which involves direct contact/care of a child:

- any felony;
- a violation of O.C.G.A.§ 16-5-23, relating to simple battery where the victim is a minor;
- a violation of O.C.G.A.§ 16-5-23.1 relating to battery when the victim is a minor;
- a violation of O.C.G.A.§ 16-21.1 relating to contributing to the delinquency of a minor;
- a violation of O.C.G.A.§ 16-6-1 et.seq., relating to sexual offenses;
- a violation of O.C.G.A.§ 16-4-1, relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph; or,
- any other offenses committed in another jurisdiction which, if committed in this state, would be one of the enumerated crimes listed above.

POLICY: 5.1.3. (IV.E)

Technical Advisory Committees

Revised: September 7, 2006; April 23, 2001
Last Reviewed: October 14, 2016
Adopted: May 7, 1987

POLICY:

The State Board in consultation with appropriate agencies and organizations shall establish a limited number of technical committees to advise the Board on the development of curricula to address labor market needs.

The Commissioner or designee shall:

1) Define the purpose, objectives and criteria for membership on technical committees.

2) Select and appoint members to technical committees.

3) Establish procedures for the operation of technical committees to include roles and responsibilities, terms of appointment, and process for replacement of members.

4) Establish steering committees, as needed, to provide coordination of two or more technical committees and establish procedures for their selection, appointment, terms, replacement, roles, and responsibilities.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 5.1.4. (IV.F.)
Service Delivery Areas

Revised: September 7, 2006; May 14, 2001
Last Reviewed: October 14, 2016
Adopted: March 6, 1986

POLICY:

The Technical College System of Georgia [TCSG] is charged with the performance of planning, operation, evaluation and maintenance of viable programs that shall ensure our State's continued economic well-being and that shall provide its citizens with meaningful, quality education programs which shall enable them to be gainfully employed.

To ensure promotion of economic development in the state and to establish the highest possible level of training and services for business and industry through the TCSG, it is necessary to assign "service delivery areas" to the technical colleges within this system.

Due to the fact that populations shift, economic factors change, new technical colleges are built, and transportation corridors change over a period of time, it shall be necessary to allow for anticipated future changes in assigned service delivery areas as the various parameters vary. However, it is critical that service delivery area assignments are consistent with existing needs.

Each technical college shall have an assigned "service delivery area" defined by the TCSG.

The service delivery area assignment defines the counties, or portions thereof, for which each technical college has responsibility and accountability for delivery of training services to business and industry via on-campus or in-plant training. Responsibilities and services to be delivered include, but are not limited to, the following:

1) Training consultation and assisting business and industry with training needs assessments and analysis

2) Conducting supplementary, retraining, and upgrading training for existing businesses and industries

3) Conducting appropriate training for new and expanding businesses and industries

4) Development and maintenance of a system for aggressively pursuing contacts with businesses and industries within the assigned service delivery area in order to identify their current and future training needs

5) Development and maintenance of an annual plan for meeting the technical training needs of the businesses and industries within the assigned service delivery area utilizing short-term funding, tuition monies, resources of the companies served, and other available means, and

6) Conducting Quick Start programs, as assigned.

Service delivery area assignments are not for the purpose of defining recruitment zones or areas from which enrollees may attend a given Technical College.

Service delivery areas are counties, or portions thereof, assigned to each technical college to delineate areas of responsibility and accountability for delivery of appropriate training services to business and industry.

The Commissioner shall develop and issue guidelines and procedures to implement this policy, to include:

1) A transition timeline for changing from "existing" to "new" service delivery area assignments

2) A service delivery area operational guidelines document, and

3) A means of verification of the level and quality of consultative and training services being provided by each technical college within its service delivery area.

The Commissioner shall periodically review the service delivery area assignments and make necessary reassignments as deemed appropriate.

Technical colleges shall have responsibility and accountability for delivering services to business and industry within their assigned "service delivery area."

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 5.1.5. (IV.G)

Technical College Calendars

Revised: September 2, 2010, June 7, 2007
Last Reviewed: October 14, 2016
Adopted: August 4, 1988

POLICY:

The educational programs of the technical colleges shall operate on an annual semester calendar which will consist of two semesters (fall and spring). A summer session can be structured according to local preferences. The Commissioner shall establish the annual state system calendar parameters. The technical college President shall establish the technical college's annual calendar within system parameters.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY: 4.5.2. Leave
State Board POLICY: 4.5.3. Holidays
Attachment: 5.1.5.a1. Commissioner's College Calendar Parameters

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Attachment: 5.1.5.a1.

Academic Year (AY) 2012

Parameters for Technical Colleges

(Updated: 02/26/2015)

Fall Semester

Day	Date	Topic	Total Term Days
Monday	August 22, 2011	Earliest Semester Begin Date	82
Friday	December 16, 2011	Suggested Latest End of Semester	

Spring Semester

Day	Date	Topic	Total Term Days
Monday	January 3, 2012	Earliest Semester Begin Date	93
Friday	May 11, 2012	Suggested Latest End of Semester	

Summer Term

Day	Date	Topic	Total Term Days
Monday	May 21, 2012	Earliest Term Begin Date	58
Friday	August 10, 2012	Suggested Latest End of Term	

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Academic Year (AY) 2013

Parameters for Technical Colleges

Fall Semester

Day	Date	Topic	Total Term Days
Monday	August 13, 2012	Earliest Semester Begin Date	87
Friday	December 14, 2012	Suggested Latest End of Semester	

Spring Semester

Day	Date	Topic	Total Term Days
Wednesday	January 2, 2013	Earliest Semester Begin Date	99
Friday	May 17, 2013	Suggested Latest End of Semester	

Summer Term

Day	Date	Topic	Total Term Days
Monday	May 20, 2013	Earliest Term Begin Date	60
Friday	August 9, 2013	Suggested Latest End of Term	

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Academic Year (AY) 2014

Parameters for Technical Colleges

Fall Semester

Day	Date	Topic	Total Term Days
Monday	August 12, 2013	Earliest Semester Begin Date	90
Friday	December 13, 2013	Suggested Latest End of Semester	

Spring Semester

Day	Date	Topic	Total Term Days
Monday	January 2, 2014	Earliest Semester Begin Date	98
Friday	May 16, 2014	Suggested Latest End of Semester	

Summer Term

Day	Date	Topic	Total Term Days
Monday	May 19, 2014	Earliest Term Begin Date	60
Friday	August 8, 2014	Suggested Latest End of Term	

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Academic Year (AY) 2015

Parameters for Technical Colleges

Fall Semester

Day	Date	Topic	Total Term Days
Monday	August 11, 2014	Earliest Semester Begin Date	85
Friday	December 12, 2014	Suggested Latest End of Semester	

Spring Semester

Day	Date	Topic	Total Term Days
Monday	January 5, 2015	Earliest Semester Begin Date	95
Friday	May 15, 2015	Suggested Latest End of Semester	

Summer Term

Day	Date	Topic	Total Term Days
Monday	May 18, 2015	Earliest Term Begin Date	60
Friday	August 7, 2015	Suggested Latest End of Term	

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Academic Year (AY) 2016

Parameters for Technical Colleges

Fall Semester

Day	Date	Topic	Total Term Days
Monday	August 10, 2015	Earliest Semester Begin Date	90
Friday	December 18, 2015	Suggested Latest End of Semester	

Spring Semester

Day	Date	Topic	Total Term Days
Monday	January 4, 2016	Earliest Semester Begin Date	95
Friday	May 13, 2016	Suggested Latest End of Semester	

Summer Term

Day	Date	Topic	Total Term Days
Monday	May 16, 2016	Earliest Term Begin Date	60
Friday	August 5, 2016	Suggested Latest End of Term	

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Academic Year (AY) 2017

Parameters for Technical Colleges

Fall Semester

Day	Date	Topic	Total Term Days
Monday	August 8, 2016	Earliest Semester Begin Date	86
Friday	December 16, 2016	Suggested Latest End of Semester	

Spring Semester

Day	Date	Topic	Total Term Days
Tuesday	January 3, 2017	Earliest Semester Begin Date	93
Friday	May 12, 2017	Suggested Latest End of Semester	

Summer Term

Day	Date	Topic	Total Term Days
Monday	May 15, 2017	Earliest Term Begin Date	58
Friday	August 4, 2017	Suggested Latest End of Term	

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Academic Year (AY) 2018

Parameters for Technical Colleges

Fall Semester

Day	Date	Topic	Total Term Days
Monday	August 7, 2017	Earliest Semester Begin Date	91
Friday	December 15, 2017	Suggested Latest End of Semester	

Spring Semester

Day	Date	Topic	Total Term Days
Tuesday	January 2, 2018	Earliest Semester Begin Date	93
Friday	May 11, 2018	Suggested Latest End of Semester	

Summer Term

Day	Date	Topic	Total Term Days
Monday	May 14, 2018	Earliest Term Begin Date	59
Friday	August 3, 2018	Suggested Latest End of Term	

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Academic Year (AY) 2019

Parameters for Technical Colleges

Fall Semester

Day	Date	Topic	Total Term Days
Monday	August 6, 2018	Earliest Semester Begin Date	90
Friday	December 17, 2018	Latest End of Semester	

Spring Semester

Day	Date	Topic	Total Term Days
Wednesday	January 2, 2019	Earliest Semester Begin Date	92
Friday	May 10, 2019	Latest End of Semester	

Summer Term

Day	Date	Topic	Total Term Days
Monday	May 13, 2019	Earliest Term Begin Date	58
Friday	August 2, 2019	Latest End of Term	

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Academic Year (AY) 2020

Parameters for Technical Colleges

Fall Semester

Day	Date	Topic	Total Term Days
Monday	August 5, 2019	Earliest Semester Begin Date	90
Monday	December 16, 2019	Latest End of Semester	

Spring Semester

Day	Date	Topic	Total Term Days
Monday	January 6, 2020	Earliest Semester Begin Date	89
Friday	May 8, 2020	Latest End of Semester	

Summer Term

Day	Date	Topic	Total Term Days
Monday	May 11, 2020	Earliest Term Begin Date	64
Friday	August 7, 2020	Latest End of Term	

POLICY: 5.1.6. (IV,H)

Structure of Associate Degree, Diploma, and Technical Certificate of Credit Programs

Revised: October 29, 2014, September 6, 2012, May 5, 2011, March 4, 2010, May 3, 2007, September 7, 2006, May 7, 2001, September 5, 1996, January 7, 1993, July 2, 1992

Last Reviewed: October 14, 2016

Adopted: May 4, 1989

POLICY:

Encouraging students to achieve their potential in programs awarding credentials below the baccalaureate degree is fundamental to the mission of the State Board of the Technical College System of Georgia [TCSG]. The structure of associate degrees, diplomas, and technical certificates of credit programs offered at Georgia's technical colleges shall conform to standards set by the State Board and shall be subject to periodic program evaluation.

Individual technical colleges shall determine the appropriate credential required based on the needs of business and industry, as well as those of the students. Programs must conform to the standards outlined in this procedure as well as the processes for the submission, review, and approval of new program requests and those for the periodic review and evaluation of existing programs.

The technical colleges shall notify the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) of any type of changes including program structural changes in accordance with the Commission's substantive change policy and, when required, will seek approval prior to the initiation of changes.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY: 5.1.2. General Program and Program Specific Standards

Procedure: 5.1.6p (IV.H.1)

Structure of Associate Degree, Diploma, and Technical Certificate of Credit Programs

Last Revised:	April 19, 2016, September 9, 2014, September 6, 2012, May 5, 2011, March 4, 2010, May 3, 2007, September 7, 2006, May 7, 2001, September 5, 1996, January 7, 1993, July 2, 1992
Last Reviewed:	October 14, 2016
Adopted:	May 4, 1989

I. PURPOSE:

Encouraging students to achieve their potential in programs awarding credentials below the baccalaureate degree is fundamental to the mission of the State Board of the Technical College System of Georgia. The structure of associate degrees, diplomas, and technical certificates of credit programs offered at Georgia's Technical Colleges shall conform to standards set by the State Board and shall be subject to periodic program evaluation.

Individual Technical Colleges shall determine the appropriate credential required based on the needs of business and industry, as well as those of the students. Programs must conform to the standards outlined in this procedure as well as the processes for the submission, review, and approval of new program requests and those for the periodic review and evaluation of existing programs.

The Technical Colleges shall notify the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) of any type of changes including program structural changes in accordance with the Commission's substantive change policy and, when required, will seek approval prior to the initiation of changes.

II. RELATED AUTHORITY:

Policy 5.1.2 General Program and Program Specific Standards

III. APPLICABILITY:

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

IV. DEFINITIONS:

A. **Credit hour**: consistent with the definitions in the regulations of the U.S. Department of Education guidance to institutions and accrediting agencies published on October 29, 2010 a credit hour is:

"An amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than:

1. one hour of classroom or direct faculty instruction and a minimum of two hours out of class student work each week for approximately fifteen weeks for one semester […] or the equivalent amount of work over a different amount of time, or
2. at least an equivalent amount of work as required outlined in item 1 above for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours."

B. Distance learning or hybrid course credit is defined as an equivalent amount of instruction and student work leading to equivalent learning outcomes, as required for a traditional class.

V. **ATTACHMENTS:** N/A

VI. **PROCEDURE:**

A. **Approval of Associate Degrees, Diplomas and Technical Certificates of Credit**

1. **Associate Degrees**
   Associate degree programs new to the system or to the individual technical college must be approved by the State Board. State Board approval is not required if the corresponding diploma program is performing satisfactorily. Associate degree programs fitting the above criterion may be administratively approved by the TCSG Office of Technical Education.
2. **Diploma Programs**
   Diploma programs new to the system or to the individual Technical College must be approved by the State Board unless:
   ~~a.~~ the college is approved to offer the associate degree level of the program and the associate degree program is performing satisfactorily. Diploma programs meeting this criterion may be administratively approved by the Office of Technical Education.

~~3.~~ **Technical Certificate of Credit Programs**
Technical Certificate of Credit (TCC) programs new to the system or to the individual Technical College must be approved by the State Board, unless:
~~a.~~ the Technical College currently offers all of the credit courses contained in the TCC program and the certificate relates directly to an existing certificate, diploma, or degree program offered by the college and all programs are performing satisfactorily.

TCC programs meeting the criterion described above may be administratively approved by the TCSG Office of Technical Education on behalf of the board.

B. **Standards for Associate Degrees, Diplomas and Technical Certificates of Credit**

1. **Associate Degree Range of Semester Credit Hours**

The range of semester credit hours required for graduation with an Associate Degree is 60-73. All Associate Degree programs shall have a minimum of 60 semester credit hours required for graduation. With approval of the State Board, maximum semester credit hours required for graduation for certain associate degree programs may be extended beyond 73 semester credit hour.

Associate degree programs shall be organized to conform to system wide models developed through the program standards and approved by the State Board. Compliance with the models shall ensure minimum standardization of associate degree programs within the Technical College System of Georgia. The models require associate degree programs to be organized into general education and occupational courses.

Associate degree programs shall be composed of courses listed in the system wide Catalog of Courses. Only general education courses numbered at 1100 or above shall be credited toward degree requirements.

The Technical College System of Georgia offers three types of degree programs:

- The Associate of Applied Science (A.A.S.) degree is offered for technical program students who intend to enter the workforce upon graduation.
- The Associate of Science (A.S.) degree is offered for students who intend to enter the workforce and/or immediately continue their education at the baccalaureate level.
- The Associate of Science in Nursing (A.S.N) or Associate Degree of Nursing (A.D.N.) is awarded at TCSG colleges meeting certain criteria with State Board approval for two year nursing programs including appropriate courses in liberal arts and sciences, nursing foundation as well as clinical opportunities.

Each Associate of Applied Science degree program shall require completion of a minimum basic core of 15 semester credit hours of collegiate-level general education. Components of the general education core must include at least one course from each of the following four areas: I. Language Arts/Communications; II. Social/Behavioral Sciences; III. Natural Sciences/Mathematics; IV. Humanities/Fine Arts. Courses included in this general education core component must present a breadth of knowledge to promote intellectual inquiry and reinforce cognitive skills and affective learning opportunities for students, and not narrowly focus on those skills, techniques, and procedures specific to a particular occupation or profession. A minimum of 40 semester credit hours shall be required in technical areas.

Each Associate of Science program shall require completion of a minimum basic core of 30 semester credit hours of collegiate-level general education. Components of the general education core must include at least one course from each of the following four areas: I. Language Arts/Communications; II. Social/Behavioral Sciences; III. Natural Sciences/Mathematics; IV. Humanities/Fine Arts. Courses included in this general education core component must present a breadth of knowledge to promote intellectual inquiry and reinforce cognitive skills and affective learning opportunities for students, and not narrowly focus on those skills, techniques, and procedures specific to a particular occupation or profession. A minimum of 30 semester credit hours shall be required in technical areas.

Each Associate of Science in Nursing or Associate Degree in Nursing, shall require completion of a minimum basic core of 15 semester credit hours of collegiate-level general education. The range of semester credit hours required for graduation with an Associate of Science in Nursing is 60-73. Components of the general education core must include at least one course from each of the following four areas: I. Language

Arts/Communications; II. Social/Behavioral Sciences; III. Natural Sciences/Mathematics; IV. Humanities/Fine Arts. Courses included in this general education core component must present a breadth of knowledge to promote intellectual inquiry and reinforce cognitive skills and affective learning opportunities for students, and not narrowly focus on those skills, techniques, and procedures specific to a particular occupation or profession. A minimum of 40 semester credit hours shall be required in technical areas.

2. **Diploma Range of Semester Credit Hour**

The range of semester credit hours required for graduation with a diploma is typically 37 to 59.

With approval of the State Board, maximum semester credit hours required for graduation for certain diploma programs may be extended beyond 59 semester credit hours.

Diploma programs shall be organized to conform to system wide models developed through the program standards phases and approved by the State Board. Compliance with the models shall ensure minimum standardization of diploma programs within the Technical College System of Georgia. The models shall require diploma programs to be organized in general education and occupational courses.

Diploma programs shall be composed of courses listed in system wide Catalog of Courses. Only general education courses numbered 1000 or above shall be credited toward diploma requirements.

Each diploma program shall require a minimum basic core of 8 semester credit hours in general education courses. A minimum of 29 semester credit hours shall be required in occupational courses.

3. **Technical Certificate of Credit Range of Semester Credit Hours**

The range of semester credit hours required for graduation is 9-36. With approval of the State Board, maximum semester credit hours required for graduation for certain technical certificate programs may be extended beyond 36 semester credit hours.

Technical Certificate of Credit programs shall be organized as a coherent set of competencies that correspond to identifiable exit points which match positions in a field of work, and the credential issued as a technical certificate will describe this area of specialization by a name which is clearly descriptive of the area of specialization.

The technical certificate may be used to provide programs in areas of specialization that do not require study of sufficient length to award a diploma or degree or to add on areas of specialization after the completion of a diploma or degree. Technical certificates of credit may require any combination of general education and occupational courses, specific occupational courses, or approved elective courses. Up to 20 percent of the course of study may be unspecified elective courses for programs at least 15 semester credits in length.

Technical Certificate of Credit programs shall be composed of courses listed in the system wide Catalog of Courses, including elective courses developed specifically for a certificate program. A Technical College is limited in the courses it may offer in certificate programs to the level of accreditation it holds, i.e., diploma or degree. Only courses numbered 1000 or above shall be credited toward technical certificate requirements.

C. **Basic Computer Literacy Competencies**

With respect to basic computer literacy competences required for an Associates Degree, Diploma, or TCC, a college may:

1. Teach the TCSG introduction to computers standard course,
2. Substitute an institutionally developed or college life course that includes basic computer literacy competencies**,** or
3. Embed basic computer literacy competencies in occupational courses.

Should any of the above actions result in the extension of a program beyond the maximum range of semester hours required for graduation, the extension will not require approval from the State Board.

D. **Submission, review, and approval of new program requests**

Technical Colleges shall submit those programs requiring State Board approval to the TCSG Office of Technical Education in sufficient time for review prior to submission to the Board. Staff with the Office of Technical Education will submit requests that meet the criteria outlined in this Procedure to the State Board and notify the Technical Colleges of the Board's approval or denial of the program request. The submission of incomplete requests by Technical Colleges may delay submission to the State Board and could delay implementation of the program.

E. **Periodic review and evaluation of existing programs**

The TCSG Office of Technical Education, in conjunction with staff from the Technical Colleges, will conduct periodic reviews and evaluations of existing programs to ensure consistency with standards outlined in this Procedure and to ensure satisfactory performance of programs.

VII. **RECORD RETENTION:**

Records pertaining to approved credentials shall be maintained in accordance with the Georgia Secretary of State's Retention Schedule.

POLICY: 5.1.7. (IV.I)

Warranty of Degree, Diploma, and Technical Certificate of Credit Graduates

Revised: September 7, 2006; April 23, 2001; September 5, 1996; December, 1995
Last Reviewed: October 14, 2016
Adopted: October 5, 1989

POLICY:

As a demonstration of our confidence in the quality of our technical college programs, the Technical College System of Georgia [TCSG] warrants every graduate of our technical college programs offering a technical certificate of credit, diploma, or associate degree as follows:
The warranty guarantees that the graduate has demonstrated the knowledge and skills and can perform each competency as identified in the industry-validated Standard or Program Guide.
Any program graduate who is determined to lack such competence shall be retrained at no cost to the employer or the graduate for tuition or instructional fees.

A claim against the warranty may be filed by either an employer in conjunction with a graduate or a graduate if the individual is unable to perform one or more of the competencies contained in the industry-validated Standard or Program Guide, including failure to pass a State of Georgia required licensing examination.

This warranty is applicable only to graduates of a technical certificate of credit, diploma, or degree program who entered the program subsequent to the mandated standards implementation date.

The warranty shall remain in effect for two years immediately following the date of graduation and shall be honored by any technical college that offers the program from which the individual graduated.

This warranty shall be issued in writing to each graduate entering a program on or after the mandated standards implementation date for the applicable program standard.
The Commissioner shall develop procedures for implementing this policy such that the technical college conducting the retraining under the warranty may recover the institutional costs of retraining from the technical college that conducted the original program.

The Commissioner shall resolve any disputes pertaining to this warranty policy.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure 5.1.7p. Claim Report Procedures
Attachment: 5.1.7p.a1. Guarantee of Training to Georgia's Employers

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Procedure: 5.1.7p. (IV.I)
Claim Report Procedures

Revised: April 23, 2001
Last Reviewed: October 14, 2016
Adopted: September 5, 1996

I.PURPOSE:
The Technical College System of Georgia [TCSG] guarantees that graduates of its technical colleges have demonstrated proficiency in those competencies defined by the Industry Technical Committee and included in the approved state curriculum standards.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY: 5.1.7. Warranty of Degree, Diploma, and Technical Certificate of Credit Graduates

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

IV. DEFINITIONS: n/a

V. ATTACHMENTS:
Attachment: 5.1.7p.a1. Guarantee of Training to Employer Form

VI. PROCEDURE:
The Technical College System of Georgia [TCSG] guarantees that graduates of its technical colleges have demonstrated proficiency in those competencies defined by the Industry Technical Committee and included in the approved state curriculum standards. Should any student within two years of graduation not be able to perform one or more of the competencies contained in the industry-validated Standard or Program Guide, including failure to pass a state required licensing examination. TCSG agrees to provide specific retraining at any technical college offering the program to the former student at no cost to the employer or graduate for tuition or instructional fees.

Implementation of a claim shall follow the procedures as outlined below:

1) The employer in conjunction with a graduate shall contact the technical college to discuss the need for retraining.

2) The technical college representative shall analyze the claim request, complete a warranty claim report after consulting with the employer in conjunction with the graduate, and shall inform the employer and the graduate of the action to be taken.

3) If the technical college processing the claim is not the college from which the student graduated, the graduating college shall be notified of the warranty claim, the services to be provided, and the institutional costs incurred during the retraining.

4) The technical college processing the claim shall forward a warranty claim report to the Commissioner.

VII. RECORD RETENTION: n/a

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Attachment: 5.1.7p.a1.

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

A Guarantee of Training to Georgia's Employers

The Technical College System of Georgia guarantees employers that graduates of State Technical Colleges shall possess skills and knowledge as prescribed by State Curriculum Standards.

Should any graduate employee within two years of graduation be deemed lacking in said skills, that student shall be retrained in any State Technical College at no charge for instructional costs to either the student or the employer.

Commissioner_____

President _____

Technical College System of Georgia
1800 Century Plaza, N.E., Suite 400
Atlanta, Georgia 30345

POLICY: 5.1.8. (IV.J)

Articulation and Transfer

Revised: September 3, 2015; May 1, 2014, September 1, 2011, May 5, 2011, August 6, 2009, October 31, 2007, September 7, 2006, May 4, 2006, October 14, 2004, April 23, 2001, March 4, 1999;

Last Reviewed: October 14, 2016

Adopted: November 2, 1989

POLICY:

In order to ensure that students are served in accordance with the philosophy and mission of the State Board, each individual technical college will implement a comprehensive advance standing procedure for the granting of credit to a student for educational experiences or courses undertaken at another institution. The provisions outlined in the procedure will be followed when granting such credit. The Commissioner will provide colleges with the minimum standards and criteria for the granting of such credit.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure: 5.1.8p. Articulation and Transfer

Procedure: 5.1.8p. (IV.J.1)

Articulation and Transfer

Revised: August 31, 2015; July 15, 2015
Last Reviewed: October 14, 2016
Adopted: January 14, 2014

I.PURPOSE:

In order to ensure that students are served in accordance with the philosophy and mission of the State Board, each individual technical college will implement a comprehensive advance standing procedure for the granting of credit to a student for educational experiences or courses undertaken at another institution. The provisions outlined in the procedure will be followed when granting such credit.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY: 5.1.8. Articulation and Transfer

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

IV. DEFINITIONS:

Advanced Standing: allows a student to receive course credit based on previous experience, formal or informal, and results in credit towards a program of study.

Prior Learning Assessment: a process for evaluating knowledge and skills in order to award college credit for learning from on the job learning, corporate training, independent study, military service, or volunteer service that is consistent with TCSG's mission and ensures that course work and learning outcomes are at the collegiate level and comparable to the institution's own degree academic programs.

V. ATTACHMENTS: n/a

VI. PROCEDURE:

A. General Provisions:

1. Residence Requirements for Degree/Diploma: each technical college shall require that a minimum of twenty-five percent (25%) of the course work of a

particular program of study be completed at the technical college granting the award.

2. Colleges will engage in a prior learning assessment for awarding of credit for non-credit work-related experiences and or training.
3. Transferability of Credit - Technical colleges must honor local secondary and post-secondary articulation agreements statewide when students move from one area of the state to another. Each technical college can determine its preferred method of competency validation.
4. Though credit reward is not required for learning support; college should make every attempt to ensure students do not repeat learning support courses already successfully completed at another technical college.
5. Designation of Credit: technical colleges within the system should indicate exemption credit awarded by use of the letters "EX" on transcript/permanent records. Transfer credit awarded should be indicated on transcript/ permanent records by the use of the letters "TR.", “TRA”, “TRB”, or “TRC.” The third letter indicates the grade earned in the course; however, this grade will not be counted in the cumulative Grade Point Average (GPA). Articulated credit awarded should be indicated on transcript/permanent records by use of the letters "AC."

B. Transfer Credit

1. **Traditional** - Course credit may be awarded for courses completed with a "C" or better or other grade that denotes successful completion from a college, university, or other postsecondary institution accredited by a regional or national accrediting agency recognized by the U.S. Department of Education. Full credit will be awarded for courses, subject to the receiving institution assuring that accreditation requirements are met.

2. **Non-Traditional** - Course credit may be awarded for military training or corporate courses where appropriate.

3. **International Credit** – Course credit may be awarded for courses completed with a "C" or better, or its equivalent, from an international college, university, or other postsecondary institution that is authorized and/or accredited by applicable government and/or accreditation agencies in its own country. Credit will be awarded for courses, subject to the receiving institution assuring that state standards and applicable accreditation criteria are met.

   International Credit Evaluation – Colleges may choose to receive accurate evaluations of international credentials for comparability to US credits from private credential evaluation services. Refer to the US Network for Education Information (USNEI), a US Department of Education (ED) administered website and public-private partnership that provides a list of possible credential evaluation services.

II. **International Articulation** – Colleges may establish an Articulation Agreement or Joint Diploma/Degree Plan with an international college, university, or other postsecondary institution that is authorized and/or accredited by applicable government and/or accreditation agencies in its own country. Courses from an international institution must be evaluated to show that state standards and applicable accreditation criteria are met.

C. Secondary School Articulation

1. Technical colleges may establish articulation agreements with interested area high schools to ensure that students receive course credit when established competencies have been achieved. Each technical college can determine its preferred method of competency validation. Any articulation agreement must be a formal written agreement between interested area high schools and the technical college.
2. Technical colleges shall bank credit after a secondary student successfully passes the exemption exam required to articulate subject credit. This credit shall be applied to the student's record once he/she matriculates to the technical college. The secondary student must matriculate within 2 years after high school graduation, unless dictated by program~~s~~ standards.

Technical colleges should participate in articulation advisory committees with members from both secondary programs and Technical college programs to develop articulation agreements.

3. Validation of Credit - Technical colleges must validate student competencies before awarding articulated credit for competencies learned in high school by administering the final examination/exemption examination for the course to be articulated. No fee shall be charged to students taking an exam to validate articulated credit from high school.

D. Standardized Exam Credit

Technical colleges will award credit based on nationally normed exams including, but not limited to, the following:

CLEP - Credit will be awarded for successful completion of any appropriate CLEP (College Level Examination Program) subject area examinations. Credit should be awarded based on score recommendations of the Council on College Level Services.

International Baccalaureate Credit- Credit will be awarded to students who have taken appropriate courses (determined equivalent to courses offered at a Technical college) in high school and achieve a score of 3 or more on the International Baccalaureate Examination. The IB Examinations are offered by the International Baccalaureate Examination Board.

Advanced Placement Examinations - Credit will be awarded to students who have taken appropriate courses (determined equivalent to courses offered at a Technical college) in high school and achieve a score of 3 or more on the Advanced Placement Examination.

The Advanced Placement Examinations are offered by the College Entrance Examination Board.

E. Military Training Credit

Technical colleges may award credit for training received in the Armed Forces. The training should be certified by the Guide to the Evaluation of Education Experiences in

the Armed Services, published by the American Council on Education or by the official catalog of the Community College of the Air Force or some similar document. Credit should be given when training experience meets required competencies of courses offered at the institution.

F. Prior Learning Assessment (PLA)

Colleges may award college credit for on the job learning, corporate training, independent study, military service, or volunteer service that is consistent with TCSG's mission and ensures that course work and learning outcomes are at the collegiate level and comparable to the institution's own academic programs. The college must engage in a process for evaluating the knowledge and skills acquired in order to award college credit. Each college assumes responsibility for the academic quality of any course work or credit recorded on the institution's transcript.

G. Institutional Exemption Exam

Technical colleges may allow students to exempt courses by demonstrating thorough mastery of written and/or performance exams that have been developed locally or by statewide faculty groups and adequately demonstrate achievement of the necessary competency level. Each technical college should publish information as to which courses have ~~on~~ an exemption exam~~s~~ and how to apply for them.

Each technical college may charge a flat fee, not to exceed 25 per cent of tuition for the course, to administer an exemption exam; provided the examination is not to validate articulation credit from high school.

VII. RECORD RETENTION:

Records created under this procedure shall be maintained as required by the State of Georgia Record Retention Schedule.

POLICY: 5.1.9. (IV. R.)
Program Approval and Termination

Revised: August 12, 2004; August 6, 2001
Last Reviewed: October 14, 2016
Adopted: May 4, 1989

POLICY:
The Technical College System of Georgia [TCSG] recognizes the sensitive nature of this responsibility. It also recognizes its obligation to assist the institutions of the state to develop and to maintain programs of high quality and to avoid or reduce unnecessary duplication of programs or services both internal and external to the system.

The offering of a new program in an institution must be based upon a thorough assessment of the need for such a program. That need should be such that there is reasonable assurance that the program will be able to attract students in adequate numbers; the need is continuing and would sustain the program over a period of years; and there is ample evidence of employment opportunities within the school service area, the region, or the state.

Requests for a program to be offered by an institution for the first time must be accompanied by justification for the program. The nature and extent of such justification would differ considerably for programs developed in response to demonstrated need and those developed as pilot or innovative programs or those designed as an incentive for industrial development or to serve emerging technologies.

Board approval of new program requests based upon need shall be based upon such factors as population trends, job opportunities, availability of clinical sites, level of economic development activity, student availability, availability of similar programs, start-up and continuing operational costs, expected salary ranges, the long-term prospects of a viable program, and ability to meet applicable program and institutional accreditation requirements.

A technical college must be approved by the State Board to offer any instructional program leading to a technical certificate of credit, a diploma, or a degree and must specifically be approved to do so at each campus where it wishes to offer the program. Individual courses and technical certificates of credit not Title IV eligible may be offered at other off-campus locations -- for example, high schools or business sites -- without additional approval, and students attending courses and programs at such locations shall be reported through the campus from which the course or program is being administered.

No new program shall be authorized for enrollment, listed in the catalog of any institution, or publicized in any manner prior to the recommendation of the local Board of Directors and the approval by the State Board.

The termination of authority to offer a program must be recommended by the local Board of Directors and approved by the State Board.

