

REGULATION 4161.11, 4261.11, 4361.11: INDUSTRIAL ACCIDENT/ILLNESS LEAVE

Original Adoption: _____

An eligible employee shall be entitled to a leave of absence for an industrial accident or illness arising in the course of his/her assigned duties.

For such leave, the employee shall be granted no more than 60 working days in any one fiscal year for the same industrial accident or illness.

Allowable industrial accident or illness leave shall not be accumulated from year to year.

When an employee is absent from his/her duties because of an industrial accident or illness:

- 1. The leave shall start on the first day of absence.*
- 2. During the period of absence, the employee shall be paid such portion of his/her wage or salary that, when added to the award granted under state workers' compensation laws, will not exceed his/her normal wage or salary.*
- 3. The leave shall be reduced by one day for each day of authorized absence, regardless of an award granted under workers' compensation laws.*
- 4. When the leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury.*

During any paid leave of absence, the employee shall endorse to the district any workers' compensation checks received on account of an industrial accident or illness. The Superintendent or designee shall then issue payment of the employee's normal wage or salary less any appropriate deductions, including, but not limited to, employee retirement contributions.

Absence for industrial accident or illness shall not be considered a break in service of the employee. An employee using such leave shall retain all status and benefits to which he/she would otherwise be entitled.

When available industrial accident or illness leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request any additional paid or unpaid leave available to the employee.

Upon expiration of allowable leave for an industrial accident or illness, the employee may use personal illness and injury leave provided pursuant to Education Code 44977, 44978, 44983, or 45191, as applicable, provided that such leave, when added to any continuing workers' compensation award, does not result in a payment to the employee of more than his/her full wage or salary.

If a certificated employee is unable to resume the duties of his/her position after exhausting all accumulated sick leave, including the consecutive five-month period provided by Education Code 44977, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 24 months if he/she is a probationary employee or 39 months if he/she is a permanent employee. If the employee becomes medically able to resume duties during the period of reemployment eligibility, he/she shall be returned to employment in a position for which he/she is credentialed and qualified.

If a classified employee has exhausted all available leaves of absence, paid or unpaid, and is not medically able to resume the duties of his/her position, he/she shall, if not placed in another position, be placed on a reemployment

list for a period of 39 months. If he/she becomes medically able to resume duties during the period of reemployment eligibility, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other candidates except those on a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with seniority regulations. If the employee is medically released to return to duty but fails to accept an appropriate assignment, he/she shall be dismissed.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 44043
 Ed. Code 44044
 Ed. Code 44977
 Ed. Code 44978
 Ed. Code 44978.1
 Ed. Code 44983
 Ed. Code 44984
 Ed. Code 45191
 Ed. Code 45192
 Lab. Code 3200-6002

Description

Temporary disability
 Temporary disability checks; waiver of endorsement to district
 Salary schedule for substitute employees
 Sick leave, certificated employees
 Inability to return to duty; placement in another position or on reemployment list
 Compensation during leave, certificated employees
 Required rules for industrial accident and illness leave
 Personal illness and injury leave, classified employees
 Industrial accident and illness leave for classified employees
 Workers' compensation and insurance

Management Resources

Website

Description

California Department of Industrial Relations

Cross References

Code

4112.2
 4112.2
 4112.9
 4112.9-E (1)
 4113.4
 4116
 4116
 4154
 4154
 4157
 4157
 4157.1
 4157.2
 4161
 4161
 4161.1
 4212.9
 4212.9-E (1)
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 4218
 4254
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Description

Certification
 Certification
 Employee Notifications
 Employee Notifications
 Temporary Modified/Light-Duty Assignment
 Probationary/Permanent Status
 Probationary/Permanent Status
 Health and Welfare Benefits
 Health and Welfare Benefits
 Employee Safety
 Employee Safety
 Work-Related Injuries
 Ergonomics
 Leaves
 Leaves
 Personal Illness/Injury Leave
 Employee Notifications
 Employee Notifications
 Temporary Modified/Light-Duty Assignment
 Probationary/Permanent Status
 Layoff/Rehire
 Dismissal/Suspension/Disciplinary Action
 Dismissal/Suspension/Disciplinary Action
 Health and Welfare Benefits
 Health and Welfare Benefits
 Employee Safety
 Employee Safety
 Work-Related Injuries

4257.2	<i>Ergonomics</i>
4261	<i>Leaves</i>
4261	<i>Leaves</i>
4261.1	<i>Personal Illness/Injury Leave</i>
4312.9	<i>Employee Notifications</i>
4312.9-E (1)	<i>Employee Notifications</i>
4313.4	<i>Temporary Modified/Light-Duty Assignment</i>
4354	<i>Health and Welfare Benefits</i>
4354	<i>Health and Welfare Benefits</i>
4357	<i>Employee Safety</i>
4357	<i>Employee Safety</i>
4357.1	<i>Work-Related Injuries</i>
4357.2	<i>Ergonomics</i>
4361	<i>Leaves</i>
4361	<i>Leaves</i>
4361.1	<i>Personal Illness/Injury Leave</i>