
Industrial Accident and Illness Leave

Policy 5-202

Scope:

This policy applies to all District employees, including certificated employees, classified employees, and confidential, supervisory, and management personnel who sustain injuries or illnesses arising out of and in the course of their employment with the District.

Policy Statement

The Governing Board is committed to providing a safe working environment for all employees. When work-related injuries or illnesses occur, the District shall provide industrial accident and illness leave benefits in accordance with applicable law, ensuring that employees receive appropriate support while recovering from work-related injuries or illnesses.

Purpose

The Governing Board recognizes its obligation to provide industrial accident and illness leave to employees who sustain work-related injuries or illnesses. This policy establishes the District's commitment to supporting employees through the Workers' Compensation process while ensuring compliance with Education Code sections 44984 and 45192.

1. Leave Entitlement

- Employees who sustain work-related injuries or illnesses shall be entitled to industrial accident and illness leave for up to sixty (60) working days in any one fiscal year for the same accident or illness.
- Industrial accident and illness leave shall not be deducted from sick leave, vacation, or any other accumulated leave to which the employee may be entitled.
- During industrial accident and illness leave, employees shall receive their full salary, coordinated with Workers' Compensation temporary disability benefits as required by law.

2. Eligibility

- To be eligible for industrial accident and illness leave, the injury or illness must arise out of and in the course of the employee's employment with the District.

- Employees requesting industrial accident or illness leave shall promptly report the injury or illness and comply with workers' compensation claim procedures.
- Employees must comply with all reporting requirements and medical treatment protocols established by the District and the Workers' Compensation system.

3. Coordination with Workers' Compensation

- Industrial accident and illness leave shall be coordinated with Workers' Compensation benefits to ensure employees receive their full salary without duplication of benefits.
- Employees receiving temporary disability payments shall endorse such payments to the District while receiving full salary during industrial accident and illness leave.
- The District shall comply with all requirements of California Workers' Compensation law.

4. Return to Work

- Employees returning from industrial accident and illness leave must provide medical clearance from their treating physician.
- The District shall engage in an interactive process to provide reasonable accommodations or modified duty assignments when appropriate and as required by law.
- The District is committed to facilitating employees' safe return to work following work-related injuries or illnesses.
- An absence due to an industrial accident or illness shall not constitute a break in service. Employees on industrial accident or illness leave shall retain all employment status, rights, and benefits to which they would otherwise be entitled under applicable law, Board policy, and collective bargaining agreements.

5. Exhaustion of Leave

When industrial accident and illness leave is exhausted and the employee remains unable to return to work, the employee may utilize other available leave benefits, including accumulated sick leave, differential pay, or unpaid leave, in accordance with applicable law and collective bargaining agreements.

6. Collective Bargaining

This policy shall be applied in coordination with any applicable collective bargaining agreements. In the event of a conflict between this policy and a collective bargaining agreement, the collective bargaining agreement shall prevail to the extent permitted by law.

Administrative Regulations

Eligibility

Industrial accident and illness leave shall be provided to any employee who sustains an injury or illness arising out of and in the course of employment with the District. By way of illustration and not limitation, this includes injuries or illnesses that occur:

- While performing assigned duties on District premises;
- While traveling on District business
- During District-sponsored activities or events where the employee is acting within the scope of employment;
- Under other circumstances where the injury or illness is compensable under California Workers' Compensation law.

Leave Entitlement

1. Duration of Leave

Employees shall be granted industrial accident and illness leave for up to sixty (60) working days in any one fiscal year for the same industrial accident or illness. The sixty (60) working days need not be consecutive.

For certificated employees, working days are those days on which the employee's services are required.

For classified employees, working days are those days on which the employee is scheduled to work.

2. Non-Deduction from Other Leave Balances

Industrial accident and illness leave shall **not be deducted** from sick leave, vacation, or any other accumulated leave. This leave is in addition to other leave benefits to which the employee is entitled.

3. Compensation During Leave

During industrial accident and illness leave, the employee shall receive full salary without loss of benefits. When an employee is receiving temporary disability indemnity payments under Workers' Compensation, the District shall pay only the difference between the

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Revised on:

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employee's regular salary and the amount of temporary disability payments, so that the employee receives full salary.

Coordination with Workers' Compensation

1. Endorsement of Temporary Disability Checks

When an employee receives temporary disability indemnity payments from the Workers' Compensation insurance carrier while on industrial accident and illness leave, the employee shall endorse such payments to the District. The District shall continue to pay the employee's full salary, and the endorsed temporary disability payments shall be credited to the District.