The Commissioner shall develop appropriate procedures for the implementation of this policy.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure: 5.1.9p. Program Approval and Termination Procedures

Procedure: 5.1.9p. (IV.R)
Program Approval and Termination

Revised: August 2004
Last Reviewed: October 14, 2016
Adopted: May 4, 1989

I.PURPOSE:

When implementation of a proposed program entails new capital construction or substantial modifications of existing facilities, an appropriate request for approval of such construction or modification must be submitted as part of the Performance Accountability System process, as well as accompany the proposal for a new program. The same is true when implementation of a proposed program entails the purchase of new equipment, the hiring of new personnel, or the shifting of existing personnel.

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY: 5.1.9. Program Approval and Termination

III. APPLICABILTY:

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

IV. DEFINITIONS: n/a

V. ATTACHMENTS: n/a

VI. PROCEDURE:

When implementation of a proposed program entails new capital construction or substantial modifications of existing facilities, an appropriate request for approval of such construction or modification must be submitted as part of the Performance Accountability System process, as well as accompany the proposal for a new program. The same is true when implementation of a proposed program entails the purchase of new equipment, the hiring of new personnel, or the shifting of existing personnel.

For a medical program to be approved which needs to use clinical sites, the technical college/division must determine the number of bona fide clinical sites it will need to reasonably operate/fund the program with x students and an instructor.

Based on the number of bona fide clinical sites determined to be needed, the technical college/division must provide documentation for each clinical site regarding the following: 1) the name, address, and county of the clinical site, 2) documentation of the capacity of the clinical site to host x number of student(s) (based upon all applicable requirements of accrediting or

other external approving agencies, such as the number of appropriately credentialed/registered clinician(s) at that site), and 3) any other requirements mandated by the profession, state, law, and/or accrediting agencies.

Colleges should not anticipate State Board consideration for approval of medical programs using clinical sites for 60 to 90 days after submission. Such requests will be posted on the TCSG website for comment.

The college is responsible for obtaining approval of applicable accrediting agencies for new programs.

A request for a new program shall be submitted to the Office of Technical Education on the form provided in the Performance Accountability System. System Office staff shall analyze each request in terms of state-wide demographic information and trends, available labor supply and demand data, availability and proximity to similar programs in private or public institutions, projected costs, availability of clinical sites, and other related data. Staff recommendations shall be submitted to the Board for consideration.

A request for termination of a program may be submitted by letter to the Office of Technical Education, with any needed attachments, and shall address the topics required above. As part of the termination request to the State Board, the institution shall indicate how it plans to assure that no active student who so desires will be denied the opportunity to complete the program and how it plans to address personnel issues and to reallocate or return to state inventory the equipment and materials associated with the program to be closed. The effective date of a program's termination must come after all active students have completed or left the program.

VII. RECORD RETENTION: n/a

POLICY: 5.1.10. (IV.L)

College Campuses

Revised: September 25, 2001; August 6, 2001; April 23, 2001; February 1995; March 1991

Last Reviewed: October 14, 2016

Adopted: March 1991

POLICY:

The establishment of any campus of a technical college must be authorized by the State Board.

Any campus shall be administered by the technical college within whose service area it is located, or as designated by the State Board. A campus is defined as one that operates full credit programs that are eligible to receive Title IV funds. Course/program offerings may include technical certificate/ diploma/degree courses or programs of occupational preparation, part-time programs of adult literacy, business/ industry services, and continuing education. An instructional site is a location where the college offers credit or noncredit instruction but that does not meet the criteria of a campus. These sites do not require State Board approval.

All programs and courses offered at a campus shall be operated and adequately supervised by an on-site administrator or an administrator from another campus and subject to the same standards and requirements in such areas as curriculum, personnel, facilities, evaluation, budgeting, record keeping and accreditation as would be required if operated at a main campus.

The Commissioner shall develop appropriate procedures for the implementation of this policy.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure 5.1.10p. College Campuses
Attachment 5.1.10p.a. New Campus Request

Procedure: 5.1.10p. (IV.L)
College Campuses

Revised: September 25, 2001; August 6, 2001; April 23, 2001; February 1995; March 1991

Last Reviewed: October 14, 2016

Adopted: March 1991

I.PURPOSE:

All requests for establishing a new campus must go to the State Board of the Technical College System of Georgia. The name submitted to the State Board will become the official name and will be used for all agency purposes. All requests for authorization shall first be approved by the Technical College's local board.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY 5.1.10. College Campuses

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

IV. DEFINITIONS:

Requesting Establishment of a New Campus. All requests for establishing a new campus must go to the State Board of the Technical College System of Georgia. The name submitted to the State Board will become the official name and will be used for all agency purposes. All requests for authorization shall first be approved by the Technical College's local board.

If the establishment will require any budgetary action at the State level, the request for authorization shall be made within the Performance Accountability System (PAS) utilized in the preparation of the annual Departmental budget request. If the establishment will require no budgetary action at the State level, a request for authorization may be submitted to the State Board at any time during the year.

Requests through Performance Accountability System. A request for a new campus through the Performance Accountability System shall follow all standard procedures for a capital outlay request, along with meeting the following supplemental guidelines:

Justification of Need. The justification for the new campus shall clearly show why offering the programs and services is preferable to starting or expanding the programs at other campuses of the Technical College. The impact on existing programs of the same type at the requesting Technical College and nearby private or public Technical Colleges shall be discussed. Normally,

data, such as primary program assessment data, shall show that such existing programs and services are generally operating at capacity, or it shall be shown that a new campus will serve a population that is not currently being served. Via an employment demand survey and other data in the Performance Accountability System's Community Needs Assessment module, it shall be shown that sufficient employment demand and potential student population exist to support the request.

Facilities and Equipment. The Performance Accountability System request must clearly show how adequate facilities and equipment will be provided. Additional funds for facilities, operations or equipment, if required, shall be included in the Performance Accountability System request. Facility requirements will be considered a component of the overall institutional master plan and must become a part of the annual facility capital outlay budget planning process.

Personnel. Full-time and part-time personnel may be used at a new campus, just as at an existing campus, as called for by the program or course. Technical Colleges should transfer vacant positions to the new campus rather than request new positions, when such unused positions are available. The request shall assure that all personnel shall meet the same Terms and Conditions of Employment requirements that would be in effect for similar programs, courses or services at a main campus.

V. ATTACHMENTS:
Attachment 5.1.10p.a1. New Campus Request
Performance Accountability System (see: http://teched.tcsg.edu/aie.php)

VI. PROCEDURE:

Criteria for Approval of a New Campus.

1) A request must be submitted in a designated Performance Accountability System application form by an existing Technical College under the policy jurisdiction of the State Board, with the approval of the local governing board or board of directors.

2) The purpose of a new campus must include providing one or more complete certificate, diploma, or degree programs that are Title IV eligible in response to the documented need in that location. (Otherwise, the location is an instructional site and does not need State Board approval.)

3) There must be a documented need for the training to be provided as well as evidence that there is a continuing need for the program(s) such that the need could not be met through established off-campus programs delivered by the main campus of an existing institution or in collaboration with other similar institutions.

4) There must be evidence that the available population base meets minimum requirements relative to the proposed offerings and interest is such that student enrollments will be forthcoming on a continuing basis.

5) The initial and annual operating costs, compared to benefits provided, must be consistent with similar programs conducted on the main campus.

VII. RECORD RETENTION: n/a

Attachment: 5.1.10p.a1.

NEW CAMPUS REQUEST*
Proposal Cover Page

Name of College:

Proposed name of new campus:

Address:

Program Offering:
What programs *are planned* for this campus?
(A new program request must be submitted for each program.)

Name of Program	Anticipated Implementation Date	Date Approved by Local Board	Is this Program Title IV Eligible?

Note:

If any of the programs are eligible for Title IV financial aid, documentation from the accrediting agency must be submitted to the United States Department of Education along with the request for the location to offer Title IV aid.

Do you want to open this campus if TCSG state funds are not allocated? **

_____ _____
Signature of President Date:

* All locations offering at least 50% programs of study which are Title IV eligible are required to request State Board approval.

** Funds must still be requested in the usual Capital Outlay process.

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New Campus Proposal

JUSTIFICATION:

Statement of Purpose:

Statement of Need for new campus in the Service Area (Examples of topics that may be included- student interest, employment opportunities, demand for services, and trend analysis. If a survey was used to determine local need, please include survey results.):

Anticipated Enrollment:

STUDENTS	**YEAR1**	**YEAR2**	**YEAR3**
Day			
Evening			

Describe process for estimating enrollment:

Back

ACCREDITATION:

Accrediting agencies required to be notified (check all that apply):

COC ☐ is this a branch campus *(offering both administrative and instructional services)*

Yes ☐ when was COC approval received?
No ☐ move to section B below

Section B

Initiating Off-campus Sites	Prior Approval Required	Prior Notification Required	Time Frame for Contacting COC
Student can obtain 50 percent or more credits toward program ***	yes	Yes Date	6 months
Student can obtain 25-49 percent of credit	No	Yes Date	Prior to implementation
Student can obtain 24 percent or less	No	No	NA

*** Please provide date approval received from COC

COE ☐ please indicate type of campus below

☐ branch campus *(offering both administrative and instructional services)*
☐ Instructional center *(offering only instructional services)*
☐ extended classroom *(offering one instructional area)*

"An institution must submit a business plan to COE when planning to establish a new branch or extension at least 30 days prior to becoming operational. An application for a new branch or extension will not be accepted until any substantive changes requiring a site visit have been granted final approval."

Please provide date approval received from COE

Other ☐ (please specify)

Revised: June 3, 2009

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POLICY: 5.1.11. (IV. M; II.A.2fv)

Live Work Projects

Revised: May 5, 2016; December 6, 2007
Last Reviewed: October 14, 2016
Adopted: December 6, 2007

POLICY:

Certain occupational areas require specific skills or competency mastery that can best be obtained or demonstrated in a laboratory environment with real items or projects. A laboratory environment introduces the "customer dimension" into personal service occupations such as cosmetology and provides real-world working conditions to such industrial and technical occupations as auto mechanics, auto body repair, welding, building construction and others. Instructional Live Work Projects, when carefully managed and controlled, provide a needed dimension to laboratory learning for certain occupations as a planned and integrated component of the curriculum.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
Governor's Executive Order on Ethics

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Procedure: 5.1.11p. (IV.M. & II.A.2.f.v)
Live Work Projects

Revised: May 17, 2016; December 6, 2007
Last Reviewed: October 14, 2016
Adopted: December 6, 2007

I. PURPOSE:

Certain occupational areas require specific skills or competency mastery that can best be obtained or demonstrated in a laboratory environment with real items or projects. A laboratory environment introduces the "customer dimension" into personal service occupations such as cosmetology and provides real-world working conditions to such industrial and technical occupations as auto mechanics, auto body repair, welding, building construction and others. Instructional Live Work Projects, when carefully managed and controlled, provide a needed dimension to laboratory learning for certain occupations as a planned and integrated component of the curriculum.

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
Governor's Executive Order on Ethics (4.3.2p1.a1)
O.C.G.A. § 20-4-14 - Power and Authority of the TCSG:

(3) Operate instructional services projects, also known as student live work projects, in those occupational areas which require specific skills or competency mastery that can best be obtained or demonstrated in a laboratory environment with clients, real items, or projects, including, but not limited to, carpentry, child care, aviation, welding, and automotive repair, and, in connection with such projects:

(A) Receive, retain, and utilize donations, fees, and moneys generated as a result of the sale of such services or projects;

(B) Retain any unexpended student live work funds from year to year;

(C) Expend retained student live work funds for any student live work project or for the benefit of instructional programs at the technical institute; and

(D) Acquire, improve, and sell real or personal property in connection with student live work projects, provided that all acquisitions and sales of real property in connection with student live work projects shall be approved by the state board;

III. APPLICATION:

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

IV. DEFINITIONS: n/a

V. ATTACHMENTS: n/a

VI. PROCEDURE:

A. Appropriate procedures for the implementation of Live Work Projects shall be developed by each technical college. The procedures shall include, but are not limited to, the following items:

1. A list of programs which are eligible to perform live work;

2. A list of the type of work that may be performed;

3. Definitions of the type and scope of Live Work Projects which may be performed for profit and those for which the college will only be reimbursed for actual costs associated with the project;

4. Prioritized list of persons for whom live work may be performed (i.e. faculty, staff, students, general public);

5. Establishes definite parameters within which live work may be conducted (i.e. business hours, school days, etc.);

6. Includes a statement that live work shall always involve student participation and that live work may not be performed solely by instructors;

7. Sets forth the procedures that must be followed when live work is conducted (scheduling procedures, forms, etc.);

8. Includes a statement to inform the customers that they assume the risk of the work being performed;

9. Emphasizes that the students and facilities may not be used for personal gain or profit;

10. Informs customers of the costs related to the services (i.e. fees and/or purchase of parts/supplies);

11. States that live work projects shall not be of a production nature and do not compete with private enterprises; and

12. A statement that all Live Work Projects shall comply with the Governor's Executive Order on Ethics (Attachment: 4.3.2p1.a1).

B. **Financial Administration**

1. Technical colleges must normally be fully reimbursed for all direct costs associated with the delivery of Live Work Projects. The technical colleges may generate a reasonable profit.

2. The individual technical colleges shall determine the amount to be charged for each product or service provided.

3. All monies associated with Live Work Projects shall be subject to state fiscal and accounting policies but excess revenues may be carried forward to successive fiscal years.

4. Monies generated by Live Work Projects shall be classified as special revenue funds.

5. Monies generated by Live Work Projects shall be considered as a source of revenue

when developing annual budgets.

6. Monies generated by Live Work Projects shall not be used to supplant existing state, federal, or local funding.

7. Live Work Projects revenues exceeding budgeted estimates shall be amended into the annual operating budget during the course of the fiscal year.

8. Excess monies or "profits" generated by Live Work Projects shall be used only to enhance instructional programs.

9. Employees of technical colleges shall be assigned to Live Work Projects within the scope of their employment and shall not receive extra compensation except as may be warranted by normal overtime or overload policies.

C. Liability, Defense and Indemnification

Although Live Work Projects, as an integral part of the System's academic curriculum, are governed by the State of Georgia's constitutional doctrine of sovereign immunity and its related statutes, each technical college shall take all necessary steps to ensure that its Live Work Projects are managed in a way so as to minimize or eliminate the risk of harm to patrons, students and employees. Moreover, the Commissioner and the presidents of each technical college shall take appropriate steps to legally protect the System and the technical colleges from liability arising out of Live Work Projects. This may include requiring potential patrons and other recipients of instructional service project services to sign declarations of assumption of risk and waivers of liability.

VII. RECORD RETENTION: n/a

TECHNICAL COLLEGE
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Section 5.2
Non-Credit Programs

5.2.1 ..... POLICY - Non-Credit Instruction
5.2.2 ..... POLICY - Quick Start
5.2.3 ..... POLICY - Programs for Adult Literacy
5.2.4 ..... POLICY - General Education Development (GED) Testing and Diplomas

POLICY: 5.2.1. (IV.N.)
Non-Credit Instruction

Revised: July 10, 2001; May 1992
Last Reviewed: January 26, 2016
Adopted: June 5, 1986

POLICY:

Non-credit instructional activities may include courses, seminars and workshops provided to business and industry, organizations, governmental agencies and the general public. Adult Literacy, developmental studies, and Quick Start programs are not covered by this policy. Each technical college shall maintain an active non-credit instructional program throughout its respective service area.

The pricing structure for the charge to the participant should be calculated on the basis of "cost recovery plus". Each technical college shall develop a consistent basis for establishing its fee structure.

Each technical college shall report enrollment or participation in non-credit instructional activities and community service activities in accordance with guidelines promulgated by the System. Technical colleges shall issue a formal agreement for each instructor hired for non-credit instructional activities. The formal agreement shall stipulate requirements of the instructor and other relevant factors. Full-time instructors may be used for non-credit instruction, and an addendum made to their contracts in accordance with guidelines established by the System. Each technical college shall develop an instructor compensation plan to ensure consistency in employment practices. The plan should be flexible enough to provide for conditions for compensation differentiation such as expertise in the field.

A formal curriculum development process for non-credit instruction shall be utilized at each technical college.

Each technical college shall develop an evaluation process for non-credit instructional programs.

Technical colleges may award appropriate credentials to participants of non-credit instructional activities. Continuing Education Units (CEUs) may be awarded in accordance with guidelines established by the International Association for Continuing Education and Training or other appropriately recognized entities.

The System Office shall issue guidelines concerning the following:

1) Non-credit instructional activities
2) Enrollment reporting
3) Addendum to full-time instructors' contracts

The technical colleges shall develop the following:

1) Consistent fee structure
2) Instructor compensation plan
3) Curriculum development process
4) Evaluation plan

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
Guidelines established by the International Association for Continuing Education and Training

POLICY: 5.2.2. (IV.O)

Quick Start

Revised: June 18, 2001
Last Reviewed: January 26, 2016
Adopted: April 3, 1986

POLICY:

A major charge of the State Board is that of economic development of the State of Georgia. The State Board carries out this responsibility through the delivery of technical education and training services to Georgia citizens. Such programs and services may be provided by technical colleges under the Board's jurisdiction or programs directly administered by the Board.

Training services conducted by Quick Start must be customized to meet the requirements of the job. Also, such programs must be of high quality and conducted in an efficient manner. Typically, the companies' involvement in providing technical expertise and other resources is essential for an efficient and effective outcome.

Each Quick Start project shall be preceded by an analysis as determined by the commissioner to assure that the project should be undertaken and to determine the level of services to be provided.

Each Quick Start project shall have a comprehensive "training needs assessment" performed prior to commitment of project funds or personnel. This assessment should answer the question "what needs to be done?" The needs assessment shall minimally include definition and/or explanation of the following items:

1) Company characteristics and its plans for Georgia.
2) Type and number of trainees.
3) Timelines.
4) Initial analysis of costs factors for training.

For each Quick Start project, a training plan shall be developed based on the training needs assessment.

Each Quick Start Project shall have a written training agreement that defines the relationships and obligations of all parties involved.

Each Quick Start project shall be evaluated during and after the training process has been completed. The purpose of these evaluations shall be to continually improve training delivery efficiency and effectiveness.

The Georgia Quick Start Program is intended to be supplemental to the regular programs offered by technical colleges.

The Commissioner shall develop guidelines to implement this policy.

The Commissioner shall report to the Board periodically on Quick Start activities.

Rational:

The Quick Start Program is a significant activity that directly promotes economic development of the state. This program promotes economic development through the training of employees or potential employees for jobs in new, expanding or existing industry. Established by legislation known as the "Quick Start Act" and cited as O.C.G.A. §20-4-40 et seq. The law provides for the Quick Start Program to be Board administered and authorizes considerable flexibility in the employment of personnel, contracting for services, purchasing equipment, rental or lease of training facilities and in other activities essential in the planning, development, and conducting of Quick Start training services.

The ultimate mission of the Quick Start activity is to provide jobs for Georgians. The jobs for which Quick Start provides training cover a wide spectrum of technology and demand great latitude in training capabilities. Quick Start links the unmet needs of new, expanding and existing industries to the accessible and divergent training facilities and capabilities of the Technical College System of Georgia [TCSG]. These resources, plus the provision of Quick Start consultants with appropriate expertise, enable new, expanding and existing industries in Georgia to obtain a trained work force in the shortest possible time. The offering of such assistance attracts new industry to Georgia and retains existing and expanding industries within our state.

Because of the wide variation in training needs for the various industries which Georgia is attempting to attract and/or encourage to expand within the state, it is necessary to have a policy that establishes parameters within which the Quick Start activity should be operated. This policy provides the latitude needed to enable training these industries' potential employees at the most logical training site. Assignment of such training shall be based on such elements as location, type of training required, and other pertinent factors.

Since the scope, magnitude, and training levels vary significantly among services, it is essential that flexibility be maintained to ensure compatibility between the program conducted and industry training needs. Also, controls must be established to ensure Quick Start resources are prudently utilized. Furthermore, because each program must be sufficiently planned, organized, and conducted to ensure efficiency and effectiveness toward these ends, the following policy is directed.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. §20-4-40 et. seq.

POLICY: 5.2.3. (IV.P)

Programs for Adult Literacy

Revised: September 7, 2006
Last Reviewed: September 7, 2006
Adopted: July 10, 2001

POLICY:

The Office of Adult Literacy shall distribute on an annual basis to all interested parties a Request for Application (RFA) package to apply for state and/or federal funding for adult literacy programs. The application package shall contain guidelines, procedures and assurances required to operate adult literacy programs.

Adult literacy program funding is available for:

1) Adult Basic Education (ABE);
2) Institutionalized settings;
3) English literacy (ELP);
4) English literacy/civics education; and
5) Recipients of Temporary Assistance for Needy Families (TANF).

The Commissioner shall develop a process for objectively evaluating and awarding grants based upon merit. After completion of the evaluation process, the State Board shall approve the allocation of federal and state grant funds.

Each service delivery area with an Adult Literacy program shall have a local advisory committee for adult literacy services.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 5.2.4. (IV.Q)

General Education Development (GED®) Testing and Diplomas

Revised: September 7, 2007; March 6, 2002; January 15, 2002; March 14, 2001; March 5, 1992

Last Reviewed: September 7, 2007

Adopted: January 1992

POLICY:

The Technical College System of Georgia [TCSG] is responsible for providing adult education at the basic, general and specialized levels throughout the State of Georgia. The System shall administer the General Educational Development (GED) testing program and issue General Educational Development (GED) Diplomas in accordance with the policies of the American Council on Education.

Fees

The State Board shall approve fee schedules for taking the GED test, for taking retests on one or more components of the GED test, for a replacement of the GED Diploma, or for an Official Report of Test Scores.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
GED Transcript/Diploma Request Form (see https://tcsg.edu/ged_trans_req.php)

TECHNICAL COLLEGE
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Section 6
Student Affairs

6.1 ..... Student Equity
6.2 ..... Admissions
6.3 ..... Student Records
6.4 ..... Student Life
6.5 ..... Student Academics
6.6 ..... Student Finances
6.7 ..... Student Conduct
6.8 ..... Student Activities

TECHNICAL COLLEGE
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Section 6.1
Student Equity

6.1.1p ..... Procedure - Unlawful Harassment & Discrimination of Students
6.1.1p.a1..... Attachment: Sources of Counseling, Advocacy Support
6.1.1.p.a2.....Attachment: Usage Statement Student Unlawful Discrimination

POLICY: 6.1.1. (V.A.1)
Unlawful Harassment & Discrimination of Students

Revised: July 16, 2014; April 25, 2013; March 9, 2007
Last Reviewed: August 20, 2015
Adopted: March 9, 2007

POLICY:

It is the policy of the Technical College System of Georgia (TCSG) that all students shall be provided an environment free of unlawful harassment (including sexual harassment and sexual violence), discrimination, and retaliation.

All students and employees are expressly prohibited from engaging in any form of unlawful harassing, discriminating, intimidating or retaliatory behavior or conduct ("prohibited conduct") in all interactions with each other, whether or not the interaction occurs during class or on or off campus. Visitors to campuses also shall not engage in prohibited conduct and may be barred for such prohibited conduct if other corrective measures are ineffective. Allegations of prohibited conduct occurring at clinical sites to which students are assigned shall be investigated in accordance with this procedure.

Any individual who has engaged in prohibited conduct will be subject to disciplinary action up to and including expulsion or dismissal. Nothing in this procedure shall be interpreted to interfere with any person's right to free speech as provided by the First Amendment to the Constitution of the United States of America.

All students are encouraged to report any prohibited conduct. Reports will be treated in an expeditious and confidential manner.

TCSG will not tolerate retaliation for having filed a good faith harassment and/or discrimination complaint or for having provided any information in an investigation. Any individual who retaliates against a complainant or witness in an investigation will be subject to disciplinary action, up to and including expulsion or dismissal.

Any individual who knowingly makes a false charge of unlawful harassment/discrimination or retaliation, or who is untruthful during an investigation may be subject to disciplinary action, up to and including expulsion or dismissal.

Employee complaints of unlawful harassment or discrimination shall be conducted pursuant to the process outlined in Procedure III.A.1, Unlawful Harassment of Staff.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

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Procedure: 6.1.1p. [V.A.1]

Unlawful Harassment and Discrimination of Students

Revised: January 12, 2016; July 16, 2014; April 25, 2013; March 9, 2007
Last Reviewed: October 14, 2016
Adopted: April 25, 2013

I. PURPOSE:

It is the purpose of this procedure to ensure that all students within the Technical College System of Georgia (TCSG) shall be provided an environment free of unlawful harassment (including sexual harassment and sexual violence), discrimination, and retaliation.

All students and employees are expressly prohibited from engaging in any form of unlawful harassing, discriminating, intimidating or retaliatory behavior or conduct ("prohibited conduct") in all interactions with each other, whether or not the interaction occurs during class or on or off campus. Visitors to campuses also shall not engage in prohibited conduct and may be barred from campus for such prohibited conduct. Allegations of discrimination, harassment or retaliation, occurring at clinical sites to which students are assigned shall be investigated in accordance with this procedure.

Any student or employee who has engaged in prohibited conduct will be subject to disciplinary action up to and including expulsion or dismissal. Nothing in this procedure shall be interpreted to interfere with any person's right to free speech as provided by the First Amendment to the Constitution of the United States of America.

All students are encouraged to report any prohibited conduct. Reports will be treated in an expeditious and confidential manner. TCSG will not tolerate retaliation for having filed a good faith harassment and/or discrimination complaint or for having provided any information in an investigation. Any individual who retaliates against a complainant or witness in an investigation will be subject to disciplinary action, up to and including expulsion or dismissal.

Employee complaints of unlawful harassment or discrimination shall be conducted pursuant to the process outlined in the procedure governing Unlawful Harassment, Discrimination and Retaliation in Employment.

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

III. RELATED AUTHORITY:
State Board Policy 2.1.1. Statement of Equal Opportunity
Title IX of the Educational Amendments of 1972
20 U.S.C. §§ 1681 et seq.
Violence Against Women Reauthorization Act of 2013
Campus Sexual Violence Elimination Act (Campus SaVE)
O.C.G.A. § 19-7-5
Titles VI and VII of the Civil Rights Act of 1964

Age Discrimination Act of 1975
Rehabilitation Act of 1973, as amended
Americans with Disabilities Act of 1990
Americans with Disabilities Amendments Act (ADAAA) of 2008
Genetic Information Nondiscrimination Act (GINA) of 2008Procedure: Student Grievances

IV. DEFINITIONS:

Unlawful Harassment (Other Than Sexual Harassment): unlawful 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, genetic information or disability and which:

1. Has the purpose or effect of creating an objectively and unreasonably intimidating, hostile or offensive educational environment, or
2. Has the purpose or effect of objectively and unreasonably interfering with an individual's educational performance.

Unlawful harassing conduct or behavior can include, but is not limited to, epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, genetic information, age or disability. Unlawful harassing conduct can include jokes or pranks that are hostile or demeaning with regard to race, color, religion, gender, national origin, age or disability. Unlawful harassing conduct may also include written or graphic material that disparages or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, or disability, and that is displayed on walls, bulletin boards, computers, or other locations, or otherwise circulated in college community in any format.

Conduct which threatens, coerces, harasses or intimidates another person or identifiable group of persons, in a manner that is considered unlawful under state and federal laws pertaining to stalking or dating/domestic violence while on college premises or at college sponsored activities may also be considered unlawful harassment under this procedure.

Sexual Harassment (a form of unlawful harassment): 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 education;
2. Submission to, or rejection of, such conduct by an individual is used as the basis for education decisions affecting such individual; or,
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile or offensive educational environment.

Sexually harassing conduct or behavior (regardless of the gender of the persons involved) can include but is not limited to:

Physical touching, sexual comments of a provocative or suggestive nature, suggestive looks or gestures, sexually explicit jokes, electronic media/communication, printed material or innuendos intended for and directed to another, requests for sexual favors, making acceptance of any unwelcome sexual conduct or advances a condition for grades, continued enrollment or receipt of any educational benefit or determination.

Sexual Violence (a form of unlawful harassment): physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including but not limited to sexual assault, rape, sexual battery, and sexual coercion. All acts of sexual violence are considered unlawful sexual harassment, regardless of gender, for purposes of this procedure.

Unlawful Discrimination: the denial of benefits or admission to the college or to any of its programs or activities, either academic or nonacademic, curricular or extracurricular, because of race, color, religion, age, gender, national origin, genetic information or disability.

Unlawful Retaliation: unfavorable action taken, unfavorable condition created, or other action taken by a student or employee for the purpose of intimidation that is directed toward a student because the student initiated an allegation of unlawful harassment/retaliation or participated in an investigation of an allegation.

Technical College System of Georgia: all work units and technical colleges under the governance of the State Board of the Technical College System of Georgia.

Employees: any individual employed in a full or part time capacity in any TCSG work unit or technical college.

Visitor: any third party (e.g. volunteer, vendor, contractor, member of the general public etc.) who conducts business or regularly interacts with a work unit or technical college.

Clinical Site: any off-campus location to which students or faculty are assigned for completion of program requirements including labs, internships, or practicums.

President: the chief executive officer responsible for the management and operation of the technical college where the complainant and/or accused violator are enrolled or employed.

Human Resources Director: the highest ranking employee responsible for the human resources function at a technical college or TCSG work unit.

Local Investigator: the individual(s) at the technical college who is responsible for the investigation of an unlawful harassment, discrimination and/or, retaliation complaint. Local investigators may be assigned based upon the subject matter of the complaint or their function within the organization.

Compliance Officer: the individual designated by the Deputy Commissioner to coordinate TCSG compliance with Title IX of the Educational Amendments of 1972 and other state and federal laws governing unlawful discrimination and harassment and educational access by disabled individuals.

Title IX Coordinator: an individual designated by the president of the college to ensure compliance with Title IX of the Educational Amendments of 1972, 20 U.S.C. §§ 1681 et seq., and related federal regulations. The Title IX Coordinator may also be assigned the responsibility for compliance with other state and federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the U.S. Department of Education.

Section 504 Coordinator: an individual designated by the president of the college to ensure compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 as Amended, and any other state and federal regulations governing disabilities; the responsibilities of the 504 Coordinator will include, but may not be limited to evaluating students requesting accommodations for a disability and ensuring equal access to facilities, services and programs.

V. ATTACHMENTS:
Attachment 6.1.1p.a1. Sources of Counseling, Advocacy and Support
Attachment 6.1.1p.a2. TCSG Usage for Statement of Equal Opportunity

VI.PROCEDURE:

A. Administration and Implementation

1. Each college president shall designate one or more officials to serve as the Title IX Coordinator and the Section 504 Coordinator and ensure the designated officials have received appropriate training.

2. Contact information for the Title IX and Section 504 Coordinators and the Statement of Equal Opportunity should be permanently displayed on official bulletin boards and included in electronic or written college publications and academic materials as described in the TCSG Usage for Statement of Equal Opportunity.

3. Instructors/administrators must take ongoing proactive steps to ensure educational opportunities (to include classrooms, clinics, labs, programs, etc.) and student activities (clubs, sports, etc.) are accessible and free from any type of unlawful discrimination or harassment.

4. The Compliance Officer will conduct training programs and monitor the colleges to ensure the correct administration and implementation of this procedure, and will ensure that proactive or corrective measures have been taken to prevent unlawful discrimination, harassment, or retaliation.

5. Each technical college shall publish a list of local sources for counseling, support and advocacy in conjunction with the publishing of this procedure. (See attachment for sample format); individuals who report sexual violence, stalking or dating/domestic violence will be provided with and/or referred to the list of resources.

B. Reporting and Management Action

1. All students are encouraged to report events of unlawful harassment, discrimination, sexual violence and/or retaliation ("prohibited conduct") against themselves or others.
2. Students have the right to file (or not to file) a criminal complaint for sexual violence with the local law enforcement authorities before, during, or after filing a complaint with the college. The technical college shall not unreasonably delay investigation under this procedure to await the outcome of any criminal investigation.

3. If a student filing a complaint requests anonymity or asks that the complaint not be pursued, the college must inform the student that its ability to respond may be limited, that retaliation for filing a complaint is prohibited and steps to prevent harassment and retaliation will be taken. The college should take all reasonable steps to investigate and respond to the complaint consistent with the request and pursue other steps to limit the effects of the alleged harassment and prevent recurrence.

4. Colleges may weigh a request for anonymity or a request they not pursue a complaint considering the following factors: the seriousness of the alleged conduct, the complainant's age, whether there have been other harassment complaints about the same individual, and the alleged harasser's rights to receive information about the allegations if the information is maintained as an "education record" under FERPA. The college must inform the student if the request cannot be granted.

5. Reports concerning all prohibited conduct referenced in this procedure will be processed confidentially to the extent permitted by law; communications regarding complaints will be disseminated to others on a need-to-know basis to ensure that necessary steps are taken to protect the community as a whole and that appropriate disciplinary measures or corrective actions are considered and taken.

6. Allegations or suspicions of unlawful discrimination, harassment, sexual harassment, sexual violence or unlawful retaliation may be reported to the technical college's Title IX or Section 504 Coordinators, the president, or the Human Resources Director (should the complaint involve employees). Complaints may also be emailed to unlawfulharassment@tcsg.edu.

7. Complaints under this procedure can be expressed in writing, by telephone, or in person; individuals are, however, encouraged to express complaints in writing to ensure all concerns are addressed.

