

Office of Human Resources

1702 Leave and Payment for Workers' Compensation and Special Injury Claims

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**Georgia Department of Human Services
Human Resources Policy #1702**

Leave and Payment for Workers' Compensation and Special Injury Claims

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Refer- O.C.G.A. 34-9-1 et seq.— Workers' Compensation
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Rules of the State Personnel Board 478-1-16 — Absence from Work

The Department of Human Services (DHS) is subject to the requirements of state law regarding workers' compensation and line-of-duty injury. All employees are to ensure that appropriate procedures in this policy are followed.

Section A: Eligible Employees

1. All employees of the Department are covered by the Workers' Compensation Law unless specifically excluded by law or regulation.
2. All full-time employees who regularly work thirty (30) or more hours each week are covered by state law.

Section B: Denial of Compensation

1. No compensation will be allowed for an injury, illness, exposure to occupational disease or death:
 - a. Due to the employee's willful misconduct, including intentionally self-inflicted injury.
 - b. Growing out of his/her attempt to injure another.
 - c. Due to intoxication by alcohol.
 - d. Due to being under the influence of marijuana or a controlled substance, except as may have been lawfully prescribed by a physician for such employee and taken in accordance with such prescription.
 - e. Due to willful failure or refusal to use a safety appliance or perform a duty required by statute; or,
 - f. Due to the willful breach of any policy and/or procedure of the Department of which the employee had knowledge prior to the incident.

Section C: Reporting

1. Work-related injuries, illnesses and exposures to occupational disease are to be reported immediately, as outlined in DHS Human Resources Policy #1701 — Workers' Compensation and Special Injury Return-to-Work Program.

Section D: Access to Information

1. Department of Administrative Services (DOAS) Workers' Compensation investigators acting as agents for the Department are authorized to have access to personnel and any other related files and information necessary to complete a review or investigation of a workers' compensation or special injury claim. An employee's medical information is confidential and is available to individuals only on a need to know basis.

Section E: Satisfactory Medical Documentation

1. An employee must provide satisfactory medical documentation of an injury, illness or exposure to occupational disease to the designated organizational unit representative and the immediate supervisor.
2. Satisfactory medical documentation is certification from a workers' compensation Managed Care Organization physician or emergency health care provider that the employee is physically unable to perform the duties of employment as a result of the injury, illness or exposure to occupational disease on the specified date.
3. Failure by the employee to submit satisfactory medical documentation of a work-related injury, illness or exposure to occupational disease within two (2) weeks may result in the employee's benefits being suspended.
4. An employee who does not initially contact the Managed Care Organization for a referral is not eligible for workers' compensation benefits unless the employee received emergency treatment.

Section F: Use of Leave or Leave Without Pay

1. If employees are absent due to workers' compensation claims, employees have the option of:
 - a. Using some or all their accrued FLSA compensatory time, sick, annual or personal leave; or,
 - b. Receiving workers' compensation payments for lost salary during the period of disability.
2. Employees must provide written notification of the selected option by using the Leave Election Form (Attachment #1)
3. Employees who choose to receive workers' compensation payments for lost salary will be placed on leave without pay. Employees cannot simultaneously receive workers' compensation payments and regular salary (i.e., use of accrued FLSA compensatory time or leave).
4. Absences due to a workers' compensation claim which qualifies as a serious health condition

will be charged to family leave with and/or without pay if available and as determined appropriate.

5. The designated organizational unit representative must notify the DOAS Workers' Compensation Program, when the employee loses work time or when the employee returns to work.

Section G: Wage Loss Payment

1. The waiting period for workers' compensation wage loss payments is seven (7) calendar days. Usually no payment is due for the first week of the disability.
2. Entitlement to benefits for the first seven (7) calendar days of disability or any portion of the time, requires that the employee be disabled for at least twenty-one (21) consecutive calendar days and that the first seven (7) calendar days were leave without pay.
3. In the event available leave is inadequate to cover the entire period of disability [in excess of the first seven (7) calendar days of disability] the employee would be entitled to weekly benefits as of the day the leave was exhausted.

Section H: Medical Payments

1. Medical expenses arising from a work-related injury, illness or exposure to occupational disease are covered if the claim is accepted by the DOAS Workers' Compensation Program. This includes hospital bills, prescribed drugs, ambulance charges, physician fees and other medical expenses. Expenses connected with a work-related injury, illness or exposure to occupational disease are excluded under the State Health Benefit Plan.
2. For treatment that is for some reason not covered by workers' compensation benefits, or if workers' compensation benefits terminate, employees should seek treatment from their personal health care provider.