2. Required Workers' Compensation Claim

Employees requesting industrial accident or illness leave shall promptly report the injury or illness and cooperate with the District's workers' compensation reporting and claims procedures, including completion of required claim forms. The District shall provide the employee with the required claim forms and assist in the filing process.

3. Medical Treatment and Examinations

Employees receiving industrial accident or illness leave shall cooperate with the workers' compensation process, including attending medical appointments and examinations required by law, providing work-status reports and medical certifications regarding work restrictions, and complying with District reporting requirements.

Reporting Requirements

1. Initial Report of Injury or Illness

Employees must report any work-related injury or illness to their immediate supervisor and the District office **immediately**, but no later than **24 hours** after the injury or illness occurs or becomes apparent. Late reporting may affect eligibility for benefits.

The report shall include:

- Date, time, and location of the incident;
- Nature and extent of the injury or illness;
- How the injury or illness occurred;

- Names of any witnesses;
- Medical treatment received or required.

2. Ongoing Communication

Employees on industrial accident and illness leave shall maintain regular communication with the District regarding their medical status, anticipated return to work date, and any changes in their condition. Medical documentation may be required at the District's discretion.

When Industrial Accident Leave is Exhausted

After the sixty (60) working days of industrial accident and illness leave are exhausted, and if the employee is still unable to return to work, the employee may utilize accumulated sick leave, other paid leave, differential pay, or unpaid leave in accordance with applicable law and collective bargaining agreements.

The District shall continue to coordinate with the Workers' Compensation system for ongoing benefits and shall comply with all applicable disability accommodation requirements under federal and state law.

Return to Work

1. Medical Clearance

Before returning to work from industrial accident and illness leave, the employee must provide the District with a medical clearance from their treating physician indicating:

- The employee is released to return to work;
- Whether the return is with or without work restrictions;
- If restrictions apply, the specific nature and duration of such restrictions.

2. Modified Duty and Reasonable Accommodation

If an employee returns to work with temporary restrictions, the District shall engage in an interactive process to determine whether modified or alternative duty is available that is consistent with the employee's restrictions. The District shall provide reasonable accommodations as required by law, unless doing so would impose an undue hardship on District operations.

3. Inability to Return to Regular Duties

If an employee is medically unable to return to their regular duties and no suitable modified duty is available, the employee may be eligible for:

- Continued leave under other applicable leave provisions;
- Disability retirement, if eligible;
- Other benefits as determined through the interactive process.

Recurrence of Injury or Illness

If an employee who has returned to work sustains a recurrence of the same industrial injury or illness within the same fiscal year, the employee shall be entitled to the **balance of unused leave** from the original sixty (60) working days, provided the recurrence is medically verified as related to the original injury or illness.

If the injury or illness recurs in a subsequent fiscal year, the employee shall be entitled to a new sixty (60) working days of industrial accident and illness leave.

Fraudulent Claims

Any employee who knowingly makes a false or fraudulent Workers' Compensation claim or material statement or representation for the purpose of obtaining or denying Workers' Compensation benefits or payments is guilty of a felony under California law and shall be subject to disciplinary action, up to and including termination of employment.

Coordination with Collective Bargaining Agreements

This regulation shall be applied in coordination with any applicable collective bargaining agreements. In the event of a conflict between this regulation and a collective bargaining agreement, the collective bargaining agreement shall prevail to the extent permitted by law.

Records and Documentation

The District shall maintain accurate records of all industrial accident and illness leave, including:

- Dates of injury or illness and leave taken;
- Workers' Compensation claim information;

- Medical documentation and work restrictions;
- Return to work dates and accommodations provided;
- Days of leave remaining in the sixty (60) working day entitlement.

All records shall be maintained in accordance with applicable privacy laws and regulations.

Questions and Assistance

Employees with questions regarding industrial accident and illness leave or Workers' Compensation benefits should contact the District's Human Resources office or the designated Workers' Compensation coordinator.

Legal References

- Education Code § 44984 (*Industrial accident and illness leave for certificated employees*)
- Education Code § 45192 (*Industrial accident and illness leave for classified employees*)
- Labor Code § 3200 et seq. (*Workers' Compensation*)
- Labor Code § 3550-3554 (*Criminal penalties for Workers' Compensation fraud*)
- Government Code § 3540 et seq. (*Educational Employment Relations Act*)
- Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.
- California Fair Employment and Housing Act, Government Code § 12940 et seq.