8. If an allegation of unlawful harassment, discrimination, sexual harassment, sexual violence or retaliation is made to an employee not designated to receive such reports, the employee receiving the complaint must report the allegation as provided in section 6 above.

9. Allegations of any sexual conduct involving individuals under the age of 18 must also be reported as an allegation of child abuse as outlined in O.C.G.A. § 19-7-5.

10. Students or employees may be suspended, transferred or reassigned employees or students in order to prevent possible further harassment, discrimination, sexual violence or retaliation; to facilitate the investigation or to implement preventive or corrective actions under this procedure.

11. Any allegation of unlawful harassment, discrimination, sexual harassment, sexual violence or retaliation against employees must be reported to the Human Resources Director who may elect to conduct the investigation in conjunction with other local investigators.

C. Investigations

1. All complaints of prohibited conduct under this procedure shall be investigated by local investigators thoroughly and should be completed within 45 business days of the receipt of the complaint. The parties will be notified if extraordinary circumstances exist requiring additional time.

2. A complaining party will be notified within 5 business days of receipt of the complaint if the complaint does not specify facts sufficient to allege unlawful discrimination, harassment, sexual violence or retaliation and that a formal investigation will not be conducted pursuant to this procedure. The complaining party may appeal the decision in writing to the president within 5 business days of receiving the notice. The president's decision will be final.

3. Individuals designated to investigate or recommend corrective actions in response to allegations will be trained to conduct investigations in a manner that protects the safety of victims and promotes accountability. Individuals assigned as the investigator for a particular incident shall disclose to the president any relationship with the parties that could call into question their ability to be objective prior to taking any action with respect to the investigation. The president will reassign alternate individuals if necessary.

4. Investigations will be conducted by gathering relevant information and interviewing appropriate witnesses. Both the complaining party and the respondent (the parties) will be given equal opportunity to identify witnesses and offer evidence in person or in writing. Best efforts will be made to interview all witnesses identified by the parties. Both the complaining party and the respondent may be

accompanied by an advisor of his or her choice. However, the advisor may not speak on behalf of the party.

5. The college will evaluate the information collected during the investigation and determine whether a preponderance of the evidence substantiates that unlawful discrimination, unlawful harassment sexual violence and/or unlawful retaliation has occurred.

6. Investigations and summary findings will be documented appropriately.

7. No later than 10 business days after completion of an investigation, both of the parties will be simultaneously provided the in writing.

8. Any information prohibited from disclosure by law or policy will be redacted from any documents prior to distribution.

D. Corrective Actions

1. Colleges will take all reasonable steps to prevent unlawful retaliation against complainants and any other individuals participating in investigations under this procedure.

2. If prohibited conduct is determined to have occurred following the investigation, the college, through the appropriate officials, shall implement steps to prevent a recurrence and to correct the discriminatory effects on the complaining party and others as appropriate. Steps may include, but are not limited to, mandating training or evaluation, disciplinary sanctions, policy implementation or reassignment of students or employees.

3. Should recommended disciplinary sanctions involve academic suspension or expulsion, the matter must be referred to either the Vice President for Student Affairs, as provided by the college's Student Code of Conduct and Disciplinary Procedure.

4. Individuals who are responsible for conducting investigations or proposing sanctions under this procedure should not also serve as reviewing officials or hearing officers in the appeal of sanctions arising from an investigation.

Even in the absence of sufficient evidence to substantiate a finding that unlawful discrimination, unlawful harassment, sexual violence or retaliation has occurred, colleges are expected to address any inappropriate conduct and take all reasonable steps to prevent any future unlawful discrimination, harassment, sexual violence or retaliation.

E. Reviews and Dispositions

1. Any of the parties to a complaint under this procedure may request a review of the investigative findings within 5 business days of receiving notice of the investigative results by submitting a written request to the president.

2. The president shall review all investigations conducted under this procedure and ensure that the appropriate corrective actions have been implemented.

3. Within 10 business days of receiving a request for a review of the investigative findings, the president of the college will notify the parties in writing of his/her final determination, including any change in the result of the findings. The notice will inform the parties they have a right to appeal the determination to the Technical College System of Georgia's Office of Legal Services by submitting a written request within 3 business days by regular mail or email to one of the following:

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Technical College System of Georgia
Office of Legal Services
1800 Century Place, N.E.
Suite 400
Atlanta, Georgia 30345

OR

Unlawfulharassment@tcsg.edu

4. The Office of Legal Services will convene a panel of at least 3 individuals not employed by the requestor's college to review the investigative findings. The panel's decision is final and will conclude the processing of the complaint. Both parties will be notified in writing simultaneously of the results of the review and any changes in the results of the investigative findings under appeal.

VII. RECORD RETENTION:

Documents relating to formal complaints including investigations, dispositions and the complaint itself shall be held for 5 years after the graduation of the student or the date of the student's last attendance. Any of the documents containing confidential information shall be held in a secure location under the custody and control of the Vice President of Student Affairs or the President's designee. Documents pertaining to employees that are maintained by the Office of Human Resources shall be maintained in a secure location and in accordance with the Georgia Secretary of State's records retention schedule, but in no case fewer than 5 years.

Attachment: 6.1.1p.a1.

SOURCES OF COUNSELING, ADVOCACY AND SUPPORT

The information below provides contact information for off-campus resources following incidents of sexual violence, dating/domestic violence or stalking: [COLLEGES SHOULD PROVIDE MULTIPLE RESOURCES THAT ARE REPRESENTATIVE OF EVERY COUNTY IN THEIR SERVICE AREA]

1. Rape Crisis Center [COLLEGES SHOULD PROVIDE INFORMATION FOR THE CLOSEST CENTER IN THEIR SERVICE AREAS]

http://gnesa.org/page/rape-crisis-centers-georgia

2. National Sexual Assault Hotline at 1-800-656-HOPE
3. http://gcadv.org/general-resources/domestic-violence-centers/ [COLLEGES SHOULD PROVIDE INFORMATION FOR THE CLOSEST DOMESTIC VIOLENCE CENTER]
4. Protective Orders [BELOW IS A LINK TO SHERIFFS' OFFICES IN GEORGIA; YOU SHOULD LIST ONLY THOSE SHERIFFS IN YOUR SERVICE AREA; ALSO LIST ANY OTHER CITY/COUNTY LAW ENFORCEMENT AGENCIES]

http://www.womenslaw.org/gethelp_state_type.php?type_id=1277&state_code=GA

5. Legal Services [COLLEGES SHOULD PROVIDE INFORMATION FOR THE CLOSEST RESOURCE LOCATED IN THEIR SERVICE AREAS] http://www.womenslaw.org/gethelp_state_type.php?type_id=1273&state_code=GA
6. National Teen Dating Abuse Helpline: 1-866-331-9474
7. National Domestic Violence Hotline: 1-800-799-SAFE (7233) | 1-800-787-3224 [TTY]
8. [LIST OF LOCAL PSYCHOLOGISTS OR COUNSELORS WITH NAME/ADDRESS AND PHONE #]
9. [LIST OF LOCAL HOSPITALS WITH NAME/ADDRESS AND PHONE NUMBER]
10. [FOR COLLEGES WHO HAVE CONTRACTED WITH CAMERON AND ASSOCIATES FOR STUDENT COUNSELING SERVICES, PROVIDE NAME AND PHONE NUMBER FOR SCHEDULING FREE SESSION]

Attachment: 6.1.1p.a2.

Usage for Statement of Equal Opportunity

Revised October 2012

The Technical College System of Georgia and its associated colleges are subject to the rules and regulations of the U.S. Department of Education's Office of Civil Rights. These rules require wide distribution of the Equal Opportunity Policy. As such, it is imperative that all publications, marketing material and advertising used to promote the technical college system or any individual college comply with the following guidelines for using disclaimer statements.

For all statements use a font and font size that are easily readable.

A. For all college catalogs, student and employee handbooks the following statement must be included.

> *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, spouse of military member or citizenship status (except in those special circumstances permitted or mandated by law). This nondiscrimination policy encompasses the operation of all technical college-administered programs, programs financed by the federal government including any Workforce Investment Act of 1998 (WIA) Title I financed programs, educational programs and activities, including admissions, scholarships and loans , student life, and athletics. It also encompasses the recruitment and employment of personnel and contracting for goods and services.*
>
> *The Technical College System and Technical Colleges shall promote the realization of equal opportunity through a positive continuing program of specific practices designed to ensure the full realization of equal opportunity. The following person has been designated to handle inquiries regarding the nondiscrimination policies:*

This statement must be followed by contact information for each school's *Title IX* and *Section 504* coordinator(s). Contact information includes name,[1] title, office address and phone number. It is strongly recommended that the coordinator's emails also be included in the publication.

B. For all other printed material such as newsletters, magazines, website and electronic publications, written materials distributed to students, notices posted on campus, and local newspapers, and other materials (particularly those related to student recruitment and employment) this abbreviated statement may be used:

> *As set forth in its student catalog, (name of college) does not discriminate on the basis of race, color, creed, national or ethnic origin, gender, religion, disability, age, political affiliation or belief, genetic information, veteran status, or citizenship status (except in those special circumstances permitted or mandated*

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[1] The name may be omitted in publications that are not printed often such as the college catalog. However, items that are easily changed such as the website and on-line handbooks should always include the name of the coordinators.

by law). The following person(s) has been designated to handle inquiries regarding the non-discrimination policies:

This statement must be followed by contact information for each school's *Title IX* and *Section 504* coordinator(s). Contact information includes name or title, office address and phone number. It is strongly recommended that the coordinator's email addresses be included in the contact information.

C. If there is not enough space in the publication resulting in a very small font, please use this abbreviated statement which will keep us in compliance with OCR regulations:

The (name of college) does not discriminate on the basis of race, color, national origin, gender, age or disability.

This statement must be followed by contact information for each school's *Title IX* coordinator and the *Section 504* coordinator. Contact information includes name, title, office address and phone number. It is strongly recommended that the coordinator's email addresses be included in the contact information

In certain very limited circumstances, a print advertisement might state only "Equal Opportunity Institution." However, this should only be used in situations where space is extremely limited/expensive such as a newspaper classified advertisement.

D. Small Format Advertising (outdoor, radio and TV): If the size or length of the advertising medium does not allow room for either of the above statements without accruing substantial additional cost, the following statement can be used. However, this shortened statement should be used sparingly:

Equal Opportunity Institution

E. Annual Notification

Every fall prior to the beginning of Fall Semester, each college must run a notice in the local newspaper(s) stating that the college does not discriminate on the basis of race, color, national origin, sex, disability or age; provide a brief summary of the college's educational offerings; describe admission criteria and include the name, address and phone number of the Title IX and Section 504 coordinator(s).

<u>The following a sample Annual Notification:</u>

[Technical College] is an equal opportunity employer and offers the following career and technical education programs for all regardless of race, color, religion, sex, marital status, age, disability, or national origin.

[List of programs, can be list of general categories such as nursing, information technology, etc. Also may include every program]

Persons seeking further information concerning the career and technical education offerings and specific pre-requisite criteria for admission to these programs should contact:

[Technical College admissions office contact information]

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[Technical College] offers additional services to students with limited English language skills or with disabilities so that they may benefit from these programs. For additional information regarding these services, your rights, grievance procedures, or the College's non-discrimination policies please contact:

This statement must be followed by contact information for each school's *Title IX* and *Section 504* coordinator(s). Contact information includes name, title, office address and phone number. It is strongly recommended that the coordinator's email addresses be included.

Please contact your college's *Title IX* coordinator, *Section 504* coordinator, Kimberly Ellis (kellis@tcsg.edu) or legal servises; Romy Smith (rsmith@tcsg.edu) if you need further clarification.

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 6.2
Admissions

6.2.1 ..... POLICY - Admissions
6.2.1.a1 ..... Accreditation Agencies List Current
6.2.1p ..... Procedure - Admissions Requirements
6.2.2 ..... POLICY- Residency
6.2.2p ..... Procedure - Residency

POLICY: 6.2.1. (V. B.)
Admissions

Revised: December 6, 2012; February 3, 2011; November 9, 2010; March 4, 2010; September 4, 2008; June 1, 2006; August 25, 2003; September 25, 2001; June 18, 2001; July 1995; March 1995; January 1992

Last Reviewed: October 14, 2016

Adopted: August 3, 1989

POLICY:

Admission to a Technical College System of Georgia (TCSG) college is a multi-step process which consists of evaluation of prior academic experience and assessment for postsecondary readiness of eligible applicants. The ability of a student to succeed in a program at a Technical College is greatly determined by the math and language skills possessed by that student. The Technical College System of Georgia is committed to assisting each student to achieve at their maximum potential. All students applying for diploma, degree, and certificate programs must be assessed prior to acceptance to a program of study at a Technical College. Students will then be admitted in accordance with the academic standards applicable to that program.

In accordance with the Statement of Equal Opportunity, the System and its constituent Technical Colleges will not discriminate in admissions.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. § 20-2-690
TCSG Procedure: 6.2.1p1. Admissions
TCSG Procedure: 6.2.2p. Residency
Attachment: 6.2.1.a1. Accreditation Agencies List

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Attachment: 6.2.1.a1.

Technical College System of Georgia
List of Recognized Accreditation Agencies

TCSG only accepts high school diplomas from secondary schools accredited by one of the following accreditation agencies. Acceptable accreditation must be in place when the diploma was granted. The following agencies are approved:

- Regional accrediting agencies which include:
  - Middle States Association of Colleges and Schools
  - New England Association of Schools and Colleges
  - North Central Association of Colleges and Schools/Council on Accreditation and School Improvement
  - Northwest Accreditation Commission
  - Western Association of Schools and Colleges
  - Southern Association of Colleges and Schools/Council on Accreditation and School Improvement
- Georgia Accrediting Commission
- Georgia Association of Christian Schools
- Association of Christian Schools International
- Georgia Private School Accreditation Council
- Accrediting Commission for Independent Study (note: ACIS merged with the Georgia Accrediting Commission in 2005)
- Southern Association of Independent Schools
- Florida Council of Independent Schools
- Florida Association of Christian Colleges and Schools
- Florida Council of Private Schools
- South Carolina Independent School Association
- Alabama Independent School Association
- Texas Private School Accreditation Commission
- Distance Education Accrediting Commission
- National Council for Private School Accreditation
- North American Christian School Accrediting Agency
- Tennessee Association of Christian Schools
- Florida Coalition of Christian Private Schools Accreditation

TCSG will accept a high school diploma from a public or private school that is not accredited by one of the above agencies but is regulated by a school system and state department of education.

Revised August 19, 2016

Procedure: 6.2.1p (V.B.1.)
Admissions Requirements

Revised: July 20, 2016; May 17, 2016; July 15, 2015; January 7, 2012; February 3, 2011; November 9, 2010; March 4, 2010; September 4, 2008; June 1, 2006; August 25, 2003; September 25, 2001; June 18, 2001; July 1995; March 1995; January 1992
Last Reviewed: October 14, 2016
Adopted: August 4, 1989

PUPROSE:

Admission to a Technical College System of Georgia (TCSG) college is a multi-step process which consists of evaluation of prior academic experience and assessment for postsecondary readiness of eligible applicants. The ability of a student to succeed in a program at a technical college is greatly determined by the math and language skills possessed by that student. The Technical College System of Georgia is committed to assisting each student to achieve at their maximum potential. All students applying for diploma, degree, and certificate programs must be assessed prior to acceptance to a program of study at a technical college. Students will then be admitted in accordance with the academic standards applicable to that program.

In accordance with the Statement of Equal Opportunity, the System and its constituent technical colleges will not discriminate in admissions.

II. RELATED AUTHORITY:

State Board POLICY: 6.2.1. Admissions
State Board POLICY: 2.1.1. Statement of Equal Opportunity
O.C.G.A. § 20-2-690
Attachment: 6.2.1.a. Accreditation Agencies List
ACCUPLACER Cut Scores

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

IV. DEFINITIONS: None

V. ATTACHMENTS: None

VI. PROCEDURE:

Nondiscrimination: In accordance with the Statement of Equal Opportunity, the System and its constituent technical colleges do not discriminate on the basis of any legally protected characteristic.

Admissions Process: Admission to a Technical College System of Georgia (TCSG) college is a multi-step process which consists of evaluation of prior academic experience and assessment for postsecondary readiness of eligible applicants.

Eligible Applicants: Individuals 16 years of age or older or dually enrolled high school students in the 9th, 10th, 11th or 12th grades who seek access to quality instruction at the post-secondary level are eligible for admissions.

Required Academic Criteria

A. To be admitted by a technical college, applicants must satisfy one of the four academic readiness paths below:

1. A high school diploma (verified by an official transcript, including graduation date) which has met the attendance, academic, and/or assessment requirements for the state's board of education, or equivalent agency, or a state-authorized examination the state recognizes as the equivalent of a high school diploma (verified by official transcript) will be required for admission to the technical college unless otherwise specified by the program's standards.
   - Secondary schools must be accredited by an agency included on the TCSG approved accreditation agency list.
   - Students with diplomas from secondary schools located outside the United States must have their transcripts evaluated for equivalency by an approved outside evaluation organization.
   - High school diplomas from unaccredited institutions, Certificates of Attendance or other certificates, credentials or other documents where the student did not complete all required coursework or testing required for a high school diploma in that state are not recognized for admission purposes.
2. Applicants who have successfully completed (C or better) a minimum of 30 semester or 45 quarter hours at the degree level may submit official transcripts from all previously attended colleges accredited by an accepted accrediting agency in lieu of a high school diploma or a state-authorized examination the state recognizes as the equivalent of a high school diploma as described above.
3. Applicants of home schools located in Georgia who did not attend a recognized accredited program:
   - Submit a Certificate of Attendance form from the local superintendent's office or a Declaration of Intent to utilize a Home Study Program from the Georgia Department of Education verifying that the parent or legal guardian complied with the requirements of home study programs as referenced in O.C.G.A. § 20-2-690.
   - Submit annual progress reports or a final transcript for the equivalent of the home-schooled student's junior and senior years. The final progress report should include the graduation date.
4. Applicants of home schools located outside the state of Georgia who did not attend a recognized accredited program:
   - Submit annual progress reports or a final transcript for the equivalent of the home-schooled student's junior and senior years. The final progress report should include the graduation date.
   - Submit SAT or ACT scores that meet the TCSG system minimum requirements.

Note: Presidents of technical colleges may waive the high school diploma/high school equivalency requirement for those secondary students or those pursuing a high school equivalency who are otherwise eligible to enroll in a specific program of study.

B. Assessment of Program Readiness

1. Effective November 1, 2016, a technical colleges must utilize ACCUPLACER or COMPANION, the TCSG-approved assessment instruments when evaluating students' readiness for diploma, degree and certificate programs. However, in the place of ACCUPLACER or COMPANION, or General Education Development (GED®) scores of 165+ on English or Math, technical colleges may accept a student's official entrance score on a validated assessment instrument (such as SAT or ACT) if the scores meet the college program's required minimums. If a student's SAT or ACT scores do not meet the college's program minimums for regular admission, a student must be assessed using one of the TCSG-approved instruments.
2. Assessment results will be valid for any current or previous tool utilized for placement purposes for a period of 60 months from the date of testing and are transferable to any TCSG college. Each technical college will develop its own retesting policy and charges may apply.
3. Official transcripts from a regionally or nationally accredited postsecondary institution recognized by the United States Department of Education documenting equivalent program-level English and math coursework successfully completed (C or better) may be used in lieu of completing the corresponding portion of the TCSG-approved assessment instrument(s).
4. Subjective criteria such as, but not limited to, written or oral interviews, personality assessments, and letters of reference shall not be utilized as part of the evaluation for program readiness or admission. All criteria should be published and applied consistently to all applicants for a program.

C. <u>Admissions Categories</u>

Minimum admissions requirements shall be established for each program.
Students shall be admitted to a technical college in one of the following categories: Regular; Provisional; Learning Support; Special; or Transient.

1. Regular Status

Students who meet all requirements for admission into a selected program and are eligible to take all courses in the program curriculum are granted regular admission status.

2. Provisional Status

Students who do not meet all requirements for regular admission into a selected program are granted provisional admission status. Provisionally admitted students may take learning support classes, and certain specified occupational courses as long as class pre- and co-requisites are satisfied.

All certificate, diploma, and associate degree program students initially admitted on a provisional basis must have satisfactorily completed the necessary prerequisite and learning support course work in order to progress through the State Standard Curriculum.

3. Learning Support Status

Applicants who score below the provisional cut scores in English, math and reading are granted learning support status or referred to Adult Education. Students with Learning Support status may not take occupational courses until achieving Provisional status. Students with this status are not eligible for federal financial aid (i.e. Pell, Federal Direct Loans, SEOG, or Federal Work Study).

4. Special Admit Status (Non-credential seeking)

Applicants who wish to take credit coursework, but are not seeking a certificate, diploma, or associate degree are granted Special Admit status. The following specifics define the parameters of this status:

a. may apply up to a maximum of 25 quarter or 17 semester credit hours into a specific program for credential seeking purposes after achieving regular admit status. The number of hours taken as a special admit student in no way waives the requirements of the regular admission process.
b. May enroll in classes only on a space-available basis.
c. Should adhere to the specific institutional prerequisite requirements when selecting courses.
d. Will not be eligible for any financial aid.

5. Transient Status

Students who submit a Transient Agreement Letter from their home institution are granted Transient admission status. The Transient Agreement Letter should verify that the student is in good standing and should list the courses the student is eligible to take. A current Transient Agreement Letter is required for each term of enrollment.

VII. RECORD RETENTION:

Documents collected pursuant to this procedure are subject to the Georgia Records Retention Schedule. http://www.georgiaarchives.org/records/retention_schedules

POLICY: 6.2.2. (V.B.3.)
Residency

Revised: September 5, 2013; August 4, 2011; February 3, 2011
Last Reviewed: October 14, 2016
Adopted: May 3, 2007

POLICY:

To ensure that all technical colleges in the Technical College System of Georgia (TCSG) apply residency requirements uniformly and in accordance with the rules and regulations of both the Technical College System of Georgia and the Georgia Student Finance Commission (GSFC).

The student residency category governs the tuition rate paid by the student.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. § 50-36-1
State Board POLICY: 6.6.1. Student Tuition and Fees
TCSG Procedure: 6.2.2p. Residency
Title IV Assistance. 34 C.F.R. 688.22
SFA Information for Financial Aid Professionals
Exhibit 1 - Reciprocity Agreement with Alabama
Title 8 of Code of Federal Regulations (8 CFR) Part 214-Nonimmigrant Classes/Sec. 214.2

Procedure: 6.2.2p. (V.B.3.a)
Residency

Revised: July 15, 2015; January 7, 2015; September 10, 2014; July 16, 2014; March 27, 2014; July 17, 2013; May 25, 2011; January 1, 2011; November 9, 2010

Last Reviewed: October 14, 2016

Adopted: March 10, 2010

I. PURPOSE:

All technical colleges in the Technical College System of Georgia (TCSG) will apply residency requirements uniformly and in accordance with the rules and regulations of both the Technical College System of Georgia and the Georgia Student Finance Commission (GSFC).

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. § 50-36-1
State Board POLICY: 5.1.5. Technical College Calendars
State Board POLICY: 6.2.2. Residency
State Board POLICY: 6.6.1. Student Tuition and Fees
GSFC Rules and Regulations

III. APPLICABILITY:

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

IV. DEFINITIONS:

Academic Year: See definition in State Board POLICY 5.1.5. Technical College Calendars.

Accrediting Agency: an association or agency recognized to function as an evaluator of the quality of the educational institutions and programs.

Alternative Study: course work included in college Degree credit-earning programs of study that require travel outside of the State of Georgia, but within the United States.

Associate Degree: a two-year college level Degree conferred on students by a postsecondary institution upon completion of a unified program of study in an academic discipline or major at the Undergraduate level. Associate Degrees typically require a student to earn at least 90 quarter or 60 semester hours of college credit.

Award Year: four consecutive quarters beginning with the summer term and ending with the spring term. Beginning Fall Semester 2011, the award year will consist of a fall and spring semester with a shorter summer semester.

Continuously Enrolled: a student who is making satisfactory academic progress toward completion of a degree, diploma, or certificate program of study at an Eligible Postsecondary Institution, and such student is without a break in enrollment of more than one traditional academic quarter or semester. A student who is not enrolled for two or more consecutive academic quarters or semesters is not considered to be a Continuously Enrolled student. Participation in eligible Alternative Study programs are not considered to be breaks in enrollment.

Degree: a two-year Associate Degree conferred on students by a postsecondary institution upon completion of a unified program of study in academic discipline at the Undergraduate level.

Dependent Student: an individual under the age of 24 who receives financial support from a parent or United States court-appointed Legal Guardian whose federal or state tax return lists the individual as "dependent."

Diploma: a credential indicating satisfactory completion of training in an academic program of study offered by a postsecondary institution that is not an Associate Degree.

Domicile: a person's present, permanent home where that individual returns following periods of temporary absence. Domicile, once established, shall not be affected by mere transient or temporary physical presence in another state. No individual may have more than one Domicile even though an individual may maintain more than one residence. Temporary residence does not constitute the establishment of one's Domicile. To acquire Domicile, an individual must demonstrate the intent to remain permanently or indefinitely.

Eligible High School: any private or public secondary educational institution in the state of Georgia that is authorized to grant high school diplomas and is on the TCSG approved accreditation agency list.

Eligible Non-Citizen: a person who, in accordance with the Federal Title IV definition, is a United States permanent resident with a Permanent Resident Card (I-551); or a conditional permanent resident (I-551C); or the holder of an Arrival-Departure Record (I-94) from the Department of Homeland Security showing any one of the following designations: Refugee, Asylum Granted, Parolee (I-94 confirms paroled for a minimum of one year and status has not expired); "Victim of human trafficking," T-Visa holder (T-1, T-2, T-3, etc.), or Cuban-Haitian Entrant. Persons with an F1 or F2 student visa, a J1 or J2 exchange visitor visa, or a G series visa do not meet the definition of an Eligible Non-Citizen.

Full-Time: enrollment for the equivalent of at least 12 quarter or semester hours of postsecondary credit of a Matriculated student at a college in the Technical College System of Georgia.

Full-Time Employment: an individual who has an annual earned income reported for tax purposes that is equivalent to minimum wage earned by working forty hours per week during fifty weeks of work per year.

Georgia Resident/Georgia Residency: an individual or the status of such individual who is a United States Citizen or Eligible Non-Citizen and is domiciled in the State of Georgia and meets the in-state tuition requirements of the State Board of the Technical College System of Georgia.

Georgia Student Finance Commission (GSFC): the agency responsible for administering postsecondary educational student financial aid programs for the State of Georgia.

Independent Student: an individual who is not claimed as a dependent on the federal or state

income tax returns of a parent or United States court-appointed legal guardian who has ceased to provide support and right to that individual's care, custody, and earnings.

In-State Tuition Classification: a status granted to a student, in accordance with the policies of the State Board of the Technical College System of Georgia, who has been determined to be eligible to pay tuition at the in-state rate.

International Tuition Classification: a status granted to a student, in accordance with the policies of the State Board of the Technical College System of Georgia, who has been determined to be ineligible to pay tuition at either the In-State Tuition Classification rate or the Out-of-State Tuition Classification rate.

Legal Guardian: an individual who has been granted custody of a Dependent Student (under the age of 24) by a court in the United States.

Matriculated: a student who is fully admitted and enrolled in a college in the Technical College System of Georgia, in a unified academic program of study leading to a Degree, Diploma, or Certificate. Retroactively gaining Matriculated status will not establish retroactive eligibility.

Military Personnel: an active and full-time member of the Armed Forces of the United States, including members of the Army, Navy, Air Force, Marine Corps, and Coast Guard. Commissioned officers of the Public Health Service or the National Oceanic and Atmospheric Administration on active duty are also considered to be military personnel.

Non-Citizen: a person who is not a United States born or naturalized citizen of the United States.

Non-Resident: a person who has not established Domicile in the State of Georgia for a period of at least 12 months prior to the first day of classes for the term for which the person is intending to enroll at a technical college.

Out-of-State Tuition Classification: the status granted to a student, in accordance with the policies of the State Board of the Technical College System of Georgia, who has been determined to be ineligible to pay tuition at the In-State Tuition Classification rate.

Out-of-State Tuition Exemption: an exemption of the difference in tuition paid by students with an Out-of-State Tuition Classification and those with an In-State Tuition Classification, in accordance with the policies of the State Board of the Technical College System of Georgia.

Parent: the natural mother or father, adoptive parent, or United States court-appointed legal guardian of a student.

Postsecondary Educational Institution: an institution of higher education above the high school level.

Reciprocity: Students domiciled in an out-of-state county bordering Georgia, enrolling in a program offered at a location approved by the TCSG, and for which the offering institution has been granted permission to award Reciprocity exemptions.

Residence: the state within the United States of America where an individual currently lives. An individual may be residing in the State of Georgia and may be classified as having established residency in Georgia for securing marital status, a driver's license, or classification of taxpayer status, but does not meet the qualifications to establish Domicile in the State of Georgia.

Technical Certificate of Credit: a credential indicating satisfactory completion of training in an academic program of study offered by a postsecondary education institution which is not a Diploma or an Associate Degree.

Tuition: the charges to a student for instruction without regard to other fees such as technology, activity, athletic, health, etc.

United States Citizen: a citizen of the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands.

V. **ATTACHMENTS:** N/A

VI. **PROCEDURE:**

A. Each college shall be responsible for the verification of the lawful presence in the United States of every successfully admitted student applying for Georgia resident tuition status as required by state and federal immigration laws. Verification procedures shall comply with O.C.G.A. § 50-36-1.

B. Determining a student's residency status must be based on the existence of surrounding objective circumstances that indicate a student's intent to maintain a permanent presence, or Domicile, in the State of Georgia. No single factor is conclusive. Similarly, there is no predetermined number of factors required to be met. The following indicators may be considered when documenting the Domicile of an individual, but this is not an exhaustive list:

- Location of employment.
- Location of voter registration.
- Location of property, including home purchase, and taxes paid thereon.
- State for which the individual filed and paid state income taxes.
- Address and other information on federal and state income tax returns.
- State where the person's automobile title is registered and the payment of property taxes thereon.
- Address on driver's license and state of issuance.
- Address on the Georgia Driver's License Bureau ID.
- Reason for initially coming to Georgia.
- State of issuance of business, professional, or other licenses.
- Location of checking, savings, or other banking accounts.
- Citizenship Requirements:
    - A student meets the Citizenship Requirements, for purposes of this procedure and the related policies, if he or she is a United States Citizen, born or naturalized.
    - A student meets the Citizenship requirements, for purposes of this procedure and the related policies, if he or she is an Eligible Non-Citizen, according to the Federal Title IV definition.
    - Ineligible Non-Citizens: A Non-Citizen cannot qualify for in-state tuition. However, in the discretion of the President of the college the international tuition may be waived in favor of an out of state tuition rate for a Non-Citizen who has been verified as lawfully present in the United States in accordance with state and federal immigration laws.

C. Georgia Residency

1. Dependent Students:

- A Dependent Student meets the Georgia Residency Requirements, for purposes of this procedure and the related policies, if his or her Parent has established and maintained Domicile in the State of Georgia for at least 12 consecutive months immediately preceding the first day of classes of the school term for which the student is seeking in-state tuition, and
- Such student graduated from an Eligible High School located in the State of Georgia; or
- The Parent claimed the student as a dependent on the Parent's most recent federal income tax return.
- A Dependent Student meets the Georgia Residency Requirements, for purposes of this procedure and related policies, if a United States court-appointed Legal Guardian has established and maintained Domicile in the State of Georgia for at least 12 consecutive months immediately preceding the first day of classes of the school term for which the student is seeking in-state tuition, provided that the appointment was not made to avoid payment of Out-of-State Tuition.

2. Independent Students:

- An Independent Student meets the Georgia Residency requirements, for purposes of this procedure and the related policies, if he or she has established and maintained Domicile in the State of Georgia for at least 12 consecutive months immediately preceding the first day of classes of the school term for which the student is seeking In-State Tuition.
- It is presumed that no Independent Student shall have gained or acquired Georgia Residency, for purposes of this procedure and the related policies, while attending a TCSG college without clear evidence of having established a Domicile in the State of Georgia for purposes other than attending a TCSG college.

D. Retaining Georgia Residency

- Dependent Students: If the Parent or United States court-appointed Legal Guardian of a Dependent Student who was correctly determined to meet Georgia Residency requirements for the purposes of this procedure and the related policies, establishes Domicile outside the State of Georgia, such student shall continue to retain his or her status as a Georgia Resident, for purposes of this procedure and the related policies, as long as such student remains Continuously Enrolled in a TCSG college.
- Independent Students: If an Independent Student who was correctly determined to meet Georgia Residency requirements, for purposes of this procedure and the related policies, temporarily relocates outside the State of Georgia, but returns to the State of Georgia within 12 months, such student shall retain his or her status as a Georgia Resident, for purposes of In-State Tuition.

