

INDUSTRIAL ACCIDENT LEAVE AND INDUSTRIAL ILLNESS LEAVE

Leaves resulting from an industrial accident or industrial illness shall be granted in accordance with the provisions of Education Code Section 44043 and the following:

1. A Confidential employee who is absent from duty because of illness or injury defined as an industrial accident or industrial illness under the provisions of the district Workers' Compensation Insurance laws shall be granted paid industrial accident leave for each such accident or illness while receiving temporary disability benefits provided that:
 - a. He/she has six (6) months service in the district.
 - b. In the opinion of the district superintendent or his/her designated representative, the illness or injury constitutes an industrial accident or illness or, if contested, it is ultimately determined to be work connected.
 - c. Any employee receiving benefits as a result of this section shall, during the period of injury or illness, remain within the State of California unless prior approval is granted by the Board of Trustees.
2. Paid industrial accident leave shall be for not more than sixty (60) working days in any one (1) fiscal year for the same illness or injury.
3. 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 and Personal Illness or Injury Leave Policy.
4. If an 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.
5. 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 prior to returning to work.

6. 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.
7. An employee returning from such paid or unpaid leave of absence shall not have any loss or gain in status of benefits other than that which is specifically provided in applicable provisions of the Education Code and district rules. An employee shall continue to receive seniority credit for all purposes while on such a paid or unpaid leave of absence.
8. 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.
9. An employee who fails to accept an appropriate assignment after being medically approved for return to work 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 in assignment areas in which the employee has made himself/herself available.
10. 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 district 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 his/her basic daily assignment. An employee who is not full time 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.
11. 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 district

12. 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.