

Industrial Accident and Illness LeaveCertificated Management Employee

When a certificated management employee is absent from his/her duties because of an industrial accident or illness, the following rules shall apply:

1. Allowable leave for any single accident or illness shall be for not less than sixty (60) days during which the schools of the district are in session, or when the employee would otherwise have been performing work for the district in any one school year.
2. Allowable leave shall not accumulate from year to year.
3. Industrial accident or illness leave shall start on the first day of absence.
4. An employee on allowable leave for industrial accident or illness shall be paid such portion of the salary due for any month in which the accident occurs as, when added to the temporary disability indemnity under Division 4 or 4.5 of the Labor Code, will result in a payment to the employee of not more than his/her full salary. (Education Code 44984(d))
5. 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.
6. When an industrial accident or illness 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. On expiration of allowable leave for an industrial accident or illness leave the employee may use personal illness and injury leave as provided by Education Codes 44977, 44978 and 44983. If the employee continues to receive temporary disability indemnity, he/she may elect to take as much of the accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than the employee's full salary.

During any paid leave of absence the employee may endorse to the district the temporary disability indemnity checks received on account of his/her industrial accident or illness. In those cases, the district will issue appropriate salary warrants for payment of the employee'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 such salary warrants.

Any employee receiving benefits under this leave shall, during periods of injury or illness, remain within the State of California unless the Governing Board authorizes travel outside the state.

Classified Management and Confidential Employee

When a classified management or confidential employee is absent from his/her duties because of an industrial accident or illness, the following rules shall apply:

1. Allowable leave for any single accident or illness shall be sixty (60) days in any one fiscal year.
2. Allowable leave shall not accumulate from year to year.
3. Industrial accident or illness leave shall start on the first day of absence.
4. 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 and Illness Leave

5. Industrial accident or illness leave shall be reduced by one (1) day for each day of authorized absence, regardless of a compensation award made under workers' compensation.
6. When an industrial accident or illness leave occurs at a time when the full sixty (60) days overlaps into the next fiscal year, the employee is entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury. Upon expiration of allowable leave for an industrial accident or illness leave, the employee shall use personal illness and injury leave as provided by Education Code 45191. If the employee continues to receive workers' compensation, he/she shall be entitled to use only as much of his/her accumulated or available sick leave, accumulated compensating time, vacation or other available leave as, when added to the employee's workers' compensation award, will provide for a full day's wage or salary.
7. When available paid leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request additional leave.
8. 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 his/her position, the employee shall, if not placed in another position, be placed on a reemployment list for a period of thirty-nine (39) months. When available, during the 39-month period, the employee shall be employed in a vacant position in the class of the employee'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 employee shall be listed in accordance with appropriate seniority regulations.
9. During any paid leave of absence, the employee shall endorse to the district the workers' compensation checks received on account of his/her industrial accident or illness. In those cases, the district will issue appropriate salary warrants for payment of the employee's salary, and shall deduct normal retirement and other authorized contributions.
10. Any employee receiving benefits under this section shall, during periods of injury or illness, remain within the State of California unless the Governing Board authorizes travel outside the state.

Legal References:

EDUCATION CODE

- 44984 Required rules for industrial accident and illness leave of absence
- 45191 Leave of absence for illness or injury
- 45192 Industrial accident and illness leaves for classified employees