E. Eligibility for Out of State Tuition Exemptions:

Students in the following classifications are eligible for Out of State Tuition Exemption. These exemptions do not affect the student's eligibility for the HOPE Scholarship or Grant, except for exemptions for military personnel and their dependents as provided for in the GSFC regulations:

- Employees and their children who move to Georgia for employment with a new or expanding industry as defined in OCGA 20-4-40;
- Full-time employees of the Technical College System of Georgia, their spouses, and dependent children;
- Full-time teachers in a public school, a military base, or a public postsecondary college, their spouses, and dependent children;
- United States military personnel stationed in Georgia and on active duty and their dependents living in Georgia;
- United States military personnel, spouses and dependent children reassigned outside Georgia, who remain continuously enrolled and on active military status;
- United States military personnel and their dependents that are Domiciled in Georgia, but are stationed outside the State;
- Students who are Domiciled in out-of-state counties bordering on Georgia counties and who are enrolled in a Technical College with a local reciprocity agreement;
- Career consular officers and their dependents that are citizens of the foreign nation which their consular office represents, and who are living in Georgia under orders of their respective governments. This exemption shall apply only to those consular officers whose nations operate on the principle of educational reciprocity with the United States.
- Members of a uniformed military service of the United States who, within thirty-six (36) months of separation from such service, enroll in an academic program and demonstrate an intent to become domiciled in Georgia. This exemption may also be granted to their spouses and dependent children or individuals eligible for GI Bill benefits.
- Students who are dually enrolled and participating in Move On When Ready.

Notwithstanding any provision in this procedure, no person who is unlawfully present in the United States shall be eligible for any exemption of the tuition differential.

VII. **RECORD RETENTION:**

Documents collected pursuant to this procedure are subject to the Georgia Records Retention Schedule. http://www.georgiaarchives.org/records/retention_schedules

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 6.3
Student Records

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POLICY: 6.3.1. (V.J.)
Student Records

Revised: September 10, 2001
Last Reviewed: October 14, 2016
Approved: July 10, 2001

POLICY:

The technical colleges shall adhere to the requirements of the Family Educational Rights and Privacy Act of 1974 and Technical College System of Georgia [TCSG] procedures concerning the accuracy and privacy of student records.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
34 C.F.R. §99.1 - §99.67 - Family Educational Rights and Privacy
Family Educational Rights and Privacy Act of 1974 (20 U.S.C. §1232g)
TCSG Procedure: 6.3.2p. Student Record Retention Schedule
TCSG Procedure: 6.3.1p1. Student Records
TCSG Procedure: 6.3.1p2. Definition of Directory Information

Procedure: 6.3.1p1. (V.J.)
Student Records Procedures

Revised: August 1, 2012
Last Reviewed: October 14, 2016
Adopted: July 10, 2001

I.PURPOSE:

The Technical College System of Georgia (TCSG) and the technical colleges shall adhere to the requirements of the Family Educational Rights and Privacy Act of 1974 ("FERPA") and TCSG procedures concerning the accuracy and privacy of student records.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY 6.3.1. Student Records
TCSG Procedure 6.3.1p2. Definition of Directory Information
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g
34 C.F.R. §§99.1-99.67

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

VI.DEFINITIONS N/A

V. ATTACHMENTS: N/A

VI.PROCEDURE:

Notification of Students
Annually, the technical colleges shall inform their students about the Family Educational Rights and Privacy Act of 1974 ("FERPA"). FERPA was designed to protect the privacy of educational records and to establish the right of students to inspect and review their non-privileged educational records. FERPA also provides guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students have the right to file complaints with the Family Policy Compliance Office, U.S. Department of Education, concerning alleged failures by the institution to comply with the Act. The technical colleges shall also provide a mechanism whereby students may file informal complaints within the technical college.

This policy applies to students who are or who have formerly been enrolled at a technical college.

Education Records include any records (in handwriting, print, tapes, film, computer, or other medium) maintained by the technical college or TCSG that are directly related to a student except:

1) A personal record kept by a faculty or staff member if it is kept in the sole possession of the maker of the record, is not accessible or revealed to any other person except a temporary substitute for the maker of the record, and is not used for purposes other than a memory or reference tool. Records that contain information taken directly from a student or that are used to make decisions about the student are not covered by this exception.

2) Records created and maintained by a technical college law enforcement unit for law enforcement purposes.

3) An employment record of an individual whose employment is not contingent on the fact that he or she is a student.

4) Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional if the records are used only for treatment of a student and made available only to those persons providing the treatment.

5) Alumni records that contain information about a student after he or she is no longer in attendance at the university and which do not relate to the person as a student.

Student Access to Records

Students have the right to review their official academic record, disciplinary record, and financial aid record with the following exceptions:

1) Any and all documents to which access has been waived by the student.

2) Any and all records which are excluded from the Family Educational Rights and Privacy Act's definition of educational records.

3) Any and all financial data and income tax forms submitted in confidence by the student's parents in connection with an application for, or receipt of, financial aid.

4) Any and all records connected with an application to attend a Technical College if the applicant never enrolled.

5) Those records that contain information on more than one student. The requesting student has the right to view only those portions of the record that pertain to his or her own educational records.

All requests shall be directed to the registrar's office at the student's technical college. Requests to review student records will be granted as soon as practicable, but in no event later than 45 days after the date of request. No documents or files may be altered or removed once a request has been filed. A student may receive a copy of any and all records to which he or she has lawful access upon payment of any copying charge established by TCSG or the technical college except when a hold has been placed on his or her record pending the

payment of debts owed the technical college, or when he or she requests a copy of a transcript, the original of which is held elsewhere.

Hearings to Challenge Accuracy of Records

If, upon inspection and review of his or her record, the student believes that the record is inaccurate, misleading or otherwise in violation of his or her privacy rights, he or she has the right to ask that the record be changed or insert a statement in the file. Such request shall be submitted in writing to the registrar's office at the student's technical college.

The registrar's office shall process the student's request and notify the student of the technical college's decision in writing. Should the request for a change be denied, the student will be notified of the technical college's decision and advised of the right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's privacy rights. The student has 30 days to appeal the decision to the president and ask for a hearing.

On behalf of the president of the technical college, a hearing officer shall conduct a hearing at which the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney. The hearing officer will consider only challenges to the accuracy of the records. Hence, whether or not a grade has been incorrectly recorded on a student's transcript may be considered but not whether the student should have been awarded a grade different from the one given.

The hearing officer shall prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. The decision of the hearing officer shall be final, save for any review that may be granted by the president of the technical college.

If the technical college decides that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, it will notify the student of the right to place in the education record a statement commenting on the challenged information and a statement setting forth reasons for disagreeing with the decision. Such a statement shall become a part of the information contained in the education record and will be disclosed with it.

A student may make a specific waiver of access to evaluations solicited and/or received under condition of confidentiality.

Release of Information

TCSG and the technical colleges will disclose information from a student's education records only with the written consent of the student, except that the records may be disclosed without consent when the disclosure is:

1) To TCSG and technical college officials who have a legitimate educational interest in the records.

A TCSG or technical college official is:

- A person employed by TCSG or the technical college in an administrative, supervisory, academic, research, or support staff position, including health or medical staff or outside personnel performing work usually performed by technical college personnel.
- A person serving on TCSG or the technical college's board.
- A person employed by or under contract to TCSG or the technical college to perform a special task, such as an attorney or auditor.
- A person who is employed by TCSG or the technical college's law enforcement unit.
- A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another TCSG or technical college official in performing his or her tasks.
- A contractor, consultant, volunteer or other party to whom TCSG or the technical college has outsourced institutional services as provided in 34 CFR § 99.31(a)(1)(i)(B).

A TCSG or technical college official has a legitimate educational interest if the official is:

- Performing a task that is specified in his or her position description or contract agreement.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.
- Maintaining the safety and security of the campus.
- The determination as to whether or not a legitimate educational interest exists will be made by the custodian of the records on a case by case basis. When the custodian has any question regarding the request, the custodian should withhold disclosure unless the custodian obtains consent from the student, or the concurrence of a supervisor or other appropriate official that the record may be released.

2) Subject to the requirements of 34 C.F.R. § 99.34, to officials of another school, school system or post-secondary institution, upon request, in which a student seeks or intends to enroll or where the student is already enrolled as long as the disclosure is for purposes related to the student’s enrollment or transfer.

3) Subject to the conditions set forth in 34 C.F.R. §99.35, authorized representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, the Attorney General of the United States, or state and local educational authorities.

4) Technical college or TCSG officials or lending institutions, in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

- determine eligibility for the aid;
- determine the amount of the aid;
- determine the conditions for the aid; or
- enforce the terms and conditions of the aid.

5) State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to the state statute adopted prior to November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or information that is allowed to be reported pursuant to a state statute adopted after 1974, which concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released. Nothing in this paragraph shall prevent the state from further limiting the number or type of state or local officials who will continue to have access thereunder.

6) Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations, information will be destroyed within a certain time period when no longer needed for the purpose for which it is conducted and enter into a written agreement with the organization. The written agreement will specify the purpose, scope and duration of the study, the information to be disclosed, use personally identifiable information from education records only to meet the purposes of the study, and requires the organization to prevent personal identification to anyone other than representatives of the organization with legitimate interests. There is no requirement that TCSG initiate or agree with the study.

7) Accrediting organizations in order to carry out their accrediting functions.

8) Parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of1986. The parent must provide a copy of their most recent federal income tax return establishing the student's dependency. Full rights under the act shall be given to either parent, unless the institution has been provided with evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes those rights.

9) In connection with a health or safety emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or others.

10) To comply with a judicial order or lawfully issued subpoena, provided the technical college makes a reasonable effort to notify the student of the order or subpoena in advance of compliance. Notification may be prohibited if the technical college receives a federal grand jury subpoena, any other subpoena which states that the student should not be notified, or an *ex parte* order from the U.S. Attorney General concerning investigations or prosecutions under 18 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. § 2331. When no prior notification is given to the student, TCSG's Director of Legal Services shall be consulted prior to release of the record.

11) To an alleged victim of any crime of violence as that term is defined in Section 16 of Title 18, United States Code, or a non-forcible sex offense, the final results of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of that crime or offense with respect to that crime or offense. TCSG's Director of Legal Services shall be consulted prior to release of the record.

12) To Veterans Administration Officials pursuant to 38 U.S.C. § 3690 (c).

13) Information the technical college has designated as "directory information," unless a hold has been placed upon release of the information by the student. Even if a student elects to prohibit the release of directory information, TCSG or the technical college may still implement policies requiring the student to wear or present a student ID badge.

The following data is considered to be directory information and may be given to an inquirer, either in person, by mail or by telephone, and may be otherwise made public: full name of student, address(es), telephone number(s) email address(es), major and field(s) of study, degrees and awards including nature and date received, dates of attendance, school or division of enrollment, enrollments status, name of institution last attended, participation in official sports and activities, height and weight of athletic team members, and photographs.

The policy that such information will be made generally available will be communicated to presently enrolled students through the publication of these guidelines, so that an individual student currently enrolled may request that such directory information not be disclosed by filing notification at the registrar's office of his or her technical college. Former students who do not want directory information disclosed should make such a request in writing to their technical college's registrar.

14) To the court those records that are necessary for legal proceedings when TCSG or a student initiates legal action relevant to the student records.

15) The technical college may also disclose to any parent or legal guardian of a student under the age of 21 information about a violation of any federal state or local law, or any rule or policy of the technical college governing the use or possession of alcohol or a controlled substance if the institution determines that the student has committed a disciplinary violation with respect to such use or possession

16) To the student or the parent of a student who is not an eligible student.

17) In connection with a disciplinary proceeding if the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has violated TCSG or the technical college's rules or policies. TCSG and the technical college will not disclose the names of any other students, including victims or witnesses, without their prior written consent. 34 C.F.R. § 99.31(a)(14)

18) Concerns sex offenders and other individuals required to register under the Violent Crime Control and Law Enforcement Act of 1994 and TCSG or the technical college was provided the information under 42 U.S.C. § 14071.

19) TCSG or the technical college that has received education records may release the records or information after the removal of all personally identifiable information in the reasonable opinion of TCSG or the technical college. A code may be attached to the de-identified information that may allow the recipient to match information provided from the same source if the method for generating and assigning the code is unreleased, the code is used for no other purpose, and the code cannot be used to ascertain personally identifiable information.

Recordkeeping Requirements

TCSG or the technical colleges shall maintain a record of requests for and/or disclosures of information from a student's education records. The record will indicate the name of the party making the request and what records, if any, were received, the legitimate interest in the records, any additional party to whom it may be re-disclosed, and the legitimate interest the additional party had in requesting or obtaining the information. The record may be reviewed by the student. This recordkeeping is not required if the request was from, or the disclosure was to:

1) the student;
2) a school official determined to have a legitimate educational interest;
3) a party with written consent from the student;
4) a party seeking directory information or
5) a Federal grand jury or law enforcement agency pursuant to a subpoena that by its terms requires nondisclosure.

Record Retention*:* Documentation regarding disclosure of a student's educational records shall be maintained for ten (10) years.
Model FERPA Statement

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT ("FERPA") AND APPLICANT RECORDS

A. Notification of Student Rights Under FERPA
The Family Educational Rights and Privacy Act ("FERPA") affords eligible students (18 years or older) certain rights with respect to their education records maintained by TCSG or the technical college. These rights include:

1. The right to inspect and review the student's education records within forty-five days after the day that TCSG or the technical college receives the request for access. Requests for access to records should be submitted to the technical college registrar listing the records the student wishes to inspect. The registrar will make arrangements for the student to review the requested records.
2. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Such requests should be made in writing clearly identifying the part of the record the student wants changed and why the record should be changed. This written request should be given to the technical college Registrar. If the technical college decides not to grant the request, the student has a right to a hearing. Details regarding the hearing will be provided with notification of the student's right to a hearing.
3. The right to provide written consent before the technical college discloses personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. A full list of the disclosures that the technical college may make without consent is [at the bottom of this statement in Section "C"] or [available at the office of the technical college registrar.] The technical college may also disclose education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the technical college in an administrative, supervisory, academic or research, or support staff position, including health or medical staff or outside personnel performing work usually performed by technical college personnel; a person serving on TCSG or the technical college's board;

a person employed by or under contract to TCSG or the technical college to perform a special task, such as an attorney or auditor; a person who is employed by a TCSG or technical college law enforcement unit; a student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another TCSG or technical college official in performing his or her tasks; or a contractor, consultant, volunteer or other party to whom TCSG or the technical college has outsourced institutional services as provided in 34 CFR § 99.31 (a)(1)(i)(B). For additional information, see TCSG Procedure for Student Records.

4. The right to file a complaint with the United States Department of Education concerning alleged failures by the 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 20202-4605

B. Annual Notice of Directory Information Contents

"Directory Information" is information not generally considered harmful or an invasion of privacy if disclosed. Effective [insert date], the technical college has designated the following information as "Directory Information"

1. Full name of student
2. Address(es)
3. Telephone number(s)
4. Email address(es)
5. Major and field(s) of study
6. Degrees and awards including nature and date received
7. Dates of attendance
8. School or division of enrollment
9. Enrollment status (i.e., full or part-time, undergraduate, graduate)
10. Name of institution last attended
11. Participation in official sports and activities
12. Height and weight of athletic team members
13. Photograph(s)

Students who wish to prohibit the release of directory information should file a written notification at the Technical college registrar's office.

C. [Optional or Handout at Registrar's office] Disclosures of Personally Identifiable Information Without Consent

FERPA permits the disclosure of personally identifiable information from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of the FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. For additional information on these categories, see TCSG Procedure for

Student Records. A postsecondary institution may disclose personally identifiable information without obtaining prior written consent of the student:

1. To TCSG and technical college officials who have a legitimate educational interest in the records.

2. To officials of another school in which a student seeks or intends to enroll or where the student is already enrolled as long as the disclosure is for purposes related to the student's enrollment or transfer.

3. To authorized representatives of the Comptroller General of the United States, the Secretary of the U.S. Department of Education, the Attorney General of the United States, or state and local educational authorities.

4. Technical college or TCSG officials or lending institutions, in connection with financial aid for which the student has applied or which the student has received.

5. State and local officials or authorities concerning the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released.

6. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations.

7. Accrediting organizations in order to carry out their accrediting functions.

8. Parents of a dependent student. The parent must provide a copy of their most recent federal income tax return establishing the student's dependency.

9. In connection with a health or safety emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or others.

10. To comply with a judicial order or lawfully issued subpoena, provided the technical college makes a reasonable effort to notify the student of the order or subpoena in advance of compliance. However, notification may be prohibited by the terms of the subpoena in certain circumstances.

11. To an alleged victim of any crime of violence or a non-forcible sex offense, the final results of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of that crime or offense with respect to that crime or offense.

12. To Veterans Administration Officials pursuant to 38 U.S.C. § 3690 (c).

13. Information the technical college has designated as "directory information," unless a hold has been placed upon release of the information by the student.

14. To the court those records that are necessary for legal proceedings when TCSG or a student initiates legal action relevant to the student records.

15. The technical college may also disclose to any parent or legal guardian of a student under the age of 21 information about a violation of any federal state or local law, or any rule or policy of the technical college governing the use or possession of alcohol or a controlled substance if the institution determines that the student has committed a disciplinary violation with respect to such use or possession

16. To the student or the parent of a student who is not an eligible student.

17. In connection with a disciplinary proceeding if the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has violated the technical college's rules or policies. The technical college will not disclose the names of any other students, including victims or witnesses, without their prior written consent.

18. Concerns sex offenders and other individuals required to register under the Violent Crime Control and Law Enforcement Act of 1994 and the technical college was provided the information under 42 U.S.C. § 14071.

19. The technical college that has received education records may release the records or information after the removal of all personally identifiable information in the reasonable opinion of the technical college. A code may be attached to the de-identified information that may allow the recipient to match information provided from the same source if the method for generating and assigning the code is unreleased, the code is used for no other purpose, and the code cannot be used to ascertain personally identifiable information.

VII. RECORD RETENTION:

Procedure: 6.3.1p2. (V.J.)
Definition of Directory Information

Revised: August 1, 2012
Last Reviewed: October 14, 2016
Adopted:

I.PURPOSE: It is the policy of the Technical College System of Georgia [TCSG] to create a single definition of directory information for all of its technical colleges.

II. RELATED AUTHORITY:
State Board POLICY 6.3.1. Student Records
TCSG Procedure 6.3.1p1. Procedures for Student Records
Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g
34 C.F.R. §§99.1-99.67

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

IV. DEFINITIONS: N/A

V. ATTACHMENTS: N/A

VI. PROCEDURE:

The Family Educational Rights and Privacy Act ("FERPA"), a Federal law, requires that TCSG and its technical colleges, with certain exceptions, obtain a student's written consent prior to the disclosure of personally identifiable information from that student's education records.

However, TCSG or its technical colleges may disclose appropriately designated "directory information" without written consent unless the student has advised TCSG or the technical college to the contrary. Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without the student's prior written consent.

If a student does not want TCSG or the technical college to disclose directory information from his or her student education records without prior written consent, the student must notify TCSG or the technical college where he or she is enrolled in writing by the first day of the semester at the registrar's office at his or her technical college. A student need only file this notification once during his or her enrollment. However, if there is a break in enrollment or transfer to another TCSG technical college, a new notification must be filed.

Even if a student elects to prohibit the release of directory information, TCSG or the technical college may still implement policies requiring the student to wear or present a student ID badge.

The Technical College System of Georgia and its technical colleges define "directory information" as follows:

- Full name of student
- Address(es)
- Telephone number(s)
- Email address(es)
- Major and field(s) of study
- Degrees and awards including nature and date received
- Dates of attendance
- School or division of enrollment
- Enrollment status (i.e., full or part-time, undergraduate, graduate)
- Name of institution last attended
- Participation in official sports and activities
- Height and weight of athletic team members
- Photograph(s)

Additionally, certain state and federal laws require the release of certain student information without prior notification to the student.

VII. RECORD RETENTION: N/A

Procedure: 6.3.2p (V. R.)
TCSG Student Records Retention Schedule

Revised:
Last Reviewed: October 14, 2016
Adopted:

(0415-001) Admissions Records for Applicants Who Do Not Enroll (Accepted or Rejected)
Explanation: This series documents the application process for individuals seeking admission to the college. Records may include but are not limited to: acceptance letters, advanced placement records, applications for admission, entrance exam reports, letters of recommendation, medical records, readmission forms, recruitment materials, test scores, transcripts from other colleges, transcripts from high school, military documents, international student documents, and related correspondence.
Record Copy: Admissions Office
Retention: 1 year after application term (any documents which are originals may be returned to the student after one year rather than destroyed).
Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition Retention Schedule A, page 13

(0415-002) Admissions Records for Applicants Who Do Enroll In Classes (Accepted)
Explanation: This series documents the application process for individuals seeking admission to the college. Records may include but are not limited to: acceptance letters, advanced placement records, applications for admission, entrance exam reports, letters of recommendation, medical records, readmission forms, recruitment materials, test scores, residency classification forms, transcripts from other colleges, transcripts from high school, military documents, and related correspondence. Foreign student admissions records are included in this series.
Record Copy: Admissions Office
Retention: Letters of Recommendation: destroy after student enrollment. All other records: 5 years after graduation or date of last attendance.
Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule B, page 14

(0415-003) Student Tracking Records
Explanation: This series documents student enrollment in courses and changes in enrollment. The series also documents admission status changes, affiliation and registration in programs, and changes in grading basis. Records may include but are not limited to: registration forms; registration change forms (add/drop forms); withdrawal forms; application for re-admission forms; change of program (within the college) forms; and grading basis (unsatisfactory/satisfactory) change forms.
Record Copy: Registrar
Retention: Withdrawal and Grade Change Forms: **Permanent.** All other records: 5 years after graduation or date of last attendance. Transfer to college archives for permanent retention

Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule C, page 16

(0415-004) Academic Action Authorizations
Explanation: This series documents actions taken by the college against a student, including dismissal, suspension, and demotion.
Record Copy: Registrar
Retention: 5 years after graduation or date of last attendance
Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule C, page 16

(0415-005) Course Schedule Change Forms and Data
Explanation: This series documents student requests to drop/add or withdraw from single class during the term.
Record Copy: Registrar
Retention: 1 year after date submitted
Citation or Reference: American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule C, page 16

(0415-006) Original Grade Sheets/ Class Lists
Explanation: This series provides instructional departments with an official record of students enrolled in courses taught and documents term end grades of each student.
Record Copy: Registrar and Academic Affairs Department
Retention: Student Information Database copy: Permanent. Instructor class files: retain for the duration of the grade appeal policy.
Citation or Reference: American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule C, page 16

(0415-007) Class Schedules of Students
Explanation: This series provides a list of the classes registered for by an individual student for a particular term.
Record Copy: Registrar
Retention: 1 year after graduation or date of last attendance
Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule C, page 16

(0415-008) Curriculum Change Authorizations
Explanation: This series documents student requests to change their program of study.
Record Copy: Registrar
Retention: 5 years after graduation or date of last attendance
Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule C, page 16

(0415-009) Fee Assessment Forms
Explanation: This series documents the payment of fees for course fees, lab time, diplomas, commencement exercises, etc.
Record Copy: Registrar
Retention: 5 years after graduation or date of last attendance
Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule C, page 16

(0415-010) Academic Standing Reports
Explanation: This series documents student academic standing, including academic deficiency and the status changes of academically deficient students. Records may include – but not limited to: reports containing student names, grade point averages (GPA's), grade point deficiencies, and numbers of previous suspensions and probations; student petitions for re-evaluation; report of student progress toward academic readmission/removal of probation status at other colleges; academic honors and awards; and related documentation and correspondence.
Record Copy: Registrar
Retention: 3 years from the date of creation of the report
Citation or Reference:

(0415-011) Student Statistical Reports
Explanation: This series documents student status and enrollment at the college. Records may include but not limited to: specialized listings and statistical reports pertaining to departmental and college registration, course changes, add/drops, geographical distribution of students, student age and gender data, mortality of classes, student transfers from other schools, student body grade point averages and GPA's of living groups, and veterans enrollment; reports documenting student and enrollment by term; and reports on other topics.
Record Copy: Registrar, Budgets & Planning
Retention: Permanent: Summary and annual reports, catalogs, commencement program, schedule of classes; degree statistics, and enrollment statistics; 3 years for all other records
Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule E, page 19

(0415-012) Admissions Reports
Explanation: This series provides summary information relating to student admission programs which may be used for control, planning or review. Records may include working papers; drafts; transitory reports; final reports; and related placement documentation. Typical report subject categories include the number of new students, advanced placement, and grade point averages.
Record Copy: Institutional Effectiveness Research & Planning, Admission Office, Knowledge Management System (KMS)
Retention: Transfer to college archives for permanent retention; Final reports: Permanent. All other records: 5 years Classification: Permanent Citation or Reference:

(0415-013) Certification Records
Explanation: This series documents the preparation of students earning degrees and/or certification through licenses or certificates to enter a profession and forms the basis of the initial certification of various professions. Records may include: applications for admission, registration for practicum and evidence of completion of practicum, transcripts,; and notice of completion of hours required for certification. Record Copy: Department or Academic Affairs
Retention: 5 years after initial certification application by student.
Citation or Reference:

(0415-014) Commencement Records
Explanation: This series documents commencement program planning and implementation at the college. Records may include: commencement attendance forms; planning records and related documentation and correspondence.
Record Copy: Registrar

Retention: Commencement Programs: Permanent. All other records 1 year for all other records.
Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule E, page 19

(0415-015) Diploma, Degree and Certificate Mailing Verification Records
Explanation: This series documents students' requests to have diplomas, degrees, certificates, and other graduation records distributed to specific addresses Record Copy: Registrar
Retention: 1 year
Citation or Reference:

(0415-016) Enrollment Reports
Explanation: This series is used to provide the President's office with a record of enrollments which may be used for planning and research. Information contained in the reports includes student names and levels, grade point averages, demographic data, and academic majors.
Record Copy: Budgets & Planning, Registrar, Office of Institutional Effectiveness, Research and Planning
Retention: Permanent for final reports; 2 years for all other records.
Citation or Reference:

(0415-017) Examinations, Tests, Term Papers, and Homework Records
Explanation: This series documents student subject mastery in college courses. Records may include: examinations and answers; quizzes and answers; homework assignments; course papers; term papers; and essay assignments. This series does not include graduate student qualifying or comprehensive examinations.
Record Copy: Departments or Academic Affairs
Retention: 1 year after course completion for uncontested grade results; until resolved for contested grade results
Citation or Reference:

(0415-018) Family Educational Rights and Privacy Act (FERPA) Documents
Explanation: This series documents the process of student information release requests and consent authorizations or denials in accordance with the Family Educational Rights and Privacy Act. Records may include but are not limited to: requests for formal hearings; requests for release of personally identifiable information; records of disclosures made to third parties; student statements regarding hearing panel decisions; written decisions of the hearing panel; written consent of the student to disclose records; waivers for rights of access; and related documentation and correspondence.
Record Copy: Registrar
Retention: Student requests for nondisclosure of directory information, written consent for disclosure, and waivers of rights to access: Permanent or until terminated by student. All other records: Permanent
Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule F, page 20

(0415-019) Georgia Open Records Act (GORA) and Freedom of Information Act (FOIA) Request Records
Explanation: This series documents public requests for information under the Freedom of Information Act received by the Registrar. Records include: written correspondence inquiries from the public received by the office; written and dated responses issued by the office; notes

and memoranda made in drafting responses to these inquiries; and initials of officials approving release of the information.
Record Copy: Custodian of Records
Retention: 5 years.
Citation or Reference: O.C.G.A. 9-3-24

(0415-020) Grade Reports
Explanation: The series documents grades received by students for the term. This is the record copy of reports distributed to students at the end of each term. Individual forms include: course numbers and titles; grades awarded; grade point average; student name; student identification number.
Record Copy: Registrar
Retention: 1 years after graduation or date of last attendance
Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule C, page 16

(0415-021) Grievance Records
Explanation: This series documents grievances brought forward by students against the college which do not result in litigation. Grievances may pertain to academic issues; housing; affirmative action and equal opportunity; student conduct; and other issues. Record Copy: Appropriate academic division, Title IX Office, Record Custodian
Retention: 5 years after graduation or date of last attendance
Citation or Reference:

(0415-022) Independent Study Records
Explanation: This series documents department approval for students to enroll in independent study courses.
Record Copy: Colleges, Departments, Registrar or Academic Affairs
Retention: 5 years after graduation or date of last attendance
Citation or Reference:

(0415-023) International Students Records
Explanation: This series documents college assistance to international students who have been admitted to a academic program. These records primary concern college admissions, immigration issues, and other non-academic matters. Record Copy: Admissions, Registrar, or Academic Affairs
Retention: 5 years after graduation or date of last attendance and at least 1 year after final notice to Immigration and Customs Enforcement.
Citation or Reference:

(0415-024) Internship Program Records
Explanation: This series is used to provide a record of the administration of student internship, practicum and cooperative education programs. Programs may be within the college or off campus and for class credit and/or pay.
Record Copy: Colleges, Departments, Career Placement Services, Registrar and Academic Affairs
Retention: 5 years from date of graduation or last date of attendance
Citation or Reference:

(0415-025) Change of Name Records
Explanation: This series documents students or applicants name changes reported to the admissions or registrar's offices by students. Record Copy: Registrar, Admissions Office
Retention: 5 years after degree completed or date of last attendance
Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule C, page 17

(0415-026) National Testing Records
Explanation: This series provides a record of the services rendered to clients by administering tests required of students seeking admission to various programs or seeking to substitute already acquired knowledge for formal college courses. Tests administered include Scholastic Aptitude (SAT); American College (ACT); National Teacher Education (NTE); and Test of English as a Foreign Language (TOEFL). Record Copy: Testing Services
Retention: 5 years after testing date
Citation or Reference:

(0415-027) Placement Records
Explanation: This series documents the written reference history of a student to be forwarded to potential employers or other schools. Records may include: credentials records, release of information forms; reference letters; student teaching reports; professional program certificates; personal data sheets and resumes; and college interview forms.
Record Copy: Career Services
Retention: 3 years for established files
Citation or Reference:

(0415-028) Placement Survey Records
Explanation: This series documents the results of a placement survey conducted every two years of recent baccalaureate graduates Record Copy: Career Services Knowledge Management System
Retention: Permanent for reports; 3 years for all other records.
Citation or Reference:

(0415-029) Prospective International Student Records
Explanation: This series documents college assistance to international students who are considering attendance at the college. Records may include but are not limited to: letters of inquiry from prospective students; official replies to inquiries; completed applications and admittance forms; local data sheets; advisory notes; and related documentation and correspondence.
Record Copy: Registrar, Admission or Office of International Services
Retention: 2 years for non-admitted applicants records; until enrolled for admitted applicants records, which then become part of the International Student Records
Citation or Reference:

(0415-030) Recruiters Records
Explanation: This series provides a record of recruiter visits to the campus to conduct job interviews. Record Copy: Career Services
Retention: 2 years from date of record creation.
Citation or Reference:

(0415-031) Residency Affidavits
Explanation: This series documents declarations filed by students regarding state residency status which is critical for determining tuition status
Record Copy: Admission, Registrar, Financial Aid
Retention: 5 years after graduation or date of last attendance
Citation or Reference:

(0415-032) Services to Special Population Students Records
Explanation: This series documents student participation in services to Special Population Students Program. Records may include but are not limited to: health professional evaluation reports; recommendations for student applicants; autobiographical essays; copies of applications for admission; copies of notices of admission; special admissions applications checklists; physicians' statements and letters of recommendation; counseling interview notes and referrals Record Copy: Services for Students with Disabilities or Special Population Services/Registrar
Retention: 5 years after graduation or date of last attendance
Citation or Reference:

(0415-033) Special Academic Programs Student Records
Explanation: This series documents and tracks the application, admission, selection, and progress of college students participating in special academic programs serving, guiding, and aiding college students. This series consists of the individual files for students participating in special college programs which provide services ranging from counseling and tutoring to tuition waiver assistance. Programs may include but are not limited to: the English Language Institute (ELI) and American English Institute; Educational Opportunities Program (EOP); non-traditional student programs; Older Than Average Student Program and Adult Learners; National Student Exchange Program (NSE); Native American Science Program (NASP); University Exploratory Studies Student Program (UESP); Study Abroad Program; Academic Learning Services (ALS); Peer Advising; and other special academic programs. Records may include but are not limited to: application documentation; personal information; medical and health documentation; admission and non-acceptance documentation; recommendations and evaluative materials; copies of academic records; counseling and advising notes and documentation; risk release and insurance forms; immigration and citizenship documentation; financial responsibility records; reports; and related documentation and correspondence. Portions of these records may be exempt from public disclosure.
Record Copy: Administering units
Retention: 5 years for accepted and enrolled participants; 2 years for denied admission and those applicants who never enroll.
Citation or Reference:

(0415-034) Student Activity Reports
Explanation: This series provides a record of student statistics in a specific instructional department and is used to provide summary information which may be used for planning or review. This report may include but is not limited to: country of origin; degree(s) held and pursued; financial situation; gender and ethnicity; marital status; veterans status; academic standing and grade point averages; placement test scores; immigration status; and other data elements.
Record Copy: Colleges, KMS (Knowledge Management System Technical College System of Georgia Database)/Office of Institutional Effectiveness, Planning and Research

Retention: Until superseded or obsolete.
Citation or Reference:

(0415-035) Student Advising Records
Explanation: This series is used to provide a record of a student's academic progress within a specific college program. Most of the components in this record series are reference copies of records maintained in the files of the Registrar's Office and are maintained for the convenience of the student academic advisors. Record Copy: Advising Academic Department of Academic Affairs
Retention: 5 years after graduation or date of last enrollment
Citation or Reference:

