

Human Resources

AP 7343 INDUSTRIAL ACCIDENT AND ILLNESS LEAVE

References:

Education Code Sections 87787 and 88192

An employee who is absent from duty because of an illness or injury defined as an industrial accident or industrial illness under provisions of the workers' compensation laws of California and acknowledged as such by the District's Workers Compensation Provider, will be granted paid industrial accident leave for each accident or illness. This paid leave shall apply while the employee is receiving temporary disability benefits from the District's Workers Compensation Provider. Industrial accident or illness leave shall be reduced by one (1) day for each day of authorized absence regardless of a temporary disability indemnity award. Rules governing such leave are as follows:

Duration and Accumulation

Classified Employees: A maximum of 60 working days shall be granted in any one fiscal year for the same accident.

Academic Employees: Such leave shall not exceed 60 days during which the colleges of the District are required to be in session or when the academic employee would otherwise have been performing work for the District in any one fiscal year for the same industrial accident.

Medical Examination

Such leave will commence on the first day of absence caused by such accident or illness and verified as follows:

- Each employee who is absent for any period of time for reasons claimed to be due to a work-related injury or illness shall, before returning to work, bring a written medical verification, signed by the physician, or religious advisor if required by religious tenets, indicating the nature of the injury or illness, inclusive dates when the employee is unable to work because of medical condition, the date the employee can return to work, and work limitations, if any. This medical statement shall be given to Human Resources.
- The District has the right to have the employee examined by a physician designated by the District to assist in determining the length of time during which the employee will be temporarily unable to perform assigned duties and the degree to which a disability is attributable to the injury involved.

Reimbursement

The payment for wages lost on any day shall not, when added to an award granted the employee, exceed the normal wage for the day.

Industrial Accident and Illness Leave

- a. Such leave shall not affect the normal accumulated sick leave.
- b. Such leave is not accumulative from year to year. If an absence overlaps into a new school year, the employee will have available only that amount which was not used the prior year for the same accident or illness.
- c. Classified: If the employee is unable to return to duty after exhausting paid industrial accident and illness leave, the employee will receive paid illness leave and vacation leave provided such leaves have been accumulated. Such accumulated leave allowances will be reduced only in the amount necessary to provide a full day's wages or salary, when added to compensation from the District's Workers Compensation Provider. During all such paid leaves of absence, the employee shall endorse to the District all benefit checks received under the workers' compensation laws of the state.
- d. Academic: If the academic employee is unable to return to duty after exhausting paid industrial accident and illness leave, the academic employee will receive any accumulated paid sick leave and other extended sick leave benefits. Such leave shall not affect the normal accumulated sick leave. Such leave allowances will be reduced only in the amount necessary to provide a full day's wages or salary, when added to compensation from District's workers compensation fund.

Residency Requirement

An employee receiving benefits under these provisions shall, during periods of injury or illness, remain within the State of California unless otherwise authorized by the Governing Board.

Separation from District Employment

Classified: When all available leaves of absence paid or unpaid have been exhausted and if the classified employee is not medically able to assume the duties of the position, the person shall be placed on a reemployment list for a period of 39 months. During the 39 month period, the employee if medically able shall be employed in a vacant position in the class of the person's previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations.

Academic: When all available leaves of absence, paid or unpaid, have been exhausted and if the academic employee is not medically able to assume the duties of the position, the person shall be separated from employment with the District.

An employee who has been placed on a reemployment list, as provided above, who has been medically released for return to duty and who fails to accept an appropriate assignment, shall be dismissed.

Information on industrial illness leave for represented employees can be found in the respective collective bargaining agreement.

Date Adopted: June 16, 2015

(This is a new procedure recommended by the Policy and Procedure Service.)