

Administrative Regulation

Classified Employees; Occupational Accident, Injury, and Illness Leave for

A classified employee who is absent from duty for causes which have been determined by the Workers' Compensation Office or the claims adjuster as constituting an occupational accident, injury, or illness shall be entitled to occupational accident, injury, or illness leave for up to 60 days in any one fiscal year.

Such leave is non-accumulative and may be taken only during those periods when the employee would normally be in a paid status.

An employee who is absent from work on account of an occupational accident, injury, or illness shall submit immediately to the Workers' Compensation Office a medical statement from a licensed physician and such other evidence as may be required affirming that the accident, injury, or illness resulted from employment with the district.

The employee may be required to submit, at any time during the absence, to a physical examination performed by a physician selected from a panel authorized by the Board of Education.

Occupational accident, injury, or illness leave shall commence on the first day of the absence and shall be reduced by one day for each day of absence authorized by the medical report, regardless of any compensation award. When such leave overlaps into the following fiscal year, the employee shall be entitled to only the amount of unused leave remaining at the end of the fiscal year in which the accident, injury, or illness occurred.

Payment for wages lost as a result of absence due to occupational accident, injury, or illness, when added to an award granted the employee under the California Workers' Compensation and Insurance laws, shall not exceed the regular salary of the employee. In the case of employees paid on an hourly basis, the normal wages for the day shall be based on the assigned work time of the employee.

Before salary payments will be made to an employee who is absent because of an occupational accident, injury, or illness, the proper report of the accident, injury, or illness must be completed on the form required by the Procedures Manual for Workers' Compensation and filed with the Workers' Compensation Office.

Any employee receiving benefits under these provisions shall, during the period of the leave, remain within the state of California unless out-of-state travel is authorized by the Board of Education.

If an employee remains disabled after entitlement to occupational accident, injury, or illness leave is exhausted, he/she shall then be placed on regular sick leave or other applicable leaves. If, when an employee goes on regular sick leave or other type of leave, he/she is receiving a compensation award, he shall be entitled to use only as much of such other leave benefits as will, when added to the award, provide for a normal full day's wage or salary.

If the employee is no longer receiving a Workers' Compensation award, but is still unable to return to work, he/she shall then be placed on regular sick leave or other available leaves.

After the expiration of all paid leave, an employee who is unable to return to work may be granted additional leave without pay for six months. Such leave may be extended for two additional six-month periods at the discretion of the Board of Education.

A period of leave under this rule, either paid or unpaid, shall not be considered to be a break in service for the employee; and the employee, while on such leave, shall continue to receive seniority credit.

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, he/she shall be employed in a vacant position in the class of his/her previous assignment over all available candidates, except for a reemployment list established in accordance with appropriate seniority requirements. If an employee's former class has ceased to exist during his/her absence, the employee shall be assigned to a vacant position in a comparable class for which qualified. An employee who has been placed on such a reemployment list, has been released for return to duty, and fails to accept a position in his/her class, shall be subject to dismissal.

The subject of this regulation is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the school district and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this regulation as they apply to employees in that unit.

(Page 2 of 2)

Ref: EC Sections 44044, 45192
Approved: February 3, 1977
Revised: September 5, 1979
Revised: March 4, 1986
Reviewed: July 1, 2000