(0415-036) Student Conduct Records/Disciplinary Action Records
Explanation: This series documents academic dishonesty and conduct violations among students. Records may include but are not limited to: incidents reports; final reports; evidence; notification of allegation; Timely Notice Forms; Conduct-Pending, Conduct-Restitution, and Suspension Lists; Quarterly Security Reports; disciplinary reports; informal discussion notes; formal hearing notes; final summary statements; decision statements; appeals documentation; and related documentation and correspondence.
Record Copy: Office of Student Affairs or Academic Affairs
Retention: 5 years after graduation or date of last attendance
Citation or Reference:

(0415-037) Student Development Transcripts Records
Explanation: Series documents students participation in university clubs, organizations, honor societies and special academic programs; volunteer service in community organizations; and honors and awards received.
Record Copy: Judicial Advisor or Student Life Office
Retention: Permanent for transcripts; 5 years after last activity for all other records
Citation or Reference:

(0415-038) Student Non-Disclosure Requests Records
Explanation: This series documents the request by a student to restrict release of information normally provided as directory information as per Family Educational Rights and Privacy Act.
Record Copy: Registrar
Retention: Life of underlying documents the student has asked not to be disclosed
Citation or Reference: Family Educational Rights and Privacy Act of 1974 PL 93-380, as American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule F, page 20

(0415-039) Student Organization Administrative Records
Explanation: This series documents the history, development, and policies of campus student organizations. Records may include: annual review forms; minutes; constitutions and bylaws; budget, bills, and resolutions, handbooks, scrapbooks, officer, and member rosters, and photographs Record Copy: Student Activities, Student Organization Advisors, Student Life Office
Retention: Permanent
Citation or Reference:

(0415-040) Student Recruitment Records (Academically Disadvantaged and other)
Explanation: This series documents effort of the departments to recruit students based upon disadvantaged status, academic performance, and other criteria. Records may include: prospects lists; interview and conversation notes; photographs; personal information forms and resumes; test scores; academic transcripts. Record Copy: Office of Student Affairs or Academic Affairs
Retention: 5 years
Citation or Reference:

(0415-041) Supplemental Grade Report Records
Explanation: This series documents grade changes submitted by instructors through the academic departments to the Registrar. Record Copy: Registrar
Retention: Permanent
Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule C, page 16

(0415-042) Transcript Hold or Encumbering Authorization Forms
Explanation: This series documents holds on transcripts and academic reporting information placed by the college for a number of reasons. This series consists of forms authorizing the holding of academic records and information until the subject of the academic record takes a specific action.
Record Copy: Registrar
Retention: Until release of the hold authorization
Citation or Reference:

(0415-043) Transcript Request Forms
Explanation: This series provides a record of students' requests for transcripts to be sent to other colleges Record Copy: Registrar
Retention: 1 year from date submitted to the college.
Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule C, page 17

(0415-044) Degrees Audits
Explanation: This series documents student completion of degree requirements. Records may include: graduate audit form, work sheets; transcripts; and transfer course evaluations. Record **Copy:** Registrar
Retention: 5 years after graduation or date of last attendance
Citation or Reference: Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule C, page 16

(0415-045) Department Student Files
Explanation: This file contains the following documents related to the college's process of graduation certification: checklist for graduation, grade reports, student academic records, official change of grade forms, arts & sciences administrative notifications, request forms for permission to change colleges, letters of reference.
Record Copy: Academic Affairs Department
Retention: 3 years after graduation or date of last enrollment
Citation and Reference:

(0415-046) Specific Program Records
Explanation: This series of documents addresses specific program admission requirements (i.e. immunizations, physical examinations, drug screens, criminal background checks, Motor Vehicle (MVR), psychological evaluations, etc.)
Record Copy: Academic Affairs Department
Retention: 3 years after graduation or date of last enrollment
Citation and Reference:

(0415-047) Borrower's Loan Records
Explanation: This series documents and is a monitoring tool for all Perkins and National Direct Student Loans. This series consists of files for each borrower and may include: repayment schedules; statements of rights and responsibilities; records of actions taken. Record Copy: Student Loans
Retention: 3 years after loan repayment or assignment to U.S. Department of Education
Citation or Reference: Ch. Vi (7-04 Edition, Office of Postsecondary Education 34 C.F.R. 674. 19 (E) (2-3)

(0415-048) Borrower's Loan Records (Canceled)
Explanation: This series documents Perkins and National Direct Student Loans that have been canceled because of bankruptcy, death or disability, bad debts, write-offs, and assignments. This series consists of files for each borrower. correspondence.
Record Copy: Financial Aid
Retention: 5 years after debt cancellation or assignment to U.S. Department of Education
Citation or Reference: Ch. Vi (7-04 Edition, Office of Postsecondary Education 34 C.F.R. 674. 19 (E) (2-3)

(0415-049) Credit Bureau Reports
Explanation: This series documents holders of student loans that have been reported to credit bureaus. Record Copy: Student Loans
Retention: 4 years after collected or deemed uncollectible
Citation or Reference: Ch. Vi (7-04 Edition, Office of Postsecondary Education 34 C.F.R. 29.518 (b) (E) (2-3)

(0415-050) Federal Title IV Program and Institutional Records Explanation: Records document eligibility to participate and school's administration of Federal Title IV and programs. Records include Institutional Program Participation Agreement; recertification; education program eligibility; accreditation reviews; and reports; audits and program reviews; and other records, as specified in regulation. Record Copy: Financial Aid
Retention: Agreements: 7 years after expiration. Records of borrower eligibility: 3 years after end of the award year borrower last attended college. Fiscal Operations Reports and Application to **participate:** 5 years after end of award year.
Citation or Reference: Ch. Vi (7-04 Edition, Office of Postsecondary Education 34 C.F.R. 676. 8, 34. C.F.R. 668.24

(0415-051) FFELP and Direct Loan Records
Explanation: Records relate to Federal Family Education Loan Program (FFELP) and Direct Loan Programs including but not limited to: eligibility (student and/or parent); application; disbursement records; promissory notes
Record Copy: Financial Aid
Retention: Eligibility records: 3 years after the end of the last award year the student attended.

Participation records: 5 years after the end of the award year in which the records were submitted. **Citation or Reference:** Ch. Vi (7-04 Edition, Office of Postsecondary Education 34 C.F.R. 682.201, 19, 34 C.F.R. 682.515, Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule H, page 23

(0415-052) Federal Title IV Fiscal Records and Reports
Explanation: Records document Federal Title IV Aid transactions, including receipt, management and disbursement of funds. Records of all Title IV program transactions; bank statements for all accounts continuing Title IV payments, cash disbursements, refunds, and repayments; general ledger (must be separate from school's other financial transactions) and related ledgers that identify each Title IV program transaction; Federal work-study payroll records; Annual Federal Fiscal Operations and Applications for Funds Report (FISAP). Records support data appearing on required reports: Federal Pell Grant Statements of Account; ED Payment Management system cash requests and quarterly or monthly reports; Title IV program reconciliation reports; audit reports and school responses; state grant and scholarship award rosters and reports; accrediting and licensing agency reports.
Record Copy: Financial Aid
Retention: 3 years after the end of the award year unless otherwise specified; FISAP exception: 3 years after the end of the award year in which the FISAP was submitted.
Citation or Reference: Ch. Vi (7-04 Edition, Office of Postsecondary Education 34 C.F.R. 676. 9, 34 C.F.R. 668.24

(0415-053) Loan Activity Records
Explanation: This series documents payments, adjustments, draw advances, address and status changes, cancellations, deferments, and postponements on borrower's accounts.
Record Copy: Student Loans
Retention: 3 years after loan is paid
Citation or Reference: Ch. Vi (7-04 Edition, Office of Postsecondary Education 34 C.F.R. 674.19, 2-3

(0415-054) Pell Grant Reports
Explanation: This series consists of copies of summary reports submitted to the Pell Grant Scholarship program on a routine basis. Reports are submitted on OMB 1840-0540 and summarize money awarded, received and disbursed, the balance remaining, and dates.
Record Copy: Financial Aid
Retention: 5 years after audit
Citation or Reference: Ch. Vi (7-04 Edition, Office of Postsecondary Education 34 C.F.R. 668.24, 34 C.F.R. 690.2

(0415-055) Perkins Loan Program Records
Explanation: Records relate to Perkins Student Loan, National Direct Student Loan, and Nursing Loan; and show each borrower's payment history (showing date and amount of each repayment) and amount of each repayment credited to principal, interest, collection costs, and penalty or late charges. Documentation of each contact with borrower or endorser in collection of overdue loan, including date, nature, result of the contact, and copies of all correspondence, collection agency reports, and litigation records.
Record Copy: Student Loans
Retention: 5 years after the end of the award year for which aid was awarded and disbursed for records relating to the administration of the loan; 5 years after the end of the award year in which the FISAP is submitted for Fiscal Operations Report, Application to Participate and

supporting documentation; records involved in any loan, claim, or expenditure questioned by a Title IV, HEA program audit or review, investigation, or other review: until the resolution of that questioned loan, claim, or expenditure; or the end of the retention period applicable to the record, whichever is longer.
Citation or Reference: Ch. Vi (7-04 Edition, Office of Postsecondary Education 34 C.F.R. 674.19(e), Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule H, page 23

(0415-056) Student Financial Aid Records
Explanation: Records document student eligibility common to all Federal Title IV Aid Programs. May include, but not limited to: Student Aid Report (SAR) or Institutional Student Information Report (ISIR) used to determine eligibility; documentation of need and eligibility for Title IV funds; Cost of attendance information; documents used to verify applicant data; required student certification statements and supporting documentation; documentation of all professional judgments decisions; financial aid history information for transfer students; documentation of student's satisfactory academic progress; documentation of amount, date, and basis of all refund and repayment calculations for a student (last dates of attendance, grade rosters); and documentation of outside resources.
Record Copy: Financial Aid
Retention: 3 years after the year in which the aid is awarded
Citation or Reference: Ch. Vi (7-04 Edition, Office of Postsecondary Education 34 C.F.R. 34 C.F.R. 668.24, C.F.R. 674.18, C.F.R. 676.19, . C.F.R. 682.215), Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule H, page 23

(0415-057) Student Loan Check Request Lists
Explanation: This series documents loan disbursements made to students. This series consists of quarterly lists of loan checks issued from either the Controllers Division or the college Business Manager's Revolving Fund.
Record Copy: Student Loans
Retention: 4 years
Citation or Reference:

(0415-058) Student Loan Payment Coupons
Explanation: This series documents payments made by holders of student loans. This series consists of payment coupons which accompany each quarterly or monthly payment made to the student loan office.
Record Copy: Student Loans
Retention: 4 years
Citation or Reference:

(0415-059) Student Promissory Notes
Explanation: This series consists of the promissory notes for student loans negotiated for the current academic year. The notes become part of the borrowers' loan records at the end of the academic year.
Record Copy: Student Loans
Retention: 5 years after repayment
Citation or Reference: Ch. Vi (7-04 Edition, Office of Postsecondary Education 34 C.F.R. 674.19, 24 C.F.R. 674.31

Back

(0415-060) Work Study Program Administrative Records
Explanation: Series documents the administration of the Federal Work Study program at the college. Records include: job descriptions; award letters; pay rate change notices and related correspondence.
Record Copy: Financial Aid
Retention: 3 years after the end of the award year for which the aid was awarded
Citation or Reference: Ch. Vi (7-04 Edition, Office of Postsecondary Education 34 C.F.R. 675.19, Professional Standard of the American Association of Collegiate Registrars and Admissions Officers 2000 Edition, Retention Schedule H, page 23

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 6.4
Student Life

6.4.1 ..... POLICY - Student Handbooks
6.4.1p .....Procedure - Summary of Student Notification Requirement
6.4.2..... POLICY - Student Housing
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POLICY: 6.4.1. (V. C.)
Student Handbooks

Revised: April 23, 2001
Last Reviewed: October 14, 2016
Adopted: April 23, 2001

POLICY:

Each technical college shall create and publish, electronically or otherwise, on a regular basis a student handbook. The handbook shall incorporate, either directly or by reference, all appropriate information regarding student life at the technical college. It shall also contain all information necessary to meet state and federal regulatory requirements for informing students of their rights pertaining to, among other things, privacy of their student records, campus security and safety, freedom from illegal discrimination, and tuition refunds.

The Student Handbook may be contained in the College Catalogue.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure 6.4.1p. Summary of Student Notification Requirements

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Procedure: 6.4.1p. (V.C.1.)
Summary of Student Notification Requirements

Revised: March 27, 2014 ; April 23, 2001
Last Reviewed: October 14, 2016
Adopted: April 23, 2001

I. PURPOSE:

Each technical college shall create and publish, electronically or otherwise, on a regular basis a student handbook. The handbook shall incorporate, either directly or by reference, all appropriate information regarding student life at the technical college. It shall also contain all information necessary to meet state and federal regulatory requirements for informing students of their rights pertaining to, among other things, privacy of their student records, campus security and safety, freedom from illegal discrimination, and tuition refunds.

The Student Handbook may be contained in the College Catalogue.

II. RELATED AUTHORITY:
State Board POLICY: 6.4.1. Student Handbooks
Consumer Information Checklist:
http://ifap.ed.gov/qahome/qaassessments/consumerinformation

III. APPLICABILITY:
All technical colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS: N/A

V. ATTACHMENTS: N/A

VI. PROCEDURE:

Student Notification Requirement	Deadline
I. Voter Registration, 20 U.S.C. §1094(a)(23)(A)	Institution must request forms from the state at least 120 days prior to the state's voter registration deadline.
II. Drug Free Schools & Communities Act, 20 U.S.C. §1011(i); 34 C.F.R. §86.1 et seq.	Annual written notice.
III. Financial Aid, Programs, and Athletics Information, if applicable, 20 U.S.C. §1092; 34 C.F.R. §668	
A. Financial Assistance Information, 34 C.F.R. §668.42	Must be made available to all current students and to all prospective students before they enroll or enter into any financial obligation with the institution.

B. Institutional Information, 34 C.F.R. §668.43 & 668.44; DCL GEN 08-12	Must be made available to all current students and to all prospective students before they enroll or enter into a financial obligation with the institution.
C. Completion/Graduation Rate Information, 34. C.F.R. §668.45; 668.47; 668.48; 668.41	Annually by July 1; must be made available, to all students, and to all prospective students before they enroll or enter into any financial obligation with the institution.
IV. Annual Security Report, 34 C.F.R. §668.46; 20 U.S.C. §1092	Annually to students by October 1. Submit to Secretary of Education per electronic reporting procedure established by Secretary.
V. Family and Educational Rights and Privacy Act, 20 U.S.C. §1232g;34C.F.R.§99.1 et seq.	Annual notice
VI. Fire Safety Reports on Student Housing, 34 C.F.R. §668.49; 20 U.S.C. §1092	Annual notice
VII. Loan Disclosures, 34 C.F.R. §668.14; Section 685.304; 668.42; 674.42; & Sections within 601; U.S.C. 424, 1087, 1019, & 1094.	Must provide information to students as set forth in Code Sections.
VIII. Gainful Employment Disclosures, 34 C.F.R. §668.6; 20 U.S.C 1001(b), 1002(b) and (c)	Must provide to current and all prospective students on promotional items and school web sites by January 31st of each year (annually)

Student Notification Requirements

I. VOTER REGISTRATION, 20 U.S.C. §1094(a)(23)(A).

The 1998 Higher Education Act requires all post-secondary institutions to make a good-faith effort to distribute voter registration forms to each degree or certificate-seeking student that attends classes on campus, and to make such forms widely available to students. The institution must request forms from the state 120 days prior to the deadline for registering to vote in the state. In Georgia, the deadline for registering is usually the fifth Monday prior to the date of the primary or election. The law applies to all general and special elections for federal office (i.e. President, Vice President, Senator, and Representative to the U.S. Congress, see 2 U.S.C §431(3)) and includes elections for Governor and other state chief executives.

II. DRUG FREE SCHOOLS AND COMMUNITIES ACT, ("DFSCA"), 20 U.S.C. §1011(i), 34 C.F.R. §86.1 et seq.

The DFSCA requires institutions receiving federal financial assistance to establish drug and alcohol prevention programs for students and employees. At a minimum, each institution must distribute to all students and employees annually:

- Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol on school property or as part of any school activities;

- A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees and students; and
- A clear statement that the institution will impose sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

The law further requires an institution of higher education to conduct a biennial review of its program to:

- Determine the program's effectiveness and implement changes if they are needed.
- Ensure that the sanctions developed are consistently enforced.
- Determine the number of drug and alcohol-related violations and fatalities that occur on the school's campus or as part of the school's activities, and are reported to campus officials.
- Determine the number and type of sanctions that are imposed.

See 34 C.F.R. §86.100.

Institutions are required to certify to the Secretary of Education that the school has adopted and implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees. See 34 C.F.R. §86.6.

The biennial review of the program and any other records relating to the drug prevention program certification must be retained for three (3) years. Records relating to any litigation, claim, audit or other action involving the records must be retained for three (3) year or until completion of the action and resolution of all issues that arise from such litigation, claim, audit, etc. See 34 C.F.R. §86.103

III. FINANCIAL AID, PROGRAMS AND ATHLETICS INFORMATION, 20 U.S.C. §1092; 34 C.F.R .§668.

Detailed information is required under the Higher Education Amendments regarding financial aid, tuition, fees and other costs of attendance, academic programs, accreditation, handicapped services/facilities, study abroad and completion/graduation, transfer-out rates, and athletic program information.

A. Financial Assistance Information, 34 C.F.R. §668.42.
Institutions must publish and make readily available to all current students and all prospective students a description of all federal, state, local, private and institutional student financial assistance programs available to students, including both need-based and non-need-based programs. For each financial aid program described, the information must include:

1) procedures and forms by which students apply for assistance;

2) student eligibility requirements;

3) the criteria for selecting recipients; and

4) the criteria for determining the amount of a student's award.

These materials must be made available to students via appropriate publications and mailings before they enter into a financial obligation with the institution. 34 C.F.R. §668.42(b).

The institution must describe the rights and responsibilities of students that receive financial assistance under the Title IV, HEA Programs, including specific information regarding:

1) the criteria for continued student eligibility under each program;

2) standards which the student must maintain in order to be considered to be making satisfactory progress for purpose of receiving financial assistance and the criteria by which the student who has failed to maintain satisfactory progress may re-establish their eligibility for financial assistance;

3) the method by which financial assistance disbursements are made to students and the frequency thereof;

4) the terms of any loan received by a student, a sample loan repayment schedule and the necessity for repaying loans;

5) the general conditions and terms that apply to any employment which is part of a students' financial assistance package;

6) the institution must provide and collect exit counseling information as required by 34 C.F.R. 674.42 for Perkins Loan Program borrowers by 34 C.F.R. 685.304 for William D. Ford Federal Direct Student Loan Program borrowers and by 34 C.F.R. 682.604 for Federal Stafford Loan Program borrowers.

B. Institutional Information, 34 C.F.R. §668.43 and DCL GEN 08-12.

Certain required institutional information must be published and made readily available to enrolled or prospective students via appropriate publications, mailings or electronic media before the student enters into a financial obligation with the institution. 34 C.F.R. §668.41(d).

The required institutional information must include:

1) Costs of attendance, including tuition and fees, estimates of necessary books and supplies, estimates of typical charges for room and board, transportation costs for students, and any additional costs of a program in which a student is enrolled or has expressed an interest;

2) A statement of the refund policy for return of unearned tuition and fees or other costs paid to the institution;

3) The procedures for officially withdrawing from the college;

4) A summary of the requirements (under 34 C.F.R. §668.22) for the return of Title IV grant or loan assistance;

5) A list of the academic programs of the institution, including current degree programs and other educational and training programs, the instructional laboratory and other physical facilities that relate to the academic program, and the institution's faculty and instructional personnel;

6) The names of any entities which accredit, approve or license the institution in its programs, and the procedures by which documents describing that activity can be reviewed pursuant to 34 C.F.R. §668.43(b);

7) A description of any special facilities and services for students with disabilities, including students with intellectual disabilities;

8) The titles of persons designated under 34 C.F.R. §668.44 and information regarding how and where those persons may be contacted;

9) A statement that enrollment in a study-abroad program approved for credit by the home institution may be considered enrollment at the home institution for purposes of applying for assistance under Title IV, HEA Programs.

10) Institutional policies and sanctions related to copyright infringement, including:

a. a statement that explicitly informs its students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;
b. a summary of the penalties for violation of Federal copyright laws;
c. description of the institution's policies with respect to unauthorized peer- to-peer file sharing, including disciplinary actions that are taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the intuition's information technology system.

11) A description of the transfer of credit policies established by the institution which must include a statement of the institution's current transfer of credit policies that includes, at a minimum:

a. any established criteria the institution uses regarding the transfer of credit earned at another institution; and
b. a list of institutions with which the institution has established articulations agreements; and

12) A description of written arrangements the institution has entered into in accordance with §668.5, including, but not limited to, information on:

a. the portion of the educational program that the institution that grants the degree or certificate is not providing;
b. the name and location of the other institutions or organizations that are providing the

portion of the educational program that the institution that grants the degree or certificate is not providing;
c. the method of delivery of the portion of the educational program that the institution that grants the degree or certificate is not providing; and
d. estimated additional costs students may incur as the result of enrolling in an educational program that is provided, in part, under the written arrangement.

13) The institution must also make available for review to any enrolled or prospective student, a copy of the documents describing the institution's accreditation, and its State, Federal, or tribal approval or licensing. The institution must also provide its students or prospective students with contact information for filing complaints with its accreditor and with its State approval or licensing entity and any other relevant State official or agency that would appropriately handle a student's complaint.

14) Schools must annually make available on their websites a net price calculator. The school may use the template provided by the U.S. Department of Education or they may develop a customized version that includes, at a minimum, the same elements as the Department's version. Net price estimates must be accompanied by a prominent disclaimer noting that the estimate is not final, is not binding, and may change. Further, the disclaimer must note that the student must complete the Free Application for Federal Student Aid (FAFSA) to be eligible for and receive Federal student aid funds. A link to the Department's website must be included. If schools use the Department's template, this information is included.

15) The school is required to report information to NCES in IPEDS for posting to the College Navigator Website. In return the U. S. Department of Education is required to post 26 items on the College Navigator Website for the school, including a link to the school's website that provides the following in an easily accessible manner:

- Student activities offered by the school; and
- Services offered by the school for individuals with disabilities; and
- Career and placement services offered to students during and after enrollment; and
- Policies of the school related to transfer of credit from other schools.

16) The school must make available to current and prospective students information about student body diversity, including the percentage of enrolled, full-time students in categories such as male, female, self-identified members of major racial or ethnic groups, and Federal Pell Grant recipients.

17) To the maximum extent practicable, and in a manner of the school's choosing, each school must disclose on the school's website, the course schedule used for preregistration and registration purposes, the International Standard Book Number (ISBN) and retail price information of required and recommended textbooks and supplemental materials for each course listed. If the ISBN is not available, the school must include in the Internet course schedule the author, title, publisher, and copyright date for the textbook or supplemental material. If the school determines that the disclosure of the information is not practicable for a textbook or supplemental material, the school shall use the designation "To Be Determined." If applicable, the school must include on the school's written course schedule a notice that textbook information is available on the Internet course schedule and the Internet address for the schedule.

Upon a request of a college bookstore operated by or affiliated with the school, the school must make available, as soon as practicable, the most accurate information available regarding:

- The school's course schedule for the subsequent academic period
- The information provided for students regarding the required and recommended textbooks and supplemental materials for each course or class
- The number of students enrolled in each course or class and the maximum student enrollment for each course or class.

18) A Disbursement of Books and Supplies Policy for Pell eligible students must be provided to students in the college's consumer information.

19) Unless a waiver has been granted (pursuant to 34 C.F.R. §668.44(b)), the institution must designate an employee or group of employees that must be available on a full-time basis to assist enrolled or prospective students in obtaining the financial aid or institutional information specified in 34 C.F.R. §668.42, §668.43, §668.44, 668.45, and 668.46.

20) Each educational institution shall hold an educational program on the United States Constitution on September 17th of each year for students served by the institution. When September 17th falls on a Saturday, Sunday, or holiday, Constitution Day is held during the preceding or following week.

C. Completion or Graduation Rate Information, 34 C.F.R. §668.45; 668.47; 668.48; 668.41.

1) An institution is required to prepare annually information regarding completion or graduation rates of certificate or degree-seeking first time, full-time undergraduate students. Institutions whose mission is to prepare students to enroll in another institution must compile information on its transfer-out rate. Guidance on the methods for determining the completion/graduation rate and transfer-out rate is provided in 34 C.F.R. §668.45. An institution must disclose its completion or graduation rate and, as applicable, transfer-out rate information no later than the July 1 immediately following the 12-month period ending August 31 during which 150% of the normal time for completion or graduation has elapsed for all of the students in the group on which the institution bases its completion or graduation rate and, if applicable, the transfer-out rate calculations. In addition, institutions may, but are not required to calculate a completion or graduation rate for students who transfer in and/or completion or graduation and transfer-out rates for students who leave to serve in the Armed Forces, on official church missions, with foreign aid service of the U.S. or who become totally disabled. Institutions whose mission does not involve preparing students to enroll in another institution may, if they wish, calculate a transfer-out rate.

The Secretary of Education may grant a waiver of the requirements in this Section to any institution that is a member of an athletic association or conference that has voluntarily published the completion or graduation rate data which the Secretary determines substantially comparable to the data required by this Section. 34 C.F.R. §668.45(e).

2) An institution that participates in any Title IV, HEA program and has an intercollegiate athletic program must report program participation rates and financial support data as described in 34 C.F.R. §668.47.

3) An institution that is attended by students receiving athletically related student aid must produce a report containing information as described in 34 C.F.R. §668.48.

4) An institutions retention rates must be reported to the Integrated Postsecondary Education Data System (IPEDS) and be made available to any enrolled or prospective student through appropriate publications, mailings, or electronic media.

5) An institutions placement rates must be made available to any enrolled or prospective student through appropriate publications, mailings, or electronic media. The institution must disclose any placement rate it calculates. Information for compliance with this part may be gathered from:

- School's placement rate for any program if it calculates such a rate
- State data systems
- Alumni or student satisfaction surveys
- Other relevant sources

IV. ANNUAL SECURITY REPORT, 20 U.S.C. §1092; 34 C.F.R. §668.46.

The Campus Security Act requires colleges to report crime statistics and other public safety measures, procedures and policies by October 1 of each year. A description of enforcement procedures, as well as crime prevention and education programs, including a campus sexual assault prevention program, must be contained in the Annual Security Report. This report must be distributed to all students and employees and must be made available to all prospective students and employees. Crime statistics must also be reported to the U.S. Secretary of Education per the electronic reporting procedure established by the Secretary.
The Annual Campus Security Report must include:

1) Statistics on the occurrence on campus of the specified criminal offenses and disciplinary referrals set forth in the regulations (34 C.F.R. §668.46(c));

2) A statement of current campus policies regarding procedures for reporting criminal actions or other emergencies on campus and policies concerning the institution's response, including policies for timely reporting to members of the campus community the occurrence of crimes which must be reported under Section 668.46(c)(1) and policies for preparing the annual crime statistics;

3) A statement of current policies concerning use of and access to campus facilities, including residences, and security considerations in the maintenance of campus facilities;

4) A statement of current policies concerning campus law enforcement, including the enforcement authority and working relationship with state and local police agencies and whether security personnel have arrest powers; policies that encourage accurate and prompt reporting of all crimes to campus police and appropriate police agencies; and any procedures that allow pastoral and professional counselors to inform people they are counseling of any procedures for reporting crimes on a voluntary, confidential basis; and

5) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage them to be responsible for their own security and the security of others;

6) A description of programs designed to inform students and employees about the prevention of crime;

7) A statement of policy about the monitoring and recording of criminal activity at off-campus locations of student organizations recognized by the institution;

8) A statement of policy on the possession, use and sale of alcoholic beverages and enforcement of underage drinking laws;

9) A statement of policy on the possession, use and sale of illegal drugs and enforcement of federal and state drug laws;

10) A description of any drug or alcohol-abuse education programs (the institution may cross-reference the materials the institution uses to comply with Section 120 (a) through (d) of the HEA.

11) A statement of policy regarding the institution's sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs. This statement must include a description of educational programs to promote the awareness of rape, acquaintance rape and other forcible and non-forcible sex offenses, procedures students should follow if a sex offense occurs, information on a student's option to notify proper law enforcement authorities and a statement that institutional personnel will assist the student in notifying these authorities if so requested, notification to students of existing on and off campus counseling, mental health or other student services for victims of sex offenses, notification to students that the institution will change a victim's academic and, if a residential campus, living situations after an alleged sex offense, and procedures for campus disciplinary action in the case of alleged sex offenses. These procedures for campus disciplinary actions for alleged sex offenses must include a clear statement that: (1) the accused and the accuser are entitled to the same opportunities to have others present during a disciplinary proceeding; (2) both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding alleging a sex offense; and (3) sanctions that the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offense.

12) A statement advising the campus community where law enforcement agency information concerning registered sex offenders may be obtained. This will usually be the local Sheriff's Office having primary jurisdiction for the campus. Also, the Georgia Bureau of Investigation maintains a searchable web site of registered sex offenders at www.ganet.org/gbi/sorsch.cgi.

13) A statement of policy regarding emergency response and evacuation procedures.

14) A statement of policy regarding missing student notification procedures.
Requirements for crimes that must be reported and the distribution guidelines of the annual security report are set forth in 34 C.F.R. §668.46. Each campus of an institution must comply separately with these requirements. The annual security report must contain the required statistics (34 C.F.R. §668.46) for the three (3) calendar years preceding the year the report is issued. Current statistics must comply with the definitions used in the FBI's Uniform Crime Reporting Program. See 34 C.F.R. §668.46.

Under Section 668.46 an institution must issue timely warnings of reportable crimes where those warnings may aid in the prevention of similar crimes, or where the crimes are considered by the institution to represent a threat to students and employees.

Under Section 668.46, an institution must, regardless of size, create, maintain, and make available a daily crime log as described in this section.

V. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 ("FERPA" or "BUCKLEY AMENDMENT"), 20 U.S.C. §1232g; 34 C.F.R. §99.1 et. seq.

FERPA regulates the disclosure and maintenance of student records at all institutions that receive federal funds. Since the focus of this summary is notification requirements, the various requirements and prohibitions of FERPA are not discussed. For detailed information and discussion of the requirements imposed by FERPA see:

- Department of Education Family Compliance Office website at: http://www.ed.gov/offices/OM/fpco/
- American Association of Collegiate Registrars and Admissions Officers: http://aacrao.com
- Association for Student Judicial Affairs: http://asja.tamu.edu

FERPA's notification provision (34 C.F.R. §99.7) requires post-secondary institutions to give students an annual notice describing their rights under FERPA. This annual notice must inform students that they have right to:

1) Inspect and review their education records; and

2) Request changes to their education records that they believe are inaccurate, misleading or in violation of the student's privacy rights; and

3) Consent to disclosure of personally identifiable information from their education records, except to the extent FERPA and 99.31 allows disclosure without consent; and

4) File a complaint with the Department of Education about the institution's alleged failure(s) to comply with FERPA under §99.63 and 99.64.

The annual FERPA notice to students must also include:

1) The procedure for exercising the right to inspect and review their education records; and

2) The procedure for requesting amendment of their education records under §99.20; and

3) The institution's policy on disclosing education records to school officials (under 34 C.F.R. §99.31(a)(1)) whom the institution has determined have a legitimate educational interest in such records.

The required annual notice may be made "by any means that are reasonably likely to inform the parents or eligible students of their rights." 34 C.F.R. §99.7(b). Institutions must use effective means to notify disabled students. 34 C.F.R. §99.7(b).

VI. FIRE SAFETY REPORTS ON STUDENT HOUSING; 34 C.F.R. §668.49; 20 U.S.C. §1092.

If your institution maintains on-campus housing facilities, the school must publish an annual fire safety report that contains information about fire safety practices and standards of the school. The report must contain the following information:

1) A description of each on-campus student housing facility fire safety system.

2) The number of fire drills held during the previous calendar year

3) Policies or rules on portable electrical appliances, smoking and open flames in a student housing facility.

4) Procedures for evacuation in case of a fire.

5) Policies regarding fire safety education and training programs provided to students, faculty and staff. These policies should include the procedures that students and employees should follow in case of a fire.

6) For purposes of including a fire in the statistics in the annual fire safety report, institutions should make available a list of the titles of each person or organization to which students and employees should report that a fire occurred.

7) Plans for future improvements in fire safety if determined necessary by the school.
In addition, the report must also include statistics for each on-campus student housing facility during the most recent calendar year for which data is available concerning each of the following categories

- The number of fires and cause of each fire
- The number of persons who received fire-related injuries that resulted in treatment at a medical facility, including at an on-campus health center
- The number of deaths related to a fire
- The value of property damage caused by a fire

The report can be published with the annual security report. As with the security report, the distribution of the fire safety report can be done through direct mailings to each student or employee, publications provided to each, or posting to an Internet or intranet website.

An institution must maintain a written, easily understood fire log. The fire log is described in Section 668.49(d) of the Code.

VII. LOAN DISCLOSURES, 34 C.F.R. §668.14; SECTION 685.304; 668.42; 674.42; & SECTIONS WITHIN 601; U.S.C. 424, 1087, 1019, & 1094.

The institution is required to provide information published by the Department of Education to students at any time that information regarding loan availability if provided. The publication would include information about rights and responsibilities of students and schools under the Title IV, HEA loan programs.