Section I: Leave and Payment

1. 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 regular compensation, up to a maximum of 180 workdays, for the period of time that the employee is physically unable to perform the duties of employment.
2. Benefits will not be provided for more than a total of 180 workdays for injuries resulting from a single incident.
3. Special injury (also referred to as "line of duty" injury) claims are to be reported in the same manner as other workers' compensation claims. (See [DHS Human Resources Policy #1701](#)).
4. Requests for special injury leave should be carefully reviewed. The individual responsible for workers' compensation reporting should review all available information with the designated organizational unit representative to determine if the injury falls within the provisions of the Special Injury Law.
5. Notification of the decision should be sent to the employee.

NOTE

If special injury leave is approved or extended but the medical documentation of physical disability does not give a definite return to work date, the designated organizational unit representative should select and approve a reasonable time period.

6. The designated organizational unit representative must also notify the DOAS Workers' Compensation Program when the employee loses work time or when the employee returns to work.
7. If supported by satisfactory evidence of physical disability, any absence during the first seven (7) days of physical disability is covered by special injury leave and must not be charged to sick leave, annual leave, personal leave, FLSA compensatory time or leave without pay (LWOP).
 - a. Any leave charged in error to the employee during this period must be restored.
 - b. Salary adjustments must be made if the employee was placed on LWOP.

Section J: Processing and Coordination

1. During the first seven (7) days of physical disability, the employee is not eligible for workers' compensation benefits; therefore, coordination of benefits with the DOAS Workers' Compensation Program is not necessary during this time. The employee will continue to receive his/her regular salary from the Department during this time. Refer to #3 of this Section, if absence due to disability exceeds twenty-one (21) consecutive calendar days.
2. Coordination of workers' compensation benefits with the DOAS Workers' Compensation Program is required for employees absent due to physical disability beyond the first seven (7) days. The designated organizational unit representative and the DHS Office of Financial Services (OFS) - Payroll Subsection will process special injury leave beyond the first seven (7) days, as follows:
 - a. Divisions/Offices
 - I. The HR Data Transactions Section is responsible for entering personnel actions for special injury leave. The OFS - Payroll Subsection is responsible for monitoring special injury leave data entry and will immediately reduce the injured employee's regular salary by two-thirds (2/3), resulting in the injured employee receiving one third (1/3) of the regular salary from the Department.
 - II. The designated organizational unit representative must contact the DOAS Workers' Compensation Program to determine the amount of any workers' compensation award and forward that information directly to the OFS - Payroll Subsection.
3. If the employee is physically disabled for twenty-one (21) consecutive calendar days as the result of a special injury, the employee becomes eligible for workers' compensation salary benefits for the first seven (7) days of physical disability.
 - a. Since the employee has already received the regular salary for the first seven (7) days from the Department (See #1 in this Section, above), the workers' compensation salary benefits will result in an overpayment to the injured employee.
 - b. Adjustments in compensation should be put into place as soon as feasible to recoup the overpayment.

- I. For employees in Divisions and Offices, the appropriate transactions center representative should communicate directly with the DOAS Workers' Compensation Program to determine the amount of the overpayment and should notify the OFS - Payroll Subsection who will adjust compensation as soon as feasible to recoup any overpayment.
- II. For County DFCS employees, the designated organizational unit representative should communicate directly with the DOAS Workers' Compensation Program to determine the amount of overpayment and should then take steps to adjust compensation as soon as feasible to recoup the overpayment.

Section K: Change in Work Status

1. The employee's supervisor must notify the designated organizational unit representative when the employee returns to work or has any other change in employment or workers' compensation status. (This includes time status changes.) The designated organizational unit representative must immediately notify the DOAS Workers' Compensation Program.
2. If the employee returns to work from a period of special injury leave, the supervisor or designated organizational unit representative should notify the appropriate transactions center staff to enter personnel action to return the employee from special injury leave.

Section L: Expiration of Special Injury Leave Benefits

1. An employee who remains physically disabled after 180 workdays is no longer eligible for special injury leave benefits. Regular workers' compensation benefits will then apply. The supervisor or designated organizational unit representative is to notify the appropriate transactions center to enter personnel action to return the employee from special injury leave.

Section M: Health and Flexible Benefits Premiums

1. The employee's designated organizational unit representative is responsible for ensuring that the employee continues to have payroll deductions for any health insurance and/or flexible benefits premiums for which the employee is responsible during the period of special injury leave. If payroll deductions are not possible, the designated organizational unit representative must ensure the employee is made aware of the employee's responsibility to make direct payment(s).

For additional information or assistance, please contact your local Human Resource Office, or email DHS-Policies@dhs.ga.gov.

1702 A1 Leave Election Form