

INDUSTRIAL ACCIDENT & ILLNESS LEAVE

References: *Education Code Sections 87787 and 88192*

Academic Employees

Unit Members will be entitled to industrial accident leave according to the provision on Education Code Section 87787 for personal injury which has qualified for Worker's Compensation under the provisions of the workers compensation insurance.

A Unit Member shall be entitled to a leave of up to sixty (60) working days on account of an industrial accident or illness in any one (1) fiscal year for the same accident. Such leave shall not exceed sixty (60) days during which the District is required to be in session or when the Unit Member would otherwise have been performing work for the District in any one (1) fiscal year.

Allowable leave shall not be accumulated from year to year.

A Unit Member who has suffered possible injury in the performance of assigned duties shall immediately undergo such medical examination as the employer deems necessary. The Unit Member shall not be considered absent from duty during the time required for such examination. The College District has the right to have the employee examined by a physician designated by the District, unless the employee has pre-designated a personal physician, to assist in determining the length of time during which the Unit Member will be temporarily unable to perform assigned duties and the degree to which a disability is attributable to the injury involved. All medical examinations required by the College District shall be at no cost to the Unit Member. Industrial accident or illness leave shall commence on the first day of absence.

When a Unit Member is absent from his/her duties on account of an industrial accident or illness, the Unit Member shall be paid the portion of the salary due him/her for any month in which the absence occurs as, when added to his/her temporary disability indemnity under the Labor Code, will result in a payment to the Unit member of not more than his/her full salary. "Full salary," shall be computed so that it shall not be less than the Unit Member's "average weekly earnings" as that phrase is used in Labor Code Section 4453. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in Labor Code Section 4453 shall otherwise not be deemed applicable.

Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award.

INDUSTRIAL ACCIDENT & ILLNESS LEAVE

When an industrial accident or illness leave overlaps into the next fiscal year, the Unit Member shall be entitled to only the amount of unused leave due him/her for the same illness or injury.

Upon termination of the industrial accident or illness leave, the Unit Member shall be entitled to the benefits provided in Education Code Sections 87780, 87781 and 87786, and, for the purposes of each of these sections, his/her absence shall be deemed to have commenced on the date of termination of the industrial accident or illness leave. However, if the Unit Member continues to receive temporary disability indemnity, he/she may elect to take as much of his or her accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the Unit Member of not more than his/her full salary.

During any period of disability for which payment is not provided under the workers' compensation insurance, the Unit member shall be placed on a disability leave with pay to the extent of any leave with pay that the Unit Member has accrued. Such disability leave with pay shall be charged against the Unit Member's leave with pay.

During any paid leave of absence, the Unit Member may endorse to the College District the temporary disability indemnity checks received on account of his/her industrial accident or illness. The College District shall issue the Unit Member appropriate salary warrants for payment of the Unit Member's salary and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by the salary warrants.

All disability leave provisions of this section shall terminate on the date of the Unit Member's recovery from disability, receipt of permanent disability under the workers' compensation insurance, retirement, termination from College District employment, or death.

Classified Employees

In addition to any other benefits that an employee may be entitled to under the Workers' Compensation laws of the State, employees with three (3) years of service with the College District shall be entitled to the following benefits:

Classified employees shall be entitled to not less than sixty (60) working days leave on account of an industrial accident or illness, in any one fiscal year for the same accident or illness. This leave shall not be accumulative from year to year and when the leave will overlap into the next fiscal year, the employee shall be entitled to only that amount

INDUSTRIAL ACCIDENT & ILLNESS LEAVE

remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

Industrial accident or illness leave of absence will commence on the first day of absence.

Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.

Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workers' compensation.

The industrial accident or illness leave of absence is to be used in lieu of normal sick leave benefits. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is still receiving temporary disability payments, the person shall be entitled to use only so much of the person's accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's pay at regular rate of pay.

Any time an employee on industrial accident or illness leave is able to return to work, he/she shall be reinstated in his/her position.

An employee who has suffered possible injury in the performance of assigned duties shall immediately undergo such medical examination as the employer deems necessary. The employee shall not be considered absent from duty during the time required for such examination. The College District has the right to have the employee examined by a physician designated by the College District, unless the employee has pre-designated a personal physician, 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. All medical examinations required by the College District shall be at no cost to the employee. Industrial accident or illness leave shall commence on the first day of absence.

Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

During all paid leaves of absence, whether industrial accident leave as provided in this procedure, sick leave, vacation, compensated time off or other available leave provided by law or the action of the College District, the employee shall endorse to the College District wage loss benefit checks received under the workers' compensation laws of this

INDUSTRIAL ACCIDENT & ILLNESS LEAVE

state. The College District, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this procedure.

When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of the person's position, the person, if not placed in another position, shall be placed on a reemployment list for a period of 39 months. When available, during the 39 month period, the person 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.

All service of an employee prior to the effective date of any such requirement shall be credited in determining compliance with the requirement.

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.

Academic Administrators

Administrators will be entitled to industrial accident and illness leave according to the provision in Education Code 87787 for personal injury which has qualified for Workers' Compensation.

An administrator who has suffered possible injury in the performance of assigned duties shall immediately undergo such medical examination as the employer deems necessary. The employee shall not be considered absent from duty during the time required for such examination. The College District has the right to have the employee examined by a physician designated by the College District, unless the employee has pre-designated a personal physician, 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. All medical examinations required by the District shall be at no cost to the employee. Industrial accident or illness leave shall commence on the first day of absence.

A regular administrator who is unable to perform any appropriate work assignment because of a disability incurred in the performance of assigned duties shall be entitled to the following disability leave benefits:

INDUSTRIAL ACCIDENT & ILLNESS LEAVE

Such leave shall not exceed sixty (60) days during which the College District is required to be in session or when the employee would otherwise have been performing work for the College District in any one fiscal year for the same industrial accident.

During any period of disability for which payment is not provided under the workers' compensation insurance, the employee shall be placed on disability leave with pay to the extent of any leave with pay that the employee has accrued. Such disability leave with pay shall be charged against the employee's accrued leave with pay.

During any period of disability for which payment is provided under the workers' compensation insurance, the employee may elect to receive College District disability leave with pay to the extent of his/her accrued sick leave, providing the temporary disability checks received by the employee are endorsed to the College District. Under such circumstances, the accrued leave with pay shall be reduced proportionate to workers' compensation laws of this state for each full day of absence for which temporary disability benefits are endorsed to the College District.

All disability leave provisions shall terminate on the date of the employee's recovery from disability, receipt of permanent disability under the workers' compensation laws of this state, retirement, termination from College District employment, or death.

Classified Administrators

Classified Administrators will be entitled to industrial accident and illness leave according to the provision in Education Code Section 88192 for personal injury which has qualified for Workers' Compensation.

An administrator who has suffered possible injury in the performance of assigned duties shall immediately undergo such medical examination, as the employer deems necessary. The employee shall not be considered absent from duty during the time required for such examination. The College District has the right to have the employee examined by a physician designated by the College District, unless the employee has pre-designated a personal physician, 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. Industrial accident or illness leave shall commence on the first day of absence. All medical examinations required by the College District shall be at no cost to the employee.

INDUSTRIAL ACCIDENT & ILLNESS LEAVE

A regular administrator who is unable to perform any appropriate work assignment because of disability incurred in the performance of assigned duties shall be entitled to the following disability leave benefits:

Such leave is a minimum of sixty (60) days during which the College District is required to be in session or when the employee would otherwise have been performing work for the College District in any one fiscal year for the same industrial accident.

During any period of disability for which payment is not provided under the workers' compensation laws of this state, the employee shall be placed on disability leave with pay to the extent of any leave with pay that the employee has accrued. Such disability leave with pay shall be charged against the employee's accrued leave with pay.

During any period of disability for which payment is provided under the workers' compensation laws of this state, the employee may elect to receive College District disability leave with pay to the extent of his/her accrued sick leave, providing the temporary disability checks received by the employee are endorsed to the College District. Under such circumstances, the accrued leave with pay shall be reduced proportionate to workers' compensation laws of this state for each full day of absence for which temporary disability benefits are endorsed to the College District.

All disability leave provisions shall terminate on the date of the employee's recovery from disability, receipt of permanent disability under the workers' compensation laws of this state, retirement, termination from College District employment, or death.