The institution, when and if entering into an agreement with a student regarding a loan, must inform the student that the loan will be submitted to the National Student Loan Data System (NSLDS) and will be accessible by guaranty agencies, lenders, and schools determined to be authorized users of the data system.

Prior to the first disbursement of a student loan, the institution must provide to a first-time borrower of a Federal Direct Loan comprehensive information on the terms and conditions of the loan and the borrower's responsibilities which is referred to as Entrance Counseling for Student Loan Borrowers. The information must include all information as set forth in 34 C.F.R. §685.304.

Shortly prior to student ceasing at least half time enrollment at the institution, the institution must provide to the borrower of a Federal Direct Loan comprehensive information on the terms and conditions of the loan and the borrower's responsibilities for repayment which is referred to as Exit Counseling for Student Loan Borrowers. The information must include all information as set forth in 34 C.F.R. §685.304.

Institutions that provide information regarding a private education loan from a lender to a prospective borrower must provide information to the prospective borrower as set forth in 34 C.F.R. §601 including:

1) Information required under Section 128(e) of the Truth in Lending Act (15 U.S.C. 1638(e)

2) That the prospective borrower may qualify for loans or other assistance under the Title IV, HEA programs.

3) That the terms and conditions of the Title IV, HEA program loans may be more favorable than the provisions of the private education loans.
Information regarding private education loans must be presented in a manner that makes it distinct from information regarding Title IV, HEA program loans.

All institutions that provide private loan resources must adhere to all requirements set forth in the referenced Codes including Self-Certification form disclosures, Code of Conduct disclosures, Preferred Lender Lists, and Preferred Lender Arrangements.

Each school must provide on its website, publications, mailings, materials, and/or electronic messages information to current and prospective students describing the financial aid opportunities available to students attending the institution and describe or discuss private education loans.
If an institution has a Preferred Lender Arrangement as described in 34 C.F.R. §601, the school must make an annual report to the U. S. Department of Education that includes for each lender information as set forth in 34 C.F.R. §601.20.

VIII. GAINFUL EMPLOYMENT DISCLOSURES, 34 C.F.R. §668.6; 20 U.S.C 1001(B), 1002(B) AND (C).

An institution must disclose for each of their gainful employment programs of study certain information about the programs to prospective students. The school must include the information required in promotional materials it makes available to prospective students and on its web site, specifically:

1) The name and U.S. Department of Labor's Standard Occupational Classification Code (SOC) of the occupations that the program prepares students to enter, along with the links to occupational profiles on the U. S. Department of Labor's O*NET website or its successor website.

2) The on-time graduation rate for students completing the program.

3) The tuition and fees the institution charges a student for completing the program within normal time.

4) The typical costs for books and supplies (unless those costs are part of the tuition and fees), and the cost of room and board, if applicable.

5) The job placement rate for students completing the program.

6) The medial loan debt incurred by students who completed the program (separately by Title IV loans and by other educational debt to include both private education loans and institutional financing, if any) as provided by the Secretary.

7) Any other information the Secretary provided to the institution about the program.

VII. RECORD RETENTION:

All records must be retained in accordance with the TCSG Student Records Retention Schedule (TCSG Attachment: 6.3.1p.a.) or applicable Federal Regulations.

RELATED AUTHORITY

POLICY: 6.4.2. (V. Q.)
Student Housing

Revised: September 4, 2014
Last Reviewed: October 14, 2016
Adopted: June 1, 2006

POLICY:

Housing programs at North Georgia Technical College and South Georgia Technical College are authorized to support the formal instruction and educational programs of the institutions. Colleges who wish to implement housing programs are required to submit proposals to TCSG's Facility Division and the Commissioner for approval.

All colleges with housing programs shall provide resident students with a Residence Hall Handbook and require students or their guardians to execute contracts agreeing to the terms outlined in the Handbook.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY 2.1.1. Statement of Equal Opportunity
State Board POLICY: 3.3.12. Real Property Acquisitions and Leases
TCSG Procedure: 6.4.2p. Residence Hall Room Entry and Search

Procedure: 6.4.2p. (V.Q.1.)
Residence Hall Room Entry and Search

Revised: November 7, 2012
Last Reviewed: October 14, 2016
Adopted: June 1, 2006

I.PURPOSE:

It is the policy of the Technical College System of Georgia that colleges with residence halls provide a planned and organized housing program that supports the formal instruction and educational programs of the technical college. To this end, certain regulations are necessary to protect the rights of individuals participating in these housing programs and to ensure the health and safety of all students.

Staff and students are expected to follow the procedures established below when entering, granting permission to enter or searching student residences under the control of the technical college during periods of occupancy.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY: 6.4.3. Student Housing

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

IV. DEFINITIONS:

A) **Student Residence**: The residence hall room occupied by a student or students, and owned or operated by the technical college.

B) **Period of Occupancy**: The period of time during which a student has been permitted to reside in a student residence by written agreement with technical college, specifically excluding designated technical college holidays or between semester breaks during which the residence hall is officially closed and not available for residency by students.

V. ATTACHMENTS: NONE

VI. PROCEDURE:

A) Entry and Search by Consent of the Student

1) Any authorized technical college employee may enter a student residence if a student who is a resident gives voluntary consent. The student's consent must be freely given and must not be based on coercion or threats by the technical college, and must not be occasioned by a student's fear of reprisal for failure to give consent.

2) The intrusion by the employee must be limited to the scope of the consent given by the student; for example, if the student consents to entry by the employee, the employee is not entitled to search the student's belongings without obtaining further consent to do so.

3) Any student who is a resident of the room may consent to entry by the authorized technical college employee and to the search of that student's personal belongings. However, no student may consent to the search of another student's closets, locker, suitcases, or other areas under the primary control of another student. Whenever a student's area or belongings are searched by consent, a consent to search form is to be completed by the staff member making the search and signed by the student(s) whose belongings are to be searched.

B) Entry without Consent in a Health or Safety Emergency

The Head Resident, Student Housing Officer, Vice President of Student support services, or anyone specifically designated by the President may enter a student's room without consent when that person has a reason to believe that such entry is necessary on an emergency basis to protect the health or safety of persons or to make emergency repairs to technical college facilities to avoid damage to technical college or student property.

C) Entry for Routine Inspections

The Student Housing Officer or designee may enter student rooms without student consent to conduct general and routine inspections for health, safety, and building maintenance purposes. Such inspections may be conducted only after the technical college has posted a notice indicating the purpose of inspection and stating the inspection will take place no sooner than 24 and no later than 72 hours after the notice is posted. During the indicated time period, the employee authorized to conduct the inspection may not enter the room without first knocking on the door and announcing the purpose for entry.

D) Entry without Consent on Suspicion of Violation of Technical College Regulations or Federal or State Law.

1) Where federal, state, or local law enforcement officers, including campus security, are involved in an investigation of possible violation of state or federal law, any search of a student residence shall be conducted only by such law enforcement officers and only in accord with legal standards applicable to police searches of private residences, and no technical college employee or agent other than a technical college security officer is authorized to conduct a search of a student residence in connection with such investigation. technical college officials may, however, cooperate with the law enforcement officers executing a search authorized by an appropriate federal or state officer.

2) If no federal or state law enforcement officer (including campus security) is involved in an investigation of a possible violation of technical college policy, and if a technical college employee (other than a technical college campus security officer) or student has reason to believe that a search of a particular room will yield evidence of violation of a technical college

regulation by a particular student, that employee or student should contact the Head Resident or Student Housing Officer. If the Head Resident or Student Housing Officer, after hearing the employee's or student's statements, believes that a search of a particular student residence may produce evidence of a violation of technical college regulations, or evidence of the identity of a person committing such a violation, the Head Resident or Student Housing Officer may apply to an appropriate Vice President for an administrative search warrant. The Vice President shall sign the student residence search warrant only if there is a reason to believe that the item(s) described in the application and related to the commission of a violation is located as described in the application and that it is in the best interest of the technical college and its students to conduct an administrative search. Evidence found in the administrative search that indicates a violation of technical college policy may be used for internal technical college proceedings.

VII. RECORD RETENTION:

The Executive Director of Legal Services or designee shall maintain previous versions of each policy and procedure and subsequent revisions.

POLICY: 6.4.3. (V. L.)
National Emergencies

Revised: December 5, 2001
Last Reviewed: October 14, 2016
Adopted: October 3, 2001

POLICY:

The technical colleges are authorized to reimburse all tuition and fees paid by students who are required to withdraw from courses as a result of being called into active duty or relocated in response to national emergencies.

The Commissioner is authorized and empowered to take any and all such other action, as in the judgment of the Commissioner may be necessary, proper or required in connection with any such national or military emergency. All such action shall be communicated to the State Board.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure: 6.4.3p. National Emergencies

Procedure: 6.4.3p. (V.I.1)
National Emergencies

Revised: March 8, 2011
Last Reviewed: October 14, 2016
Adopted: December 5, 2001

I.PURPOSE:

The technical colleges are authorized to reimburse all tuition and fees paid by students who are required to withdraw from courses as a result of being called into active duty or relocated in response to national emergencies.

The Commissioner is authorized and empowered to take any and all such other action, as in the judgment of the Commissioner may be necessary, proper or required in connection with any such national or military emergency. All such action shall be communicated to the State Board.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY: 6.4.3. National Emergencies

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

IV. DEFINITIONS: n/a

V. ATTACHMENTS: n/a

VI. PROCEDURE:

In the event of a military emergency whereby a student who is in the Armed Services, the National Guard or an Armed Forces reserve is activated or otherwise called to duty and as a result may no longer attend class(es), such student may within a reasonable time elect one of the following options. Documentation of such military service must be provided from an appropriate military official.

1. The student may elect to withdraw from the technical college for the semester. Under this option the student's records will reflect no enrollment for the semester. Thus, no grades of any kind will appear on the student's transcript. All tuition and fees shall be refunded completely; however, Title IV funds shall be returned in accordance with federal regulations.

2. Alternatively, the student may elect to receive the appropriate letter grade(s) and receive any applicable refunds. Under this option such courses will be calculated as attempted courses for HOPE purposes.

VII. RECORD RETENTION: n/a

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Section 6.5
Student Academics

6.5.1.....POLICY - Academic Standards, Evaluationss & Appeals
6.5.1p ..... Procedure - Academic Standards, Evaluationss & Appeals
6.5.2.....POLICY - Student Grade Point Average
6.5.2p ..... Procedure - Student Grade Point Average
6.5.3p ..... Procedure - Student Grievance

POLICY: 6.5.1. (V. H.)
Academic Standards, Evaluations and Appeals

Revised: August 4, 2016; May 5, 2016; September 6, 2012; May 5, 2011
Last Reviewed: October 14, 2016
Adopted: May 5, 2011

POLICY:

The technical colleges shall maintain academic standards that are, to the maximum extent feasible, uniformly applied among all students. All students must be provided, absent extraordinary circumstances, a copy of the course syllabus for each class by the end of the first full week of class for every term.

Academic misconduct as defined in the Student Code of Conduct, such as cheating, or misconduct at a clinical site, must be addressed pursuant to a student under the Code of Student Conduct in addition to any loss of academic credit or standing that may result from having failed to meet a course's academic requirements.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure: 6.7.2p1. Student Disciplinary Procedure
TCSG Procedure: 6.7.2p2. Model Student Conduct Codes

Procedure: 6.5.1p (V.H.)
Academic Standards, Evaluations and Appeals

Revised:	May 17, 2016; September 6, 2012; May 5, 2011
Last Reviewed:	October 14, 2016
Adopted:	May 5, 2011

I.PURPOSE:

The technical colleges shall maintain academic standards that are, to the maximum extent feasible, uniformly applied among all students. All students must be provided, absent extraordinary circumstances, a copy of the course syllabus for each class by the end of the first full week of class for every term.

Academic misconduct as defined in the Student Code of Conduct, such as cheating, or misconduct at a clinical site, must be addressed pursuant to the Code of Student Conduct in addition to a student's loss of academic credit or standing that may result from having failed to meet a course's academic requirements.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure: 6.7.2p1. Student Disciplinary Procedure
TCSG Procedure: 6.7.2p2. Model Student Conduct Codes

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

IV. DEFINITIONS: n/a

V. ATTACHMENTS: n/a

VI. PROCEDURE:

1) Instructors' evaluations of student work should be periodic, measure the achievement of the objectives or competencies, have clear directions, be reasonable in difficulty, and be comprehensive. Instructors shall allow students to review all graded tests and other academic evaluations within a reasonable time to allow feedback and remedial instruction. Instructors shall maintain documentation sufficient to justify the grade a student earns. This documentation shall be maintained for one academic year following the semester the grade was conferred or until any grade appeal is resolved, whichever occurs last.

2) A student may appeal a final grade or other academic decision in accordance with their technical college policy. In the absence of a local policy, the student may appeal by

raising the issue with the instructor who awarded the grade or made the academic decision. Absent extraordinary circumstances, the appeal must be filed within ten business days from the date the student learned or reasonably should have learned of the grade or other action complained of. If the consultation with the instructor does not resolve the appeal a student may appeal to the instructional dean or director by filing a written request for review. Absent extraordinary circumstances, this request for review must be filed within twenty business days from the date the student learned or reasonably should have learned of the grade or other action complained of. If the student is not satisfied with the decision of the dean or director, the student may appeal in writing to the Vice President for Academic Affairs. Absent extraordinary circumstances, this request for review must be filed within thirty business days from the date the student learned or reasonably should have learned of the grade or other action complained of.

3) In the absence of a local policy, a student who fails to maintain the required grade point average in a particular program may be placed on academic probation. A student who fails to improve his or her academic performance after being placed on probation may be suspended or dismissed from either the academic program or the technical college.

4) In appropriate circumstances, a student may be dismissed from an academic program or technical college without first being placed on academic probation.

5) A student who is dismissed from the technical college may appeal their suspension or dismissal in accordance with his or her technical college policy. In the absence of a local policy, the student may file a written appeal with the Vice President for Academic Affairs within ten business days from the date the student learns or reasonably should have learned of their academic suspension or dismissal. The decision of the Vice President for Academic Affairs shall be final.

VII. RECORD RETENTION: n/a

Back

POLICY: 6.5.2. (V.G.)
Student Grade Point Average

Revised: February 6, 2014
Last Reviewed: October 14, 2016
Adopted: May 1, 2008

POLICY:

The Technical Colleges System of Georgia shall observe a uniform procedure for calculating cumulative grade point averages. Individuals who withdraw from courses after being called to military duty will not be penalized for the withdrawal with respect to the calculation of their grade point averages. The Commissioner will establish procedures for the uniform calculation of grade point averages.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Procedure: 6.5.2p. (V.G.1.)
Student Grade Point Average

Revised: September 10, 2014; November 7, 2013
Last Reviewed: October 14, 2016
Adopted: May 1, 2008

I. PURPOSE:

The Technical College shall observe a uniform procedure for calculating cumulative grade point averages. All grades will be assigned based upon a 4.0 grading scale. Individuals who withdraw from courses after being called to military duty will not be penalized for the withdrawal with respect to calculation of their grade point averages

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board POLICY: 6.5.2. Student Grade Point Average
State Board POLICY: 6.4.3. National Emergencies

III. APPLICABILITY:

All Technical Colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS:

A. **Cumulative Grade Point Average**: grade point average calculated on all attempts at all credit courses taken at the Technical College.
B. **Graduation Grade Point Average**: grade point average calculated only on those courses required for graduation.
C. **Semester Grade Point Average**: grade point average calculated based on all credit courses taken each semester at the Technical College.

V. ATTACHMENTS:

VI. PROCEDURE:

A. The technical colleges shall assign grades based on a 4.0 grading scale.
B. The following symbols do not have numerical equivalents and are not calculated in the grade-point average:
    a. "I" (incomplete);
    b. "IP" (in progress);
    c. "P" (pass)
    d. "W" (withdraw)
    e. "WP" (withdraw passing)

f. "N" & “AU” (non- credit/audit)
g. "EX" , “EXE”, “EXP” (credit by exam or portfolio)
h. "TR", “TRA”, “TRB”, & “TRC (transfer credit)
i. “TRM” (transfer credit – military)
j. “AC” (articulated credit); and
k. "U" (unsatisfactory)

C. The grade of “F” represents failure and the grade of “WF” represents withdrawal while failing. These grades have numerical equivalents and shall be calculated in the GPA. “F” and WF are unacceptable credit in a course.
D. Students who are no-shows and students dropping a course or courses before the end of the third instructional day of the semester shall receive no grades for the applicable courses.
E. Work ethics grades will not be included in the calculation of any GPA.
F. A grade point average (GPA) is calculated by (1) multiplying the credits for each course by the grade points associated with the grade earned, (2) totaling the points earned for all courses, and (3) dividing the total points by the total number of credits attempted.

The assigned values for the grades are A = 4, B = 3, C = 2, D = 1, and F and WF = 0.

Class Code	Course Title	Hours Attempted	Grade	Grade Value	Quality Points
MATH 1013	Algebra Concepts	3.0	A	4	12.0
ENGL 1010	English	3.0	B	3	9.0
ACCT 1100	Financial Accounting	4.0	F	0	0
EMPL 1000	Interpersonal Relations & Professional Development	2.0	C	2	4.0
For example, 25.0 Total Quality Points divided by 12.0 Hours Attempted equals a GPA of 2.08 .					

G. The Cumulative Grade Point Average (CGPA) is an attempt to reflect the total credit instructional activity of the student. It is recalculated after each semester to include the current semester’s grade(s). The CGPA is not affected by program of study, changes in program of study, or student classification. The cumulative grade point average is that grade point average calculated on all attempts at all credit courses taken at the Technical College.
H. The Graduation Grade Point Average calculation includes only those courses required for graduation. When a course is taken more than once, the final or highest grade will be used in calculating the grade point average for graduation. A.2.0 grade point average is needed for graduation.
I. The Semester Grade Point Average is that average calculated based on all credit courses taken each semester at the Technical College.
J. If a student completely withdraws from courses after being called to military duty, the course registration status in Banner screen SFAREGS should be changed to ‘WM’ for ‘Withdraw Military’. (NOTE: You will have to add this code to your Banner screen STVRSTS and STVESTS.) The ‘WM’ code should have zero credit hours and zero billing hours associated with it and function in the same way as the code used for ‘No Shows’.
K. While faculty members are free to use modifiers on grades such as plus (e.g. B+) and minus (e.g. A-) to provide students with a finer level of feedback on work submitted

during the semester, the overall grade submitted as the permanent record for the course will be a letter grade only.

L. The Data Center will extract records relating to grade point averages or other symbols and provide reports as required.

VII. RECORD RETENTION

All records must be retained in accordance with the TCSG Student Records Retention Schedule (Attachment 6.3.1.a.)

Procedure: 6.5.3p. (V.P.)
Student Grievances

Revised: July 13, 2012; May 10, 2007
Last Reviewed: October 14, 2016
Adopted: May 10, 2007

I. PURPOSE:

It is the policy of the Technical College System of Georgia to maintain a grievance process available to all students that provides an open and meaningful forum for their grievances, the resolution of these grievances, and is subject to clear guidelines. This procedure does not address grievances related to the unlawful harassment, discrimination and/or retaliation for reporting harassment/discrimination against students. Those complaints are handled by the Unlawful Harassment and Discrimination of Students Procedure.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure 6.1.1p. Unlawful Harassment and Discrimination of Students

III. APPLICABILITY:
All technical colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS:

A. **Grievable issues**: Issues arising from the application of a policy/procedure to the student's specific case is always grievable. Specifically grievable are issues related to student advisement, improper disclosure of grades, unfair testing procedures and poor treatment of students; this is a representative list and is not meant to be exhaustive.

B. **Non-grievable issues**: Issues which have a separate process for resolution (i.e. disciplinary sanctions, FERPA, financial aid, academic grades, discrimination, harassment etc.) are not grievable and a student must take advantage of the process in place.

C. **Business days**: Weekdays that the college administrative offices are open.

D. **Vice President for Student Affairs (VPSA**): The staff member in charge of the student services division at the college.

E. **Retaliation**: Unfavorable action taken, condition created, or other action taken by a student/employee for the purpose of intimidation directed toward a student because the student initiated a grievance or participated in an investigation of a grievance.

F. **Grievant**: the student who is making the complaint.

V. ATTACHMENTS: None

VI. PROCEDURE:

A. For all timelines established herein, if a student will need additional time, an extension may be granted at the Vice President for Student Affairs' discretion.

B. Informal Grievance Procedure: Students with grievable issues should resolve those issues, if possible, on an informal basis without the filing of a formal grievance.

1. A student has 10 business days from the date of the incident being grieved to resolve the matter informally by approaching their instructor, department chair or any other staff or faculty member directly involved in the grieved incident.

2. Where this process does not result in a resolution of the grievable issue, the student may proceed to the formal grievance procedure below.

C. Formal Grievance Procedure: where a student cannot resolve their grievance informally, he or she may use this formal grievance procedure.

1. Within 15 business days of the incident being grieved, the student must file a formal grievance in the office of the Vice President for Student Affairs (VPSA) or the technical college president's designee with the following information:

a) Name,
b) Date,
c) Brief description of incident being grieved,
d) Remedy requested
e) Signed, and
f) Informal remedy attempted by student and outcome

2. If the grievance is against the VPSA, the student shall file the grievance with the technical college president.

3. The VPSA, or the technical college president's designee, will investigate the matter and supply a written response to the student within 15 business days.

4. If the grieved incident involves possible unlawful harassment, discrimination or retaliation for reporting unlawful harassment/discrimination, the investigation will be handled pursuant to the Procedure: Unlawful Harassment and Discrimination of Students.

5. If the grieved incident is closely related to an incident being processed through the harassment/discrimination or disciplinary procedures, the proceedings under the Unlawful Harassment and Discrimination of Student's procedure will take precedence, then the disciplinary procedure and then the student's grievance will be addressed. The grievance will not be processed until after the other procedures have run their course.

6. The VPSA, or the technical college president's designee, shall be granted an additional 15 business days to investigate the grievance upon notice to the grieving student.

D. Appeal: The student may appeal the decision from the VPSA or the technical college president's designee to the technical college president. Only the student has the right to appeal.

1. A student shall file a written appeal to the technical college president within 5 business days of receiving the response referenced in VI.B.3. above.

2. The appeal will be decided based entirely on documents provided by the student and the administration, therefore the student must ensure that he or she has provided all relevant documents with his or her appeal.

3. At the sole discretion of the technical college president, grievance appeals at their institution may be held in one of the following two ways:

a) The technical college president may review the information provided by the student and administration and make the final decision; or
b) The technical college president may appoint a cross-functional committee to make the final decision.
c) The decision of either the technical college president or the cross-functional committee shall be made within 10 business days of receipt of the appeal.

4. Whichever process is chosen by the technical college president, the decision of the grievance appeal is final.

D. Retaliation against a student for filing a grievance is strictly prohibited.

VII. RECORD RETENTION:

Documents relating to formal grievances including investigations, dispositions and the grievance itself shall be held for 5 years after the graduation of the student or the date of the student's last attendance.

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Section 6.6
Student Finances

6.6.1 ..... POLICY - Student Tuition & Fees
6.6.1p ..... Procedure - Student Tuition and Fees
6.6.1p.a1 ..... Reciprocity Agreement with Alabama
6.6.2 ..... POLICY - Student Activity Fund
6.6.2p ..... Procedure - Student Activity Fund
6.6.3p ..... Procedure - Student Organizations & Activities
6.6.4 ..... POLICY - Satisfactory Academic Progress

POLICY: 6.6.1. (V.K.)
Student Tuition and Fees

Revised: September 3, 2015; March 6, 2014; March 7, 2013; December 6, 2012; September 6, 2012; May 3, 2012; March 4, 2012; May 5, 2011

Last Reviewed: October 14, 2016

Adopted: March 4, 2010

POLICY:

Technical college students will be charged tuition and related fees. Tuition for courses in curricula leading to a certificate, diploma or associate degree shall be charged on a uniform basis among all technical colleges unless specifically exempted by State Board Policy. The State Board shall annually review and establish tuition charged by all technical colleges.

The State Board delegates to the Commissioner the authority to approve college fees. Local colleges should recommend annually to the Commissioner for approval, all fees.

Only State approved tuition and Commissioner approved fees shall be charged unless exempted by TCSG policies or procedures.

The Commissioner shall develop procedures authorizing the waiver or exemption of student tuition or fees upon good cause.

RELATED AUTHORITY: RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure: 6.6.1p. Student Tuition and Fees
State Board POLICY: 6.2.2. Residency
Attachment: 6.6.1p.a. Reciprocity Agreement with Alabama
Title 8 of Code of Federal Regulations (8 CFR) Part 214-Nonimmigrant Classes/Sec. 214.2
O.C.G.A. § 50-36-1
Title IV Assistance. 34 C.F.R. 688.22
SFA Information for Financial Aid Professionals

Procedure: 6.6.1p. [V.K.1]
Student Tuition and Fees

Last Revised:	March 15, 2016; July 15, 2015; January 7, 2015; July 17, 2013; January 9, 2013; December 6, 2012; September 6, 2012; May 3, 2012; March 4, 2012; May 5, 2011
Last Reviewed:	October 14, 2016
Adopted:	March 4, 2010

I. POLICY:

Technical college students will be charged tuition and related fees. Tuition for courses in curricula leading to a certificate, diploma or associate degree shall be charged on a uniform basis among all technical colleges unless specifically exempted by State Board Policy. The State Board shall annually review and establish tuition charged by all technical colleges.

The State Board delegates to the Commissioner the authority to approve college fees. Local colleges should recommend annually to the Commissioner for approval all fees.

Only State approved tuition and Commissioner approved fees shall be charged unless exempted by TCSG policies or procedures.

II. APPLICABILITY:

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

III. RELATED AUTHORITY:

POLICY: 6.2.2. Residency
POLICY: 6.6.1. Student Tuition and Fees
Title IV Assistance. 34 C.F.R. § 688.22
SFA Information for Financial Aid Professionals
Exhibit 1 - Reciprocity Agreement with Alabama
Title 8 of Code of Federal Regulations (8 CFR)/8 CFR Part 214-Nonimmigrant Classes/Sec. 214.2
O.C.G.A. § 50-36-1

IV. DEFINITIONS:

Course Related Fees or Supplies: fee or supply items required for participation in a specific course which all students enrolled in the specific courses are required to pay or purchase. Course related fees or supplies may include, but not be limited to, the following: lab fees, materials, supplies, tools, equipment, and course related drug tests. Course related fees or supplies do not include books.

Domicile: a person's present, permanent home where that individual returns following periods of temporary absence. Domicile, once established, shall not be affected by mere transient or temporary physical presence in another state. No individual may have more than one domicile even though an individual may maintain more than one residence. Temporary residence does not constitute the establishment of one's domicile. To acquire domicile, an individual must demonstrate intent to remain permanently or indefinitely.

Dual Credit Enrollment: an arrangement whereby a high school student is enrolled in postsecondary coursework with a postsecondary institution and earning postsecondary credit hours while continuing to pursue a high school diploma, and the student's high school has agreed to accept the postsecondary coursework toward the student's high school graduation requirements.

Dually Enrolled Adult Education Student: an adult education student who is pursuing a high school equivalency or GED credential while also being enrolled in postsecondary coursework that is embedded in a career pathway within a postsecondary institution and earning postsecondary credit hours.

Eligible Non-Citizen: a person who, in accordance with the Federal Title IV definition, is a United States permanent resident with a Permanent Resident Card (I-551); or a conditional permanent resident (I-551C); or the holder of an Arrival-Departure Record (I-94) from the Department of Homeland Security showing any one of the following designations: Refugee, Asylum Granted, Parolee (I-94 confirms paroled for a minimum of one year and status has not expired); "Victim of human trafficking," T-Visa holder (T-1, T-2, T-3, etc.), or Cuban-Haitian Entrant.

Exemption: not charging tuition and/or fees for a specific category of student or course as defined at the system or college level.

Full Time Student: a student who takes twelve or more credit hours in any given term is considered a Full Time Student.

Georgia Student: a student who is a resident of the United States and otherwise qualifies as Georgia Resident shall pay tuition and fees prescribed by the State Board for in-state students.

Georgia Resident: an individual or the status of such individual who is a United States Citizen or Eligible Noncitizen and is domiciled in the State of Georgia and meets the in-state tuition requirements of the Technical College System of Georgia.

Joint Enrollment: an arrangement whereby a high school student is enrolled in postsecondary coursework with a postsecondary institution while continuing to pursue a high school diploma and the high school has not agreed to accept the postsecondary coursework as credit toward the student's high school graduation requirements.

Mandatory fees: fees which are charged to all students as required by the Technical College System of Georgia. Mandatory fees shall include, but are not limited to, the instructional support and technology fee, application fee, registration fee, student activity fee, and the student accident insurance fee.

Move on When Ready Program (MOWR) - the dual credit enrollment program administered by Georgia Student Finance Commission, in accordance with O.C.G.A. §20-2-161.3, to assist students who are attending a participating eligible high school or eligible Home Study program located within the State of Georgia, and enrolled in coursework at a participating eligible postsecondary institution as dual credit enrollment students in the MOWR program.

Non-Citizen Student: a person who is not a United States born or naturalized citizen of the United States., including persons with an F1 or F2 student visa, a J1 or J2 exchange visitor visa, or a G series visa and who do not otherwise meet the definition of an Eligible Non-Citizen.

Non-Course Related/Non-Mandatory Fees: fees which are paid by some students as required by each individual technical college. **Non-course related/**non-mandatory fees shall include, but are not limited to, parking fees and fines, late fees, library fees and fines, graduation fees, housing fees, and food service fees.

Out of State Student: students who are residents of the United States but do not otherwise qualify as Georgia Residents. A person who has not established domicile in the State of Georgia for a period of at least 12 months prior to the first day of classes for the term for which the person is intending to enroll.

Waiver: a president's decision to not require a student to pay a mandatory or non-mandatory fee that would otherwise be charged to the student.

V. **ATTACHMENTS:** N/A

VI. **PROCEDURE:**

A. **General Considerations:**

1. Payment of tuition and fees may be deferred until the end of the term on a case-by-case basis if the technical college has confirmation of the student's eligibility for financial aid from a government entity, business/industry, work-study, foundation, or other source of financial assistance. Students who have not made payment for all assessed fees should be encouraged to sign authorizations allowing these fees to be taken out of state and/or federal student aid or obtain a third party agreement. After all payment options have been exhausted, students with unpaid fees by the payment deadline must be purged from enrollment records for the term. The payment deadline shall be no later than the 7th instructional day of the term.
2. The State Board shall annually review and establish tuition charged by all technical colleges. Local colleges should recommend annually to the Commissioner for approval all fees.
3. All State approved tuition and fees shall be charged unless exempted by other TCSG Board policies or procedures.
4. Student fees shall be considered a source of revenue when developing annual budgets. Any revenues exceeding budgeted estimates shall be amended into the annual operating budget during the course of the fiscal year.

5. The technical colleges shall publish all student fee charges and refund policies in appropriate catalogs and other mediums accessible by students and the general public.
6. Tuition will be assessed up to and including 15 credit hours each term. Technical colleges will not charge tuition for hours taken over 15 credit hours.
7. Each college shall be responsible for the verification of the lawful presence in the United States of every successfully admitted student applying for Georgia resident tuition status as required by state and federal immigration laws.
8. Each college shall be responsible for compliance with state and federal immigration laws pertaining to the eligibility for public benefits, including but not limited to in-state tuition and state programs administered by TCSG that have been identified as public benefits.
9. TCSG students will not be charged a proctoring fee for distance education by another TCSG college. Students choosing to utilize a proctor outside of the TCSG are responsible for finding a qualified proctor (approved by their institution). Any fees associated with the utilization of an external proctor are not controlled by TCSG and are solely the responsibility of the student.

B. **Georgia Students:**
   1. Students who are classified as Georgia students under TCSG's residence policies and procedures will be charged the rate of tuition set for in-state students by TCSG.

C. **Out of State Students:**
   1. Students who are classified as Out of State students under TCSG's residence policies and procedures will be charged a rate of tuition twice that charged for students who are classified as Georgia Students.
   2. The Commissioner or President may approve exceptions to this provision, provided:
      a. A written statement of reason is on file or there is evidence of a written reciprocity agreement with appropriate institutions in another state.
      b. The Commissioner may approve agency wide exceptions to this policy under certain circumstances. (i.e. National Emergencies, etc.)
   3. Under no circumstances shall Out of State students be charged tuition or fees lower than the fees charged Georgia Students.
   4. All fees, other than tuition, shall be at the same rate for all students.
   5. Out of State Students shall be enrolled in the college on a space available basis and shall not displace any Georgia Student desiring to enroll in the college.

D. **Non-Citizen Students:**
   1. Non-Citizen Students shall not be classified as Georgia Students for tuition purposes unless lawfully present in this state and there

is evidence to warrant consideration of that classification. They are to be charged a rate of tuition four times that charged for students who are classified as Georgia Students.

2. Lawful permanent residents, refugees, asylees, or other Eligible Non-Citizens as defined by federal regulations may be extended the same consideration as citizens of the United States in determining whether they qualify as Georgia Students.
3. Students who reside in the United States under nonimmigrant status conditioned at least in part upon intent not to abandon a foreign domicile are NOT eligible to qualify as Georgia students for tuition purposes.
4. All fees, other than tuition, shall be at the same rate for all students.
5. Non-Citizen students shall be enrolled in the college on a space available basis and shall not displace any Georgia students desiring to enroll in the college.
6. Under no circumstances shall Non-citizen students be charged tuition or fees lower than the fees charged out of state students.

