

Human Resources

AP 7343 INDUSTRIAL ACCIDENT AND ILLNESS LEAVE

References:

Education Code Sections 87787 and 88192

Academic Employees

Academic employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness in any one fiscal year for the same accident.

Allowable leave shall not be accumulated from year to year.

Industrial accident or illness leave shall commence on the first day of absence.

When an academic employee is absent from his/her/their duties on account of an industrial accident or illness, the employee shall be paid the portion of the salary due him/her/them for any month in which the absence occurs as, when added to his/her/their temporary disability indemnity under the Labor Code, will result in a payment to the employee of not more than his/her/their full salary. "Full salary," shall be computed so that it shall not be less than the employee's "average weekly earnings" as that phrase is used in Labor Code Section 4453. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in Labor Code Section 4453 shall otherwise not be deemed applicable.

Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award.

When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due him/her/them for the same illness or injury.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in Education Code Sections 87780, 87781, and 87786, and, for the purposes of each of these sections, his/her/their absence shall be deemed to have commenced on the date of termination of the industrial accident or illness leave. However, if the employee continues to receive temporary disability indemnity, he/she/they may elect to take as much of his/her/their accumulated sick leave which, when added to his/her/their temporary disability indemnity, will result in a payment to the employee of not more than his/her/their 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/their industrial accident or illness. The District shall issue the employee 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 the salary warrants.

Any employee receiving benefits as a result of this section, during periods of injury or illness, shall remain within the State of California unless the Chief Human Resources Officer authorizes travel outside the state.

Classified Employees

Classified employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness, in any one fiscal year for the same accident.

Allowable leave shall not be accumulative from year to year.

Industrial accident or illness leave of absence will commence on the first day of absence.

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 leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workers' compensation.

When an industrial accident or illness occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be 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.

The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Education Code Section 88191. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workers' compensation, the person shall be entitled to use only so much of the person's accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.

Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

During any paid leave of absence, the employee may endorse to the District the temporary disability indemnity checks received on account of his/her/their industrial accident or illness. The District, in turn, shall issue the employee 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 the salary warrants.

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 the person's position, the person, if not placed in another position, shall be placed on a reemployment list for a period of 39 months. When available, during the 39-month period, the person shall be employed in a vacant position in the class of the person'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 person shall be listed in accordance with appropriate seniority regulations.

Pursuant to Education Code Section 88192, the District may require that an employee serve, or have served continuously, three years before the benefits provided by this section are made available to the person. All service of an employee prior to the effective date of any such requirement shall be credited in determining compliance with the requirement.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the Chief Human Resources Officer authorizes travel outside the state.

A classified employee who has been placed on a reemployment list, as provided above, who has been medically released for return to duty and who fails to accept an appropriate assignment, shall be dismissed.

See applicable collective bargaining agreement for additional relevant information.

Office of Primary Responsibility: Human Resources

Date Approved: December 13, 2011 (*Replaced College of Marin Policy 8.0007*)

Date Reviewed/Revised: October 12, 2021