

INDUSTRIAL ACCIDENT LEAVE

1. For the purpose of this section, the term “duty” refers to all scheduled working days, including legal and Board declared holidays, on which a certificated employee is authorized to receive salary payment.
2. The term “qualifying for workers’ compensation” requires that an accident report be filled out and kept on file in the district. In the event of a rejection of the claim by the district, industrial accident leave shall not apply. The employee has the right to appeal such decisions to the Workers’ Compensation Appeals Board.
3. An industrial accident or illness means an illness or injury incurred within the course and scope of employment.
4. Certificated management employees who are absent from duty because of illness or injury resulting from industrial accident qualifying for workers’ compensation are granted industrial accident leave under the following conditions:
 - a. Industrial accident leave applies from the first day of such absence from duty, up to and including the last day of such absence from duty but not exceeding sixty (60) working days in any fiscal year for the same industrial accident.
 - b. The amount of salary paid to such employee in any calendar month will be the salary he/she would have received had he/she not suffered the industrial accident or illness.
 - c. Days of absence under industrial accident leave shall not be deducted from the employee’s sick leave accumulations but the amount of industrial accident leave shall be reduced by one (1) day for each day of such authorized absence from duty regardless of a compensation award.
 - d. If the employee is still absent from duty after 60 days of industrial leave as a result of such industrial accident, he/she shall then be entitled to the benefits provided by the law and district policy for accrued sick leave and extended sick leave, respectively.
 - e. For any days of absence from duty as a result of the same industrial accident whether the employee receives salary payments under industrial accident leave, other paid leave, or vacation, the employee shall endorse to the district any wage loss benefit check from the District Compensation Insurance Fund which would make his/her total compensation from both sources exceed one hundred percent (100%) of the amount he/she would have received as salary had he/she not suffered the industrial accident or illness.
 - f. If an industrial accident absence beginning in one fiscal year extends into the next fiscal year, the employee shall be entitled in the new fiscal year for the same accident or illness only to the amount of unused industrial accident leave remaining at the end of the fiscal

year in which the industrial accident occurred.

- g. Allowable industrial accident leave shall not be accumulated from year to year.
 - h. In order to be eligible for industrial accident leave, while absent from duty with the district, the employee shall remain within the state of California unless prior approval is granted by the Board for travel outside the state.
 - i. An employee who is eligible to return to service and has been medically released for return to his/her duties, but fails to accept an appropriate assignment may be placed on health leave of absence or unpaid leave.
5. Classified management employees who are absent from duty because of illness or injury resulting from industrial accident qualifying for workers' compensation are granted industrial accident leave under the following conditions:
- a. Paid industrial accident leave shall be for not more than sixty (60) working days in any one fiscal year for the same illness or injury.
 - b. Paid industrial accident leave shall be reduced by one (1) day for each day of authorized absence regardless of the temporary disability allowance made under workers' compensation. Days absent while on paid industrial accident leave shall not be deducted from the number of days of paid illness leave to which an employee may be entitled under the Education Code.
 - c. If the employee is still unable to return to duty after exhausting paid industrial accident leave, the employee shall be placed on paid sick leave if he/she is eligible therefore. When sick leave, vacation or other available paid leave is used in conjunction with temporary disability benefits derived from workers' compensation, the employee's salary shall be reduced only in that amount necessary to provide a full day's wage or salary when added to the temporary disability benefits.
 - d. After all paid sick leave has been exhausted following a paid industrial accident leave, an employee may choose to receive pay from accrued vacation or other earned leave to the extent necessary to make up the employee's regular salary when receiving a temporary disability allowance without penalties from the District Compensation Insurance Fund.

After the expiration of all paid leave privileges, the Superintendent may place the employee on an industrial accident leave without pay, and during such time the employee may be placed on a reemployment list for a period of thirty-nine (39) months. The total time of all leave benefits provided under these rules, including unpaid industrial accident leave, shall not exceed thirty-six (36) months for any one industrial accident or industrial illness.

A physician's release for the employee will be required by the District Superintendent prior

to returning to work.

- e. Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a position in his/her former class ahead of any employee with less seniority. If an employee's former class has ceased to exist, the employee may be reassigned or placed on a suitable reemployment list.
- f. An employee returning from such paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically provided in applicable provisions of the Education Code and Personnel Commission Rules. An employee shall continue to receive seniority credit for all purposes while on such a paid or unpaid leave of absence.
- g. When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness, the employee's name shall be placed on the reemployment list for the class from which he/she was on leave for a period not to exceed thirty-nine (39) months.
- h. An employee who fails to accept an appropriate assignment after being medically approved therefore shall be removed from the reemployment list. "Appropriate assignment" is defined as an assignment to the employee's former class, in his/her former status and time basis, and in assignment areas in which the employee has made himself/herself available. Employees removed from a reemployment list under this rule may appeal the removal to the Personnel Commission.
- i. While an employee is on any paid leave resulting from an industrial accident or industrial illness, the employee's salary paid by the district shall not, when added to a normal temporary disability allowance award without penalties granted the employee under State Workers' Compensation Insurance laws, exceed the employee's regular salary. A permanent employee's salary is computed on the basis of the number of hours and days in their basic daily assignment. An employee who is not permanent shall have his/her regular salary computed on the basis of the average number of hours worked each month in which the employee was in paid status during the preceding year.
- j. During all paid leaves resulting from an industrial accident or industrial illness, the employee shall endorse to the district all wage-loss benefit checks received under State Workers' Compensation Insurance laws. The district shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary and/or leave benefits and shall deduct normal retirement and other authorized contributions.

Final allowance for permanent industrial disability settlements shall not be subject to remittance to the district under this rule.