E. **Waiver of Student Tuition and Fees**:

1. The Commissioner grants presidents, or their designee, the authority to waive mandatory and non-mandatory fees, with the exception of the “instructional and support technology fee.” The “instructional and support technology fee” may be waived only under the following circumstances:
    a. Faculty, staff, and administrators participating in staff development activities related to the employee's job or career in the organization and studying at a technical college within the Technical College System of Georgia. The employee must meet the applicable admissions standards and have received the appropriate prior authorization from their president or assistant commissioner.
    b. For transient students enrolled in more than one technical college during the same term, only the home technical college shall charge the instructional support and technology fee. If the transient student is not attending the home college, the college at which the student registered first, will charge the fee. The student is responsible for providing proof of payment to the remaining colleges in which they are registered. In this case, the home college will not charge the fee. All other transient students shall pay the instructional support and technology fee.
2. All waivers of student tuition and fees not addressed specifically in State Board Policy 6.6.1. Student Tuition and Fees, or in this procedure must be approved by the Commissioner. Written documentation for each waiver must be maintained by the college.
3. A record of all waivers shall be maintained by the college in the BANNER Student Registration and Account System.
   Pursuant to the procedures authorized by the Commissioner, the technical college president may waive tuition for students on a

term-by-term basis. The number of waivers shall not exceed five percent of the head count of the student enrollment at the technical college in the immediately preceding fall term.

4. Notwithstanding any provision in this policy, no person who is unlawfully present in the United States shall be eligible for any waiver of the tuition differential.

F. **Exemption of Mandatory Fees for U.S. Active Duty Military, Military Reserve and Georgia National Guard Combat Veterans**

1. Eligible participants must be Georgia residents who are active members of the U.S. Active Duty Military, Military Reserves and/or the Georgia National Guard and were deployed overseas for active service in a location or locations designated by the U.S. Department of Defense as combat zones on or after September 11, 2001, and served for a consecutive period of one hundred and eighty-one (181) days, or who received full disability as a result of injuries received in such combat zone, or were evacuated from such combat zone due to severe injuries during any period of time while on active service. Additionally, eligible participants must meet the admissions requirements of the applicable TCSG college and be accepted for admission.
2. Upon request, eligible participants shall receive an exemption of all mandatory fees charged by TCSG colleges for a term for which all students are required to make payment.
3. Students receiving this exemption shall be eligible to use the services and facilities these fees are used to provide. This benefit shall not apply to housing, food service, any other elective fees, special fees, or other user fees and charges (e.g., application fees).

G. **Exemption of Tuition and Fees:**

1. Upon request, Georgia Students sixty-two (62) years of age or older who are otherwise qualified may attend technical colleges, for credit courses only, without charge or payment of the standard tuition rate on a space available basis.
2. Adult Education students attending adult basic education programs shall not be charged tuition for such non-credit instruction, or any other fee, nor be required to purchase any books or other materials that are needed for participation in the adult education program.
3. Tuition and fees for all dually enrolled or jointly enrolled high school students or dually enrolled adult education students, up to the amount not covered by HOPE or MOWR, may be exempted. If a college utilizes this option, it must apply to all dually or jointly enrolled high school students or dually enrolled adult education students attending the college for the time frame the exemption applies.
4. Presidents have the authority to exempt all fees including the “instructional and support technology fee” for military members using tuition assistance.

5. Presidents have the authority to exempt up to 36 months of tuition and fees toward the award of an associate's degree, diplomas, or certificates, for military members awarded the Purple Heart or higher combat decoration (Bronze star with valor, Silver Star, Coast Guard Cross, Navy Cross, Air Force Cross, Distinguished Service Cross, or Medal of Honor), their spouses, or their legal dependents up to 26 years of age. In order to qualify, students must first exercise all potential financial aid options available (Pell, VA benefits, Hope grant, etc.).
6. Mandatory and non-course related fees not covered for MOWR students must be exempted. Course related fees and supplies, not including book(s), may be assessed.
7. Notwithstanding any provision in this policy, no person who is unlawfully present in the United States shall be eligible for any exemption of the tuition and applicable fees.

H. **Refunds of Tuition and Fees:**

1. Students withdrawing from a course by the end of the third instructional day of the term and no shows shall receive a 100% refund of applicable tuition (hours below the 15 hour tuition cap) and applicable refundable fees, excluding the application fee. Exceptions may be allowed for customized courses that do not follow the college's standard academic calendar.
2. Students who withdraw from a course after the third instructional day of the term shall receive no refund.
3. For those students receiving federal financial aid, the technical colleges shall make available consumer information that may be found at www.ifap.ed.gov under the appropriate aid year's Federal Student Aid Handbook. Although there will be no refund of tuition and fees after the third instructional day, withdrawing students receiving Federal Pell Grant will have awards adjusted in compliance with the Return to Title IV process (R2T4) outlined in the Federal Student Aid Handbook.

I. **Refunds of books and supplies**:

1. No refunds shall be made for used supplies and equipment such as cosmetology kits, diskettes, tools, and uniforms.
2. Refunds shall be made for books that are returned in new condition and accompanied by a receipt in accordance with the college's book refund policy. The book refund policy shall be prominently posted in the technical college bookstore.
3. Technical colleges that have contracted out their bookstore operations shall ensure that the contractor adheres to the college's book refund.
4. No refund shall be made for books issued to students participating in the MOWR program.

VI. **RECORD RETENTION:**

Documents collected pursuant to this procedure are subject to the Georgia Records Retention Schedule.

Attachment: 6.6.1p.a1.

RECIPROCITY AGREEMENT: OUT-OF-STATE TUITION WAIVER
THE ALABAMA COLLEGE SYSTEM AND THE
GEORGIA POSTSECONDARY VOCATIONAL EDUCATION SYSTEM

WHEREAS, many communities, although separated by state boundaries, are inextricably involved in mutually supportive cultural, community, and economic development activities; and

WHEREAS, excessive out-of-state tuition may not only deny many residents of Georgia and Alabama access to quality postsecondary education, it is also counter-productive to the economic development of our respective states; and

WHEREAS, many residents of Georgia and Alabama are employed in their neighboring states; and

WHEREAS, through a cooperative, collaborative effort the Georgia postsecondary vocational institutions and the Alabama postsecondary academic institutions can provide students in each state with comprehensive educational opportunities without the necessity of creating new postsecondary institutions in many communities; and

WHEREAS, the Alabama State Board of Education has authorized Dr. Charles L. Payne, Chancellor, to develop reciprocity agreements whereby out-of-state tuition surcharges are waived for students of a contiguous state under the same terms and conditions as out-of-state tuition surcharges are waived for Alabama residents by said contiguous state; and

WHEREAS, the Georgia State Board of Postsecondary Vocational Education has authorized Dr. Kenneth H. Breeden, Executive Director, to approve out-of-state tuition waiver reciprocity agreements with appropriate institutions in a contiguous state provided there is a written application submitted by the institutions, that out-of-state students will be admitted only on a “space available” basis, and the costs of tuition and fees for an out-of-state student will not be an amount less than that paid by residents of Georgia:

NOW, THEREFORE, BE IT RESOLVED, That I, Charles L. Payne, representing the Alabama public community, junior, and technical colleges as authorized by the Alabama State Board of Education, and that I, Kenneth H. Breeden, representing the Georgia public postsecondary vocational institutions as authorized by the Georgia State Board of Postsecondary Vocational Education do hereby agree that students who attend a public postsecondary vocational institution in Georgia who apply and if accepted by an Alabama community, junior, or technical college, will pay tuition and fees at the same rate as charged to Alabama resident students, and that Alabama students who attend an Alabama public community, junior, or technical college who apply and if accepted by a Georgia public postsecondary vocational institution will pay tuition and fees at the same rate as charged to Georgia resident students; and

BE IT FURTHER RESOLVED, That this reciprocity agreement for waiver of out-of-state tuition will become effective Summer Quarter 1986 and will continue in effect until cancelled by either party or successors thereof provided that if cancelled all nonresident students enrolled under the terms of this agreement will be allowed to complete the program under the terms of

this agreement entered into on May 9, 1986, in Phenix City, Alabama, and Columbus, Georgia, by:

Signed by
Charles L. Payne, Chancellor
Representing the Alabama State Board of Education on behalf of the Alabama Community, Junior, and Technical Colleges

Signed by
Kenneth H. Breeden, Executive Director
Representing the State Board of Post-secondary Vocational Education on behalf of Georgia Postsecondary Vocational Institutions

Note: This agreement is undated.

POLICY: 6.6.2. (V. O.)
Student Activity Fund

Revised: May 3, 2012; January 24, 2001
Last Reviewed: October 14, 2016
Adopted: December 7, 1995

POLICY:

Technical Colleges are authorized to establish a Student Activity Fund account and collect fees from students to support approved student activities. The Local Boards should approve and recommend annually to the Commissioner for approval, the amount which may be collected from students as a "Student Activity" fee.

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
TCSG Procedure: 6.6.2p. Student Activity Fund
Rosenberger v. Rector & Visitors of the University of Virginia, 515 U.S. 819 (1995)
Board of Regents of Univ. of Wis. System v. Southworth, 529 U.S. 217 (2000)

Procedure: 6.6.2p. (V.O.1.)
Student Activity Fund

Revised: February 18, 2004; June 5, 1999
Last Reviewed: October 14, 2016
Adopted: December 7, 1995

I.PURPOSE:

The Student Activity Fund is established for the sole purpose of providing resources for student-sponsored and endorsed activities. Students enrolled solely in courses offered on-line may not be charged a student activity fee.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

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

IV. DEFINITIONS: n/a

V. ATTACHMENTS: n/a

VI. PROCEDURE:

Appointment of Committee

Each Technical College shall establish a council or committee to govern and administer the Student Activity Fund Account. The committee shall consist of not less than three students selected to assure participation by a broad sector of the student body. The composition and method of selection of this committee shall be determined locally. Options include (1) senior elected officer of each student organization; (2) a committee as appointed by the student government; (3) one individual from each program or department, or any other scheme which assures participation by a broad sector of the student body. One experienced faculty/staff advisor shall be assigned to the Student Activity Fund Committee. The faculty/staff advisor shall serve ex-officio without vote.

Organization of Committee

Committee members shall elect from their numbers a chair, vice chair, and secretary/treasurer. Officers shall be elected upon organization of the committee and annually thereafter. Officers and members of the committee shall serve for terms of one year and may be re-elected for one additional year. Positions which become vacant may be filled at the next scheduled meeting for the remainder of the original term.

Meetings of Committee

The committee shall meet not less than quarterly or more often as the committee decides. The institution administration shall provide the committee with the amount of funds which has been collected each quarter (semester); the committee shall use this information to prepare an annual budget and amendments thereto as the year progresses. The budget may be amended by majority vote of the members present provided there is a quorum. The annual budget and any amendments shall be presented to the President for approval.

Minutes of Meetings

The secretary/treasurer shall record the business of the committee in such detail as to indicate those members present and absent, and any actions taken by the committee. The minutes shall be published and made a permanent record of the committee and shall be retained on file until audited, but under any circumstances, records shall be retained for at least three years. Minutes of meetings shall be available to the Administrative Services/Business Office and anyone desiring to see them; preferably, minutes should be posted in the student center or in a conspicuous place where students gather.

Authentication

Minutes shall be signed by the secretary/treasurer and the faculty/staff advisor of the committee.

Use of Student Activity Funds

The Student Activity Fund Committee shall approve any expenditures from the Student Activity Fund. The committee may, at its discretion, provide for any after-the-fact approval of an expenditure in the event of unforeseen circumstances. Such provisions should include the documented approval by the committee no later than the next scheduled meeting.

Without attempting to provide an exhaustive list of purposes for which Student Activity Funds may be used, it is the intent of the System that these funds are used for the benefit of students, and to a limited extent, the enhancement of the institution, and thus the students, as determined by the Student Activity Fund Committee. Typical expenditures from the Student Activity Fund may include:

1) Expenses for students to attend or participate in local, state, regional or national meetings, competition, or other such functions of student organizations.

2) Student-sponsored activities such as tech days, field days, cook-outs, or other student-sponsored functions.

3) Expenses associated with the award of a plaque, testimonial or resolution, or other token to be awarded to officers of student organizations, students who have distinguished themselves, deserving faculty or staff, private individuals or public officials who perform a service, contribute or otherwise donate time or expertise such as those who volunteer to serve on committees or provide technical assistance; serve as resource persons to a class; serve as mentors or tutors; volunteer speakers for sponsored events or commencement exercises, or other services as approved by the Student Activity Fund Committee.

4) Donations to social or charitable organizations for items such as flood relief.

Student Activity Funds may not be transferred to a Technical College's foundation.

Sources of Students Activity Funds

In addition to revenue received from the assessment of student activity fees, the President may elect to include receipts from vending machine commissions in the Student Activities Fund account. If these types of funds are deposited in the Student Activities Fund account, their use will be subject to the approval of the committee.

The President may elect to include miscellaneous fees such as student insurance and graduation with the Student Activity fee. These funds, while carried in the Student Activity Fund account, do not require the approval of the committee to be expended by the administration.

Record Keeping

All activity of the Student Activity Fund account shall be recorded on TCSG's accounting system.

Appropriate separation of authorized activities shall be maintained in the financial records to assure receipts and disbursements are readily identifiable by project objective. Financial reports shall be provided monthly to the Student Activity Fund Committee which show the status of projected income and expenditures versus actual receipts and disbursements by project objective.

Requests for disbursements shall require the approval of the faculty/staff advisor and shall provide a cross reference to the earlier approval of the expenditure by the Student Activity Fund Committee. Deposits shall be identified by project objective.

Oversight

The technical college President shall exercise oversight through the faculty/staff advisor to the Student Activity Fund Committee. The President is authorized to disallow any budgeted or planned expenditure which, in his or her judgment, is not in the best interest of the students or the institution or violates existing law or policy guidance.

The amount of student activity fee charged should approximate the amount required to meet needs as identified by the Student Activity Fund Committee. There should be no material amount available and not committed at the end of each fiscal year. The President shall review year end balances and make appropriate requests to the State Board for any adjustment of the fee.

Changes to Implementing Procedure

As this procedure is implemented, changes may be required to accommodate circumstances which had not been foreseen. Requests for such changes may be submitted to the Commissioner by the institution administration, students, or others who may be affected by the policy on Student Activity Fund administration or its implementing procedure.

VII. RELATED AUTHORITY

Rosenberger v. Rector & Visitors of the University of Virginia, 515 U.S. 819 (1995)
Board of Regents of Univ. of Wis. System v. Southworth, 529 U.S. 217 (2000)
State Board POLICY: 6.6.2. Student Activity Fund

Procedure: 6.6.3p. (V. N.)
Student Organization/Club Accounts

Revised:
Last Reviewed: October 14, 2016
Adopted:

I. PURPOSE:

The purpose of student organizations should be to promote the general welfare, education, and morale of the students and to finance the normal, legitimate activities of the student body organizations. Funds associated with student organizations should be used to support activities that are based in the student organizations. Students should not only participate in the activities of the organization, but also be involved in managing and directing the organization's activities.

It is the purpose of this policy to establish financial controls for the administration of the normal, extracurricular activities of the student organizations which promote the general welfare, education, and morale of all students.

Each student organization must be approved by the technical college President or designee. The faculty or staff member assigned to the student organization/club must be identified by the organization/club annually in writing to the President of the technical college.

All club funds shall be accounted for by the college business office and recorded in the financial records of the college unless prohibited by the guidelines established by the National or State Association associated with the club.

Exceptions must be approved by the Commissioner or his designee. The college must submit appropriate documentation with their exception request. This documentation may include but is not limited to, the organization's mission, financial responsibilities, bylaws etc.

II. RELATED AUTHORITY
State Board POLICY: 2.1.1. Equal Opportunity Statement

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

IV. DEFINITIONS:

Student Organization – An organization that has student participation in the activity and has students involved in the management of the program.

Technical college president or designee - A technical college's executive manager or his/her designee.

Agency Funds – Funds held on behalf of others that are maintained in the financial records of the college or system office.

V. ATTACHMENTS: N/A

VI. PROCEDURE:

1. Accounts maintained in the financial records of the college or system office.
    a. Funds of the student organization/club will only be used for the purpose for which the student organization/club was established.
    b. Clubs must adhere to guidelines or minimum standards established by national or regional associations governing the organization. (SkillsUSA, National Technical Honor Society, ETC.)
    c. Funds must be held and maintained in an agency fund in the financial records of the technical college or system office. If the student organization/club ceases to exist or becomes inactive for a period of six months or more, all remaining balances should be moved to the student activity funding source.
    d. Funds shall be approved, accounted for and monitored by the appropriate student officers and faculty members of the organization.
2. Accounts maintained by the student organization/club with appropriate approval by Commissioner or designee.
    a. Any purchases made by the student organization/club may not be represented as technical college or system office expenditures nor may the student organization/club use the identification numbers of the college or system office. (Tax I.D numbers, Sales tax exemption forms, college purchase orders, etc.)
    b. Proper accounting procedures must be adhered to, and the individual responsible for the finances of the student organization/club must be identified by the organization/club annually in writing to the President of the Technical College.
    c. There will at no time be any commingling of funds with funds of the technical college or the system office.
    d. The net income, revenue less operating expenditures, must be spent on the activity for which the student organization/club was established.
    e. A minimum of two signatories are required on all bank accounts and checks.
    f. Clubs must adhere to guidelines or minimum standards established by national or regional associations governing the organizations. (skillsUSA, National Honor Society, ETC.)

VII. RECORD RETENTION:

State record retention guidelines apply to accounts maintained in the financial records of the college or system office.

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POLICY: 6.6.4. (V. F.)

Satisfactory Academic Progress

Revised: May 7, 2015
Last Reviewed: October 14, 2016
Adopted: December 7, 1989

POLICY:

Every student shall be made aware of the specific institutional requirements of their technical college for achieving and maintaining satisfactory academic progress.

Each technical college shall develop a local Satisfactory Academic Progress Procedure that is consistent with Title IV of the Higher Education Act.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
Title IV of the Higher Education Act

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 6.7
Student Conduct

6.7.1 ..... Drug-Free Schools and Communities Act
6.7.1.a1 ..... Checklist - Drug-Free Schools and Campuses Compliance
6.7.2p1 ..... Procedure - Student Disciplinary
6.7.2p1.a1 ..... Student Conduct Complaint Form
6.7.2p1.a2 ..... Disciplinary Sanction Appeal Form
6.7.2p2 ..... Procedure - Student Conduct Codes

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POLICY: 6.7.1. (V.E.)
Drug-Free Schools and Communities Act

Revised: January 17, 2001
Last Reviewed: October 14, 2016
Adopted: March 1991

POLICY:

This policy has been developed in concert with the federal Drug Free Schools and Communities Act which was enacted to ensure that any institution of higher education that receives funds under any federal program has adopted and implemented a program to prevent the use of illicit drugs and abuse of alcohol by students. It also incorporates the statutory mandates required under the state Drug-Free Postsecondary Education Act of 1990 (O.C.G.A. § 20-1-20 et seq.)

No student may engage in the unlawful manufacture, possession, use or distribution of illicit drugs and alcohol on the technical college's property or as part of any of its sponsored activities.

Such unlawful activity may be considered sufficient grounds for serious punitive action, including expulsion. Disciplinary sanctions for students convicted of a felony offense involving alcohol or the manufacture, distribution, sale, possession or use of marijuana, controlled substances or other illegal or dangerous drugs shall be immediate suspension and denial of further state and/or federal funds from the date of conviction. Specifically in the case of a drug related offense the student shall minimally be suspended for the remainder of the quarter and forfeit all academic credit for that period.

The technical college shall notify the appropriate state/federal funding agency within 10 days after receiving notice of the conviction from the student or otherwise after receiving the actual notice of conviction.

Within 30 days of notification of conviction, the Technical College shall with respect to any student so convicted:

1) Take additional appropriate action against such student up to and including expulsion as it deems necessary.

2) Provide such student with a description of any drug or alcohol counseling treatment, or rehabilitation or re-entry programs that are available for such purposes by a federal, state or local health, law enforcement or other appropriate agency.

The technical college is responsible for ensuring the development and implementation of a drug free awareness program to inform students of the following:

1) The dangers of drug and alcohol abuse on the campus and elsewhere.

2) Any available drug and alcohol counseling, rehabilitation and assistance programs.

3) Any penalties to be imposed upon students for drug and alcohol abuse violations occurring on the campus.

Each technical college shall conduct a biennial review of its program to determine its effectiveness and implement changes to the program if they are needed and to ensure that the sanctions required by the program are consistently enforced.

Each technical college shall maintain and make available to the U. S. Secretary of Education and to the public a copy of each item in the program as required by this policy and applicable law as well as results of the biennial review.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
34 C.F.R. § 86
20 U.S.C. § 1101i
20 U.S.C. § 1091(r)
U.S. Department of Education's Higher Education Center for Alcohol and other Drug Prevention:
Attachment: 6.7.1a1. Compliance Checklist
Drug-Free Postsecondary Education Act of 1990 (O.C.G.A. § 20-1-20 et seq.)

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Attachment: 6.7.1.a1.

Checklist - Drug-Free Schools and Campuses Compliance (Regulations 34 C.F.R. 86)

Name_____

Title _____

Department _____

Phone _____

Email _____

1.Does the institution maintain a copy of its drug prevention program?

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

If yes, where is it located? _____

2. Does the institution provide annually to each employee and each student, who is taking one or more classes for any type of academic credit except for continuing education units, written materials that adequately describe and contain the following:

a) Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as a part of its activities;

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

b) A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

c) A description of applicable legal sanctions under local, state, or federal law;

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

d) A description of applicable counseling, treatment, or rehabilitation or re-entry programs;

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

e) A clear statement of the disciplinary sanctions the institution will impose on students and employees, and a description of those sanctions

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Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

3. How are the above materials distributed to students?

a) Mailed to each student (separately or included in another mailing) yes ( ) no ( )

b) Through campus post office boxes yes ( ) no ( )

c) Class schedules which are mailed to each student yes ( ) no ( )

d) During freshman orientation yes ( ) no ( )

e) During new student orientation yes ( ) no ( )

f) In another manner (describe)

_____

_____

4. Does the means of distribution provide adequate assurance that each student receives the materials annually?

yes ( ) no ( )

5. Does the institution's distribution plan make provisions for providing these materials to students who enroll at some date after the initial distribution?

yes () no ( )

6. How are the above materials distributed to staff and faculty?

a) Mailed

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

b) Through campus post office boxes

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

c) During new employees orientation

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

d) In another manner

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

(describe) _____

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7. Does the means of distribution provide adequate assurance that each staff and faculty member receives the materials annually?

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

8. Does the institution's distribution plan make provisions for providing these materials to staff and faculty who are hired after the initial distribution?

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

9. How and by whom does the institution conduct biennial reviews of its drug prevention program to determine effectiveness, implement necessary changes, and ensure that disciplinary sanctions are enforced?

a) Conduct student AOD use survey

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

b) Conduct opinion survey of its students, staff and faculty

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

c) Evaluate comments obtained from a suggestion box

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

d) Conduct focus groups

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

e) Conduct intercept interviews

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

f) Assess effectiveness of documented mandatory drug treatment referrals for students and employees

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

g) Assess effectiveness of documented cases of disciplinary sanctions imposed on students and employees

Students: yes ( ) no ( ) Staff & Faculty: yes ( ) no ( )

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h) Other (please list)
_____

_____

i) By whom _____

10. If requested, has the institution made available, to the and the public, a copy of each required item in the drug prevention program and the results of the biennial review?

Students: yes ( ) no ( )

11. Where is the biennial review documentation located?

Name_____

Title_____

Department_____

Phone_____email_____

12. Comments _____

_____

_____

_____

References
State Board Policy 6.7.3. Drug-Free Schools and Communities Act

Created: January 17, 2001

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Procedure: 6.7.2p1. (V. D. I.)
Student Disciplinary

Revised: July 14, 2014; July 13, 2012; November 11, 2010
Last Reviewed: October 14, 2016
Adopted: June 3, 2010

I. PUPROSE:

The administration reserves the right to maintain a safe and orderly educational environment for students and staff. Therefore, when, in the judgment of technical college officials, a student's conduct disrupts or threatens to disrupt the technical college community, appropriate disciplinary action will be taken to restore and protect the atmosphere of collegiality and mutual respect on campus. This procedure is intended to provide an orderly protocol for handling student disciplinary cases in accordance with the principles of due process and justice.

II. RELATED AUTHORITY

TCSG Procedure: 6.7.2p2. Model Student Conduct Codes

III. APPLICABILITY:

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

IV. DEFINITIONS:

1. **Academic Misconduct:** includes, but is not limited to, the definition found in the Student Code of Conduct, Article II, Paragraphs 1-4.

2. **Business days**: weekdays that the technical college administrative offices are open.

3. **Hearing Body**: any person or persons authorized by the president of a technical college to provide a hearing as provided in this procedure.

4. **Member of the technical college community**: any person who is a student, faculty member, technical college official or any other person/s involved with the technical college community or employed by the technical college.

5. **Policy**: the written regulations of the technical college as found in, but not limited to, the Student Code of Conduct, Students Handbook(s), Residence Hall Handbook(s), Technical College Catalog(s), the Technical College Policy Manual, and the Policy Manual approved by the State Board for the Technical College System of Georgia.

6. **Student**: all persons taking courses at the technical college full-time, part-time, dual enrollment, joint enrollment, non-credit and credit. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the technical college are considered "students."

7. **Student Organization**: any number of persons who have complied with the formal requirements for technical college recognition.

8. **Technical college**: any college within the Technical College System of Georgia.

9. **Technical college official**: any person employed by the technical college, performing assigned administrative responsibilities on a part-time, full-time, or adjunct basis.

10. **Premises**: all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the technical college (including adjacent streets and sidewalks).

V. ATTACHMENTS:

Attachment: 6.7.2p1.a1. Student Code of Conduct Complaint Form
Attachment: 6.7.2p1.a2. Disciplinary Sanction Appeal Form

VI. PROCEDURE:

A. Filing a Complaint

1. Any person may file a complaint with the Vice President for Student Affairs or the technical college President's designee against any student for an alleged violation of the Student Code of Conduct. The individual(s) initiating the action should complete a Student Code of Conduct Complaint Form, and provide it to the Vice President for Student Affairs or the technical college president's designee.

2. Academic Misconduct may be handled using this procedure or a separate Academic Misconduct Procedure at the discretion of the technical college president.

3. Investigation and Decision

a. Within five business days after the Student Code of Conduct Complaint Form (the "Complaint") is filed, the Vice President for Student Affairs or the technical college president's designee shall complete a preliminary investigation of the incident, and schedule a meeting with the student against whom the complaint was filed in order to discuss the incident and the allegations. In the event that additional time is necessary, the Student will be notified. After discussing the complaint with the student, the Vice President for Student Affairs or the technical college president's designee shall determine whether the student committed the alleged conduct, and whether the alleged conduct constitutes a violation of the Student Code of Conduct.

b. The student shall have 5 business days from the date contacted by the Vice President for Student Affairs or the technical college president's designee to schedule the meeting. This initial meeting may only be rescheduled one time. If the student fails to respond to the Vice President for Student Affairs or the technical college president's designee within 5 business days to schedule the meeting, reschedules the meeting more than once, or fails to appear at the meeting, the Vice

President for Student Affairs or the technical college president's designee will consider the available evidence without student input and make a determination

c. In the event that a Complaint alleges violations of the Student Code of Conduct by more than one student, each student's disciplinary proceeding, as well as any appeals relating to that proceeding, shall be conducted individually.

d. If the Vice President for Student Affairs or the technical college president's designee determines that the student has violated the Student Code of Conduct, he/she shall impose one or more disciplinary sanctions consistent with those described below. If the Vice President for Student Affairs or the technical college president's designee determines that the alleged conduct did not occur, or that the conduct was not a violation of the Student Code of Conduct, he/she shall not impose any disciplinary sanctions on the student and the investigation shall be closed.

B. Disciplinary Sanctions

Based on the severity of the incident, the Vice President for Student Affairs may take one of two actions:

1. After a determination that a student has violated the Student Code of Conduct, the Vice President for Student Affairs or the technical college president's designee may impose, without referral to the Hearing Body, one or more of the following sanctions. Notification shall be sent to the student and the person(s) who initially filed the complaint.

a. **Restitution** – A student who has committed an offense against property may be required to reimburse the technical college or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to the actual cost of repair or replacement.

b. **Reprimand** – A written reprimand may be given to any student. Such a reprimand does not restrict the student in any way, but it signifies to the student that he/she is in effect being given another chance to conduct himself/herself as a proper member of the technical college community, and that any further violation may result in more serious sanctions.

c. **Restriction** – A restriction upon a student's privileges for a period of time may be imposed. This restriction may include but is not limited to denial of the right to represent the technical college in any way, denial of use of facilities, alteration or revocation of parking privileges, or restrictions from participating in extracurricular activities.

d. **Disciplinary Probation** – Continued enrollment of a student on probation may be conditioned upon adherence to specified terms. Any student placed on probation will be notified of the terms and length of probation in writing. Any conduct determined after due process to be in violation of these terms while on probation may result in the imposition of more serious disciplinary sanctions, as specified by the terms of probation.

e. **Failing or lowered grade** – In cases of Academic Misconduct, the Vice President for Student Affairs or the technical college president's designee will make a recommendation to the Vice President for Academic Affairs or his/her designee who may authorize the instructor to award a failing or lowered grade in the course, or a loss of credit on the assignment or examination.

2. After a determination that a student has violated the Student Code of conduct, the Vice President for Student Affairs or the technical college president's designee may recommend the

imposition of one of the following sanctions if appropriate. The Vice President for Student Affairs' recommendation will be forwarded to the Hearing Body, which may impose one or more of the following sanctions, as well as those described in section VI.C.1 above, following a hearing. A copy of the written recommendation shall be provided to the student and the person filing the complaint

a. **Disciplinary Suspension** – If a student is suspended, he/she is separated from the technical college for a stated period of time. Conditions of reinstatement, if any, must be stated in the notice of suspension.

b. **Disciplinary Expulsion** –Removal and exclusion from the technical college, Technical College controlled facilities, programs, events, and activities. A record of the reason for the student's dismissal is maintained by Vice President for Student Affairs or the technical college president's designee. Students who have been dismissed from the technical college for any reason may apply in writing to the Vice President for Student Affairs for reinstatement twelve (12) months following the expulsion. If approval for reinstatement is granted, the student will be placed on disciplinary probation for a specified term. The probationary status may be removed at the end of the specified term at the discretion of the Vice President for Student Affairs or the technical college president's designee.
c. System-Wide Expulsion – Where a student has been expelled or suspended three times from the same or different colleges in the Technical College System of Georgia in the past seven years, the student will not be permitted to register at any college in the Technical College System of Georgia for a period of ten years after the most recent expulsion/suspension.

3. Violation of Federal, State, or Local Law

a. If a student is convicted or pleads nolo contendere to an off-campus violation of federal, state, or local law, but not with any other violation of the Student Code of Conduct, disciplinary action may be taken and sanctions imposed for misconduct that is detrimental to the technical college's vital interests and stated mission and purpose.

b. Disciplinary proceedings may be instituted against a student charged with violation of a law that is also a violation of the Student Code of Conduct if both violations result from the same factual situation, without regard to criminal arrest and/or prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following criminal proceedings.

c. When a student is charged by federal, state, or local authorities with a violation of law, the technical college will not request or agree to special consideration for that individual because of his/her status as a student. The technical college will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

4. Interim Disciplinary Suspension – As a general rule, the status of a student accused of violations of the Student Code of Conduct should not be altered until a final determination is made regarding the allegations against him/her. However, interim suspension may be imposed upon a finding by the Vice President for Student Affairs or his/her designee that the continued presence of the accused student on campus constitutes a potential or immediate threat to the safety and well-being of the accused student or any other member of the technical college community or its guests, or that the continued presence of the student on campus creates a risk of substantial disruption of classroom or other technical college-related activities. If an interim disciplinary

suspension is imposed, the matter must be referred as soon as possible to the Hearing Body. The student need not request an appeal.

5. Conditions of Disciplinary Suspension and Expulsion

a. A student who has been suspended or expelled from the technical college shall be denied all privileges afforded a student and shall be required to vacate technical college Premises at a time determined by the Vice President for Student Affairs or the technical college president's designee.

b. In addition, after vacating the technical college Premises, a suspended or expelled Student may not enter upon the technical college Premises at any time, for any purpose, in the absence of written permission from the Vice President for Student Affairs or the technical college president's designee. A suspended or expelled student must contact the Vice President for Student Affairs or the technical college president's designee for permission to enter the technical college Premises for a limited, specified purpose.

c. If the student seeks to submit a signed Disciplinary Sanction Appeal Form, the Vice President for Student Affairs or the technical college president's designee must accept the form by mail or fax if he/she refuses the Student's request to enter the Technical College Premises for that specified purpose.

d. A scheduled appeal hearing before the Hearing Body shall be understood as expressed permission from the Vice President for Student Affairs or the technical college president's designee for a student to enter the technical college Premises for the duration of that hearing.

C. Mediation

1. At the discretion of the technical college President the technical college may adopt a mediation procedure to be utilized prior to the appeals set forth herein. Mediation may never be used in cases of alleged sexual misconduct.

D. Hearing/Appeals Procedure

1. A student who wishes to appeal a disciplinary decision by the Vice President for Student Affairs or the technical college president's designee regarding an assigned sanction of restitution, reprimand, restriction, disciplinary probation, or failing or lowered grade must file a written notice of appeal through the technical college president's office for review by the Hearing Body within five business days of notification of the decision. The person filing the initial complaint against the student must be notified of the hearing date.

2. If the Vice President for Student Affairs or the technical college president's designee recommended a sanction of disciplinary suspension, disciplinary expulsion, interim disciplinary suspension, or system-wide expulsion, the matter will be referred to the Hearing Body by the Vice President for Student Affairs. The student need not file a written notice of his or her desire to appear before the Hearing Body. The person filing the initial complaint shall also be given notification of the hearing.

3. The student will then have the right to appear in a hearing before a Hearing Body assigned by the technical college president or his/her designee within 10 business days to present evidence and/or testimony. If the student has been placed on an interim disciplinary suspension, the hearing

must be held as soon as possible, preferably within five days. The student has the right to be assisted by any single advisor he/she chooses, at his/her own expense. The student is responsible for presenting his/her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before a Hearing Body. The Hearing Body may consist of a single person or a group of people drawn from the technical college community. There shall be a single official record, such as a tape recording, of all hearings before the Hearing Body. The official record shall be the property of the technical college. The standard of proof in all hearings shall be a preponderance of the evidence. The chairperson of the Hearing Body shall notify the technical college president and the Vice President for Student Affairs in writing of the Hearing Body's decision. The technical college president or his/her designee will notify the student in writing of the Hearing Body's decision.

4. If the student appeared before the Hearing Body to appeal the Vice President for Student Affairs or the technical college president's designee's sanction of restitution, reprimand, restriction, disciplinary probation, or failing or lowered grade, the Hearing Body's decision regarding the appeal is final. A copy of the Hearing Body's written decision will be provided to both the student and the person who filed the original complaint.

5. If the student appeared before the Hearing Body after the Vice President for Student Affairs or the technical college president's designee recommended disciplinary suspension, disciplinary expulsion, interim disciplinary suspension, or system-wide expulsion, the student shall have the opportunity to appeal directly to the technical college president.

6. If entitled to an appeal to the technical college president, the student shall have 5 business days after receiving written notification of the Hearing Body's decision to request in writing an appeal. The student shall ensure that all relevant information is included with this request. The person who filed the original complaint shall be notified of the student's appeal.

7. The president of the technical college or his/her designee's review shall be in writing and shall only consider evidence currently in the record, new facts not brought up in earlier stages of the appeal shall not be considered. The technical college president or his/her designee shall deliver the decision to the student and the person who filed the original complaint within 10 business days. The decision of the technical college president or his/her designee shall be final and binding.

VII. Document Retention

The Vice President for Student Affairs or the technical college President's designee shall retain a copy of all documents concerning complaints, investigations, administrative actions, and communications in relation to any incident that resulted in a disciplinary investigation of any kind against a student. The Vice President for Student Affairs or the technical college president's designee will also retain records of any disciplinary appeals filed by the affected student, as well as the resulting record of appeal and decision submitted by the Hearing Body and the technical college president or his/her designee. A record of the final decision must also be retained. All records specified in this section shall be retained for a period of five years.

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TECHNICAL COLLEGE SYSTEM OF GEORGIA
STUDENT CODE OF CONDUCT COMPLAINT FORM

[Attachment: 6.7.2p1.a1.]

Any administrative official, faculty member, student, or security officer may file a complaint with the Student Disciplinary Officer or his/her designee against any student for a violation of the Student Code of Conduct. The individual(s) initiating the action must complete a Student Code of Conduct Complaint Form, and forward it directly to the Student Disciplinary Officer.

Date _____

Student Name _____ **Student ID#** _____

Telephone (____) _____ - _____ **Email** _____

Program _____ **Department** _____

Code Violation(s): _____

Explanation of Complaint:

_____

_____

_____

_____

_____

Witness(es) :

_____

_____

Have you discussed the specific behaviors that are said to be in violation of the Student Code of Conduct?
□ Yes □ No
Have you attempted to resolved the issue in good faith? □ Yes □ No If yes, please describe the resolution:

_____

_____

_____

_____

Name: _____ **Telephone:** _____

Signature: _____ **Email:**_____

(Reference: Technical College System of Georgia Disciplinary Policy and Procedure)

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TECHNICAL COLLEGE SYSTEM OF GEORGIA
DISCIPLINARY SANCTION APPEAL FORM

[Attachment: 6.7.2p1.a2.]

A student who wishes to appeal a disciplinary decision by the Student Disciplinary Officer or his/her designee must file a written notice of appeal to the President's Office within 5 business days of notification of the decision.

Date _____

Student Name _____ **Student ID#** _____

Telephone (____) _____ - _____ **Email** _____

Program _____ **Department** _____

Is this your first disciplinary sanction appeal from the Technical College? ___ Yes ___ No
If no, have you ever been readmitted through an appeal process? ___ Yes ___ No

I wish to appeal the disciplinary decision by the Student Disciplinary Officer or his/her designee for the following reasons (Attach additional sheet, if needed):

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Student Signature: _____

(Reference: Technical College System of Georgia Disciplinary Policy and Procedure)

Procedure: 6.7.2p2. (V. D. II.)
Model Student Conduct Codes

Revised: July 16, 2014; November 7, 2012, July 13, 2012
Last Reviewed: October 14, 2016
Adopted: June 3, 2010

I. PURPOSE:

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of this academic community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for knowledge.

Freedom to teach and freedom to learn are inseparable facets of academic conditions in the classroom, on the campus, other college sites, and in the community. Students are expected to exercise their freedom with responsibility. As members of the academic community, students are subject to the obligations which accrue to them by virtue of this membership. As members of the larger community of which the college is a part, students are entitled to all rights and protection accorded them by the laws of the community. Nothing in this Code of Conduct shall be interpreted to interfere with any person's right to free speech as provided by the First Amendment to the Constitution of the United States of America.

By the same token, students are also subject to all laws, the enforcement of which is the responsibility of duly constituted authorities. When students violate laws, they may incur penalties prescribed by legal authorities. In such instances, college discipline will be initiated if the presence of the student on campus is considered a possible threat to persons or property, or if that person's presence may disrupt the educational process of the college. However, when a student's violation of the law also adversely affects the college's recognized educational objectives, or violates the college's Student Code of Conduct, the college will enforce its own regulations. When students violate college regulations, they are subject to disciplinary action by the college whether or not their conduct violates the law.

It is the policy of the Technical College System of Georgia (TCSG) to provide technical and adult education programs for the people of Georgia. TCSG's technical colleges must provide opportunities for intellectual, emotional, social, and physical growth. Technical college students assume an obligation to act in a manner compatible with the fulfillment of the mission. The technical college community recognizes its responsibility to provide an atmosphere conducive to growth. With these principles in mind, the TCSG establishes this Student Code of Conduct.

Generally, technical college jurisdiction and discipline shall be limited to conduct which occurs on technical college Premises, off-campus classes, activities or functions sponsored by the technical college, an examination or any other written or oral work submitted for evaluation

and/or a grade, or which otherwise adversely affects members of the technical college community and/or the pursuit of the technical college's objectives.

II. RELATED AUTHORITY:

TCSG Procedure: 6.7.2p1. Student Disciplinary Procedure
TCSG Procedure: 6.1.1p. Unlawful Harassment and Discrimination of Students

III. APPLICABILITY:

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

IV. DEFINITIONS:

1) **Faculty Member**: any person hired by a TCSG technical college to conduct teaching, service, or research activities.

2) **Hearing Body**: as defined in the Student Disciplinary Procedure.

3) **Member of the technical college community**: any person who is a student, faculty member, contractor, technical college official or any other person/s involved with the technical college, involved in the community or employed by the technical college.

4) **Policy**: the written regulations of the technical college as found in, but not limited to, the Student Code of Conduct, Student Handbook(s), Residence Hall Handbook(s), technical college Catalog(s), the technical college Policy Manual, and the Policy Manual approved by the State Board for the Technical College System of Georgia.

5) **Student:** all persons taking courses at the technical college, including full-time, part-time, dual enrollment, joint enrollment, non-credit, and credit. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the technical college are also considered "students".

6) **System**: the Technical College System of Georgia or TCSG.

7) **Technical college official**: any person employed by the technical college performing assigned responsibilities on a part-time, full-time or adjunct basis.

8) **Premises:** all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the technical college (including adjacent streets and sidewalks).

V. ATTACHMENTS: NONE

VI. PROCEDURE:

PRESCRIBED CONDUCT

Any student found to have committed any of the following types of misconduct is subject to the disciplinary sanctions outlined in the Student Disciplinary Policy and Procedure.

A. ACADEMIC

Academic Misconduct Definitions

Academic Misconduct includes, but is not limited to, the following:

1. Aiding and Abetting Academic Misconduct: Knowingly helping, procuring, encouraging or otherwise assisting another person to engage in academic misconduct.

2. Cheating:

a. Use and/or possession of unauthorized material or technology during an examination, or any other written or oral work submitted for evaluation and/or a grade, such as tape cassettes, notes, tests, calculators, computer programs, cell phones and/or smart phones, or other electronic devices.

b. Obtaining assistance with or answers to an examination or any other written or oral work submitted for evaluation and/or a grade from another person with or without that person's knowledge.

c. Furnishing assistance with or answers to an examination or any other written or oral work submitted for evaluation and/or a grade to another person.

d. Possessing, using, distributing or selling unauthorized copies of an examination, computer program, or any other written or oral work submitted for evaluation and/or a grade.

e. Representing as one's own an examination or any other written or oral work submitted for evaluation and/or a grade created by another person.

f. Taking an examination or any other written or oral work submitted for evaluation and/or a grade in place of another person.

g. Obtaining unauthorized access to the computer files of another person or agency and/or altering or destroying those files.

h. Obtaining teacher edition text books, test banks, or other instructional materials that are only intended to be accessed by technical college officials, college administrator or faculty member.

3. Fabrication

The falsification of any information or citation in an examination or any other written or oral work submitted for evaluation and/or a grade.

4. Plagiarism

a. Submitting another's published or unpublished work in whole, in part or in paraphrase, as one's own without fully and properly crediting the author with footnotes, quotation marks, citations, or bibliographical
reference.

b. Submitting as one's own original work, material obtained from an individual or agency without reference to the person or agency as the source of the material.

c. Submitting as one's own original work material that has been produced through unacknowledged collaboration with others without release in writing from collaborators.

B. NON-ACADEMIC MISCONDUCT

Non-Academic Misconduct includes, but is not limited to, the following:

1. Behavior

a. Indecent Conduct: lewd or indecent conduct ; or distribution of obscene or libelous written or electronic material.

b. Violence: physical abuse of any person (including dating violence, domestic violence or sexual violence) on technical college Premises or at technical college-sponsored or technical college-supervised functions, including physical actions which threaten or endanger the health or safety of any such persons. This includes fighting and/or other disruptive behavior, which includes any action or threat of violence which endangers the peace, safety, or orderly function of the technical college, its facilities, or persons engaged in the business of the technical college. Note: certain physical abuse may also be considered unlawful harassment.

c. Harassment: The technical college prohibits unlawful conduct based on race, color, creed, national or ethnic origin, gender, religion, disability, age, genetic information, political affirmation or belief, disabled veteran, veteran of the Vietnam Era or citizenship status addressed directly to any individual or group that has the purpose or effect of unreasonably and objectively interfering with that individual or group's: (1) performance, (2) work or educational environment or (3) ability to participate in an educational program or activity. The technical college also prohibits stalking, or other behavior which objectively and unreasonably interferes with another's legal rights or creates an objectively intimidating, hostile, or offensive environment. (This also includes the display of or navigation to pornography and other inappropriate websites and materials and inappropriate behavior on social media and/or networking applications.) Impermissible harassment may include verbal, non-verbal and/or physical conduct.

d. Disruption: prohibits activities not otherwise protected by law including the First Amendment to the Constitution of the United States of America, which intentionally obstructs or interrupts teaching, research, administration, disciplinary proceedings or other technical college activities, including public service functions and other duly authorized activities on technical college Premises or at technical college-sponsored activity sites.

e. Failure to Comply: Failure to comply with lawful directions of technical college officials and/or failure to identify oneself to these persons when requested to do so.

2. Professionalism

a. Personal Appearance:
Refer to _____ Technical College Dress Code Policy.

3. Use of Technical College Property

a. Theft and Damage: prohibits theft of, misuse of, or harm to technical college property, or theft of or damage to property of a member of the technical college community or a campus visitor on technical college Premises or at a technical college function.

b. Occupation or Seizure: illegal occupation or seizure in any manner of technical college property, a technical college Premises, or any portion thereof for a use inconsistent with prescribed, customary, or authorized use.

c. Presence on technical college Premises: prohibits unauthorized entry upon technical college Premises; unauthorized entry into technical college Premises or a portion thereof which has been restricted in use; unauthorized presence in technical college Premises after closing hours; or furnishing false information to gain entry upon technical college Premises.

d. Assembly: prohibits participation in or conducting an unauthorized gathering that objectively threatens or causes injury to person or property or that interferes with free access to technical college facilities or that is unprotected by the First Amendment to the Constitution of the United States of America and objectively harmful, obstructive, or disruptive to the educational process or functions of the technical college.

e. Fire Alarms: prohibits setting off a fire alarm or using or tampering with any fire safety equipment on technical college Premises or at technical college-sponsored activity sites, except with reasonable belief in the need for such alarm or equipment. In the event of a fire alarm sounding, students must evacuate the building unless otherwise directed by a technical college official.

f. Obstruction: prohibits obstruction of the free flow of pedestrian or vehicular traffic on technical college Premises or at technical college sponsored or supervised functions. Refer to _____Technical College Parking Policy and Regulations.

4. Drugs, Alcohol and Other Substances
Substances referred to under this policy include all illegal drugs, alcoholic beverages, and misused legal drugs (both prescription and over-the-counter).

a) Alcohol: Students must comply with all state and federal laws regulating alcohol as well as TCSG Policy II.C.6, Alcohol on Campus. Alcoholic beverages may not be served or sold at any student sponsored function. Students being in a state of intoxication on technical college Premises or at technical college-sponsored or supervised functions (including off-campus functions), internships, externships, practicum, clinical sites, co-operative or academic sponsored programs or activities or in a technical college-owned vehicle is prohibited.

b) Controlled substances, illegal drugs and drug paraphernalia: The technical college prohibits possession, use, sale, or distribution of any controlled substance, illegal drugs, or drug paraphernalia except as expressly permitted by law. Any influence which may be attributed to

the use of drugs or of alcoholic beverages shall not in any way limit the responsibility of the individual for the conduct or consequences of his/her actions.

c) Food: The technical college prohibits eating and/or drinking in classrooms, shops, and labs or other unauthorized areas on technical college Premises, unless otherwise permitted by technical college officials.

d) Smoking/Tobacco: The technical college prohibits smoking, or using other forms of electronic, alternative smoking devices or other forms of tobacco products in classrooms, shops, and labs or other unauthorized areas on technical college Premises. Refer to the _____Technical College Tobacco Policy.

5. Use of Technology

a. Damage and Destruction: Destruction of or harm to equipment, software, or data belonging to the technical college or to others is considered unacceptable usage. This may include altering, downloading, or installing software on technical college computers, tampering with computer hardware or software configuration, improper access to the technical college's network, and disconnection of technical college computers or devices.

b. Electronic Devices: Unless otherwise permitted by technical college officials, the technical college prohibits use of electronic devices in classrooms, labs, and other instructional, event, or affiliated facilities on technical college Premises. Such devices include, but are not limited to cell phones, beepers, walkie talkies, cameras, gaming devices, and other electronic devices, which may cause unnecessary disruption to the teaching/learning process on campus. The technical college also prohibits attaching personal electronic devices to college computers under any circumstances.

c. Harassment: The technical college prohibits the use of computer technology to objectively interfere with another's legal right to be free from harassment based on that individual's race, color, creed, genetic information, national or ethnic origin, gender, religion, disability, age, political affirmation or belief, disabled veteran, veteran of the Vietnam Era or citizenship status.

d. Unacceptable Use: Use of computing facilities to interfere with the work of another student, faculty member or technical college official. This includes the unauthorized use of another individual's identification and password.
_____Technical College prohibits any additional violation to the Department's Acceptable Computer and Internet Use Policy.

6. Weapons

The Technical College System of Georgia is 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 or on college building or property shall be governed by Georgia state law. All individuals are expected to comply with the related laws. Failure to follow laws pertaining to weapons is considered a violation of the Student Code of Conduct. Relevant Georgia laws to be aware of and compliant with include but may not be limited to:

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

7. Gambling

The Technical College System of Georgia prohibits the violation of federal, state or local gambling laws on technical college premises or at technical college sponsored or supervised activities.

8. Parking

The technical college prohibits violation of _____Technical College regulations regarding the operation and parking of motor vehicles on or around _____ Technical College Premises.

9. Financial Irresponsibility

The technical college prohibits the theft or misappropriation of any technical college, student organization or other assets.

10. Violation of Technical College Policy

Violation of System or Technical College Policies, rules or regulations including, but not limited to, rules imposed upon students who enroll in a particular class or program, internships, externships, practicum, clinical sites, co-operative, or any academic sponsored programs or activities, student organizations or students who reside in on-campus housing.

11. Aiding and Abetting

Aiding, abetting, or procuring another person to do an activity which otherwise violates this Code of Conduct is prohibited.

12. Falsification of Documentation

Disciplinary proceedings may be instituted against a student who falsifies any documentation related to the technical college either to the technical college or to others in the community, including, but not limited to falsification of: technical college transcripts; transcripts or other

documentation from other institutions to obtain credit from or admission to the technical college; technical college report cards or other grade reports; documentation related to a student's citizenship status; tests, homework, attendance records; signature of any technical college employee in his or her official capacity; signatures of any employee of a clinical or internship site where the student is participating in an educational program associated with the technical college or records related to any clinical, internship or other academic activity associated with the technical college.

13. Violation of Law

a. If a Student is convicted or pleads Nolo Contendere to an on-campus or off-campus violation of federal, state, or local law, but not has not been charged with any other violation of the Student Code of Conduct, disciplinary action may nevertheless be taken and sanctions imposed if the violation of federal, state or local law is detrimental to the technical college's vital interests and stated mission and purpose.

b. Disciplinary proceedings may be instituted against a student charged with violation of a law that is also a violation of the Student Code of Conduct if both violations result from the same factual situation, without regard to criminal arrest and/or prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following criminal proceedings.

c. When a student is charged by federal, state, or local authorities with a violation of law, the technical college will not request or agree to special consideration for that individual because of his/her status as a student. The technical college will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

14. Abuse of the Student Judicial Process, including but not limited to

a. Failure to obey the notification of the Vice President for Student Affairs or the technical college president's designee, Hearing Body, Appellate Board or Technical College Official.
b. Falsification, distortion, or misrepresentation of information in a judicial proceeding.
c. Disruption or interference with the orderly conduct of a disciplinary proceeding.
d. Initiating a disciplinary proceeding knowingly without cause.
e. Attempting to discourage an individual's proper participation in, or use of, the disciplinary process.
f. Attempting to influence the impartiality of a member of a Hearing Body, or Appellate Board prior to, and/or during the course of, the disciplinary proceeding.
g. Harassment (verbal or physical) and/or intimidation of a member of a Hearing Body, or Appellate Board prior to, during, and/or after a disciplinary proceeding.
h. Failure to comply with the sanction(s) imposed under the Student Code.

VII. RECORD RETENTION:

Documents shall be held for no less than three (3) years after the graduation of the student or the date of the student's last attendance.

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Section 6.8
Student Activities

6.8.1 ..... POLICY - Field Trips
6.8.1p ..... Procedure - Field Trips
6.8.1p.a1 ..... Field Trip Acknowledgment and Waiver Form
6.8.2 ..... POLICY - Student Accident Insurance
6.8.3 ..... POLICY - Student Athletics
6.8.3p ..... Procedure - Student Athletics

POLICY: 6.8.1 (V. I.)
Field Trips

Revised: May 7, 2015
Last Reviewed: October 14, 2016
Adopted: December 7, 1989

POLICY:

Field Trips can be an important component of a student's educational experience and the use of such out-of-classroom experiences by the technical colleges is encouraged when appropriate. College sponsored field trips shall be education-related and conducted with a focus on the safety of students and staff, fiscal responsibility and academic responsibility. The Commissioner will develop procedures as necessary to implement this policy.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Procedure: 6.8.1p. (V. I.)
Field Trips

Revised: May 7, 2015
Last Reviewed: October 14, 2016
Adopted: December 7, 1989

I. PURPOSE:

Field Trips can be an important component of a student's educational experience and the use of such out-of-classroom experiences by the technical colleges is encouraged when appropriate. College sponsored field trips shall be education-related and conducted with a focus on the safety of students and staff, fiscal responsibility and academic responsibility. Each technical college is required to develop a local field trip procedure that is consistent with the provisions below and which includes steps to address emergencies, and compliance with relevant fiscal, academic, and student and employee conduct policies.

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board Policy: 6.8.1. Field Trips
TCSG Procedure: 4.7.2p. Driver Qualification

III. APPLICABILITY:

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

IV. DEFINITIONS:

Field Trip: any activity which normally involves off-campus travel for one or more students enrolled in the college or Adult Education program. Independent study, internships, class meetings, and off campus work on an individual project are not considered Field Trips.

Section 504 Coordinator: an individual designated by the president of the college to ensure compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 as Amended, and any other state and federal regulations governing disabilities; the responsibilities of the 504 Coordinator will include, but may not be limited to evaluating students requesting accommodations for a disability and ensuring equal access to facilities, services and programs.

Sponsor: an employee of the college who is organizing a field trip and/or accompanying students on a field trip.

V. ATTACHMENTS:

Attachment: 6.8.1p.a1. Assumption of Risk, Agreement to Abide by Code of Conduct, Release of Liability, and Limited Medical Authorization

VI. PROCEDURE:

A. Driver Qualifications/Transportation
    1. Any employee who operates a vehicle for field trip activities must be in compliance with the TCSG Driver Qualification Procedure. (NOTE: Colleges should provide a copy of this procedure to any employee who may be responsible for transporting students on field trips).
    2. Colleges will ensure that any state owned vehicle offered for transportation is properly maintained and insured in accordance with Georgia Department of Administrative Services regulations.
    3. If chartered transportation is utilized for field trips, colleges must ensure that the provider has the appropriate liability insurance and is utilizing properly licensed professional drivers.
    4. A person renting a car should not allow others to drive the vehicle unless such use has been authorized by the rental agency.
    5. Presidents may determine that personal vehicles will not be used by any employee or student for the transporting of students on field trips.
    6. Any traffic and parking citations received during the course of a field trip are the responsibility of the driver, and must be immediately reported to the employee's supervisor.
    7. College transportation for field trips must be provided and must depart from and return to the college campus.

B. Students participating in field trips are required to sign the attached "Assumption of Risk, Agreement to Abide by Code of Conduct, Release of Liability, and Limited Medical Authorization"; if the student is under the age of 18, the form must be executed by a parent or legal guardian.

C. Colleges must provide reasonable accommodations to students with disabilities to enable them to participate in field trips. Questions regarding accommodations may be addressed to the college's Section 504 Coordinator or the Office of Legal Services.

D. For each field trip, the technical college must have a designated contact person on campus with information about the field trip in the event that emergency communication is necessary. Information should include the purpose, location, duration, mode and route of transportation, and emergency contact information for each participating student or sponsor. Field trip sponsors should have access to communicate with contact or emergency personnel at all times and are required to maintain a copy of the emergency contact information for each participant during the course of the trip.

E. Whenever possible, field trips should be clearly identified in the course syllabus (including location, time, and mode of transportation). The syllabus should also identify the field trip as "required" if student participation is mandatory. The sponsor should discuss in appropriate detail with students the risks associated with the activity, relevant emergency preparedness information, as well as expectations for behavior during the activity (including transit to and from the location(s)).

F. Sponsors will be subject to all policies and procedures, including the Ethics and Standards of Business Conduct during the course of a field trip.
G. Students are subject to all policies and procedures, including the Student Code of Conduct.

VII. RECORD RETENTION:

Documents collected pursuant to this procedure are subject to the Georgia Records Retention Schedule. Upon reasonable belief that legal action may occur as a result of an injury or loss suffered on a field trip 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). http://www.georgiaarchives.org/records/retention_schedules

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Attachment: 6.8.1p.a1.

RELEASE, WAIVER OF LIABILITY, AND COVENANT NOT TO SUE

(READ CAREFULLY BEFORE SIGNING)

I hereby acknowledge my awareness that my participation in the _____ activity may expose me to risk of property damage, bodily or personal injury, including death. The Technical College System of Georgia and/or the _____ Technical College will be providing transportation and activities will include _____. I understand that the risks that I may encounter include, but are not limited to transportation accidents, _____, _____, as well as other risks that may not be foreseeable. I have been informed and understand that there are inherent risks and dangers involved in this activity. (Attached description, syllabus or website.) I knowingly and freely assume any and all such risks and voluntarily participate in this activity.

In exchange for the use of equipment, materials, supplies and for being allowed to participate in this event, I hereby release and forever discharge _____ Technical College, the Board of the Technical College System of Georgia, the Technical College System of Georgia, their members individually and their officers, agents and employees from any and all claims, demands, rights, expenses, actions, and causes of action, of whatever kind, arising from or by reason of any personal injury, bodily injury, property damage, or the consequences thereof, whether foreseeable or not, resulting from or in any way connected with my participation in this activity.

I further covenant and agree that for the consideration stated above, I will hold forever harmless and will not take legal action against _____ Technical College, the Board of the Technical College System of Georgia, the Technical College System of Georgia, their members individually, and their officers, agents, and employees for any claim for damages arising or growing out of my participation in this activity whether caused by negligence or otherwise.

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I grant permission for my likeness, image and voice to be recorded in any media during this activity and to be used by _____ Technical College on behalf of the Technical College System of Georgia in any publications, media, or technology now known of or hereafter developed in the future for any lawful purpose whatsoever without further permission from me. I understand I will not be compensated further for use of these recordings.

In the event of an emergency and I am unable to act on my own behalf, I authorize the faculty and directors of the activity/field trip program to take whatever action they deem is warranted and appropriate regarding my health and safety.

I certify that I am at least 18 years of age. This consent is given freely and voluntarily by me without coercion, duress, threat or promise of any kind. I certify that I understand and have read the above carefully before signing. I understand that I am not subject to any adverse action if I do not sign.

_____ _____

Signature of Student Date

POLICY: 6.8.2. (V. M.)
Student Accident Insurance

Revised: August 28, 2001
Last Reviewed: October 14, 2016
Adopted: August 28, 2001

POLICY:

The Technical Colleges System of Georgia [TCSG] shall coordinate a student health and accident insurance program that will be available to all technical college students. The Commissioner in consultation with the Presidents shall determine from time to time the appropriate levels of coverage.

As a precondition of enrollment in any in any on-campus technical college program, all students must enroll in the technical college-sponsored student-accident insurance program. Students enrolled in Allied Health or cosmetology clinical classes shall also purchase professional liability insurance.

Students who are enrolled only in off-campus distance learning programs and who otherwise do not utilize campus facilities may be exempted from the student-accident insurance program.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

POLICY: 6.8.3. (V.S.)
Student Athletics

Revised: November 6, 2013
Last Reviewed: October 14, 2016
Adopted: November 6, 2013

POLICY:

Effective November 7, 2013, all colleges associated with the Technical College System of Georgia must have all new athletic programs or colleges with existing athletic programs for which a change in conference or competition level will require significant program or resource expansion reviewed and approved by the State Board prior to engaging in recruitment, practice or competition, with the exception of intramural sports. For purposes of this Policy, intramural sports is defined as programs only involving students currently enrolled at the same college. Athletic programs which are in the start-up phase shall be submitted for review and approval to the Board for review within 6 months of the effective date of this policy. The Commissioner shall establish a process by which all colleges shall submit athletic programs for review and approval to the Board.

Colleges with athletic programs currently in operation will not be required to seek approval from the board; however, colleges will be required to register all currently operational athletic programs with the System Office within six-months of the effective date of this policy.

RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties

Procedure: 6.8.3p. (V.S.1)
Student Athletics

Revised: November 7, 2013
Last Reviewed: October 14, 2016
Adopted: November 7, 2013

I. PURPOSE:

Effective November 7, 2013, all colleges associated with the Technical College System of Georgia must have all new athletic programs or colleges with existing athletic programs for which a change in conference or competition level will require significant program or resource expansion reviewed and approved by the State Board prior to engaging in recruitment, practice or competition, with the exception of intramural sports. For purposes of this Policy, intramural sports is defined as programs only involving students currently enrolled at the same college. Athletic programs which are in the start-up phase shall be submitted for review and approval to the Board for review within 6 months of the effective date of this policy. The Commissioner shall establish a process by which all colleges shall submit athletic programs for review and approval to the Board.

Colleges with athletic programs currently in operation will not be required to seek approval from the board; however, colleges will be required to register all currently operational athletic programs with the System Office within six-months of the effective date of this policy.

II. RELATED AUTHORITY:
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
20 U.S.C. §§ 1681 et seq. ("Title IX")
34 C.F.R. §§ 106.1 et seq. (U.S. Department of Education Title IX Regulations)
29 U.S.C. §§ 701 et seq. ("Section 504")
34 C.F.R. §§ 104.1 et seq. (U.S. Department of Education Section 504 Regulations)

III. APPLICABILITY:

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

IV. DEFINITIONS:

V. ATTACHMENTS:

VI. PROCEDURE:

A. **General Provisions**

1. Presidents shall ensure that equitable athletic opportunity will be provided for members of both genders, so that no person, on the basis of gender, will be excluded from participation in, be denied the benefits of, or be subject to discrimination in the overall intercollegiate athletics program of the college.
2. Presidents shall ensure that equitable athletic opportunities will be provided to all students as required by, but not limited to, Section 504 of the Rehabilitation Act, 29 U.S.C. § 701 et seq. and Title IX, 20 U.S.C. § 1681 et seq.
3. All grants-in-aid or scholarships related to athletic participation will be administered in strict compliance with applicable intercollegiate athletic rules and regulations and may be funded from athletic fee revenues, unrestricted endowment income, and other allowable funding sources.
4. The operation of intercollegiate athletics cannot be operated at the expense of academic programs and essential activities at the college or by diverting funds from other major institutional funding or operations.
5. The President shall ensure that all funds utilized in support of intercollegiate athletic programs will be allocated, administered, and expended in strict compliance with applicable intercollegiate athletics regulations, State Board Policies, and TCSG Procedures including but not limited to those pertaining to auditing, accounting, procurement, inventory management, contracts, and use of motor vehicles.
6. The President will develop institutional guidelines for the establishment and conduct of intercollegiate athletic programs.

B. **Approval of New or Expanding Athletic Programs.** The President of each college shall submit a five-year operational and capital plan ("operational plan") for any new athletic programs, athletic programs in a start-up phase, and current intercollegiate athletic programs for which a change in conference or competition level will require significant program or resource expansion.

1. Operational plans for new programs will be submitted to the Commissioner for review and will be presented to the State Board of the Technical College System of Georgia for approval prior to colleges engaging in recruitment, practice or competition. Plans for those programs currently in a start-up phase will be submitted prior to engaging in competition. Plans for program expansions should be submitted prior to any change in conference or competition.
2. Each operational plan will include the following:
    a. Projected expenditures and revenue;
    b. All sources of funding including but not limited to institutional funds, athletic fees, ticket sales, unrestricted endowment income, sponsorships, community giving, and alumni donations;
    c. Estimated impact on student enrollment and/or retention;
    d. Demonstrated support and approval for the operational plan based upon widespread consultation with the college's academic and student governing bodies, community constituents, and Local Board of Directors;
    e. Description of any required changes in or additions to property or facilities to accommodate the athletic program;
    f. Description of measures to be taken to minimize any safety or security risks associated with student participation in athletics;
    g. Explanation of any student housing requirements that may be required by rules and regulations of applicable governing bodies and the manner in which colleges will maintain compliance; and

h. Any other relevant information applicable to expansion or start-up (e,g. conference/league/association regulations, level of competition, etc.)

C. **Current Athletic Programs.** Presidents will register all current athletic programs within six (6) months of the date of approval of this procedure.

1. Presidents will submit a report to the Office of Technical Education to be shared with the State Board which will include the following information for each individual athletic team:
    a. Number and gender of students participating;
    b. Number of scholarships/grants-in-aid provided to students;
    c. Budget information for the preceding fiscal year, including funding source.
    d. An organization chart showing the staff members and/or volunteers associated with the program and the reporting relationship to the president.
2. The Assistant Commissioner for the Office of Technical Education, or designee, will maintain a summary of all athletic programs operated by the colleges.
3. Presidents will notify the Assistant Commissioner upon the discontinuance of any intercollegiate athletic program.

VII. RECORD RETENTION

Records pertaining to student athletes shall be maintained in accordance with Family Educational Rights and Privacy Act Regulations (FERPA). Any medical information provided by students will be maintained in secure location accessible only to those individuals with a legitimate, job-related reason to review the information. All records created or maintained under this procedure shall be retained as required by the State of Georgia's Document Retention policy.