

AR 4557.1 Work-Related Injuries

In accordance with sections 44984 and 45192 of the *Government Code*, the Etiwanda School District grants leaves of absence to employees who have served a minimum of three (3) years in the district, because of an injury incurred on the job as a result of carrying on their regular duties.

The leave shall be for a maximum of sixty (60) working days within one (1) fiscal year.

Industrial and accident leave starts on the first (1st) day of the absence caused by the accident.

Unused industrial and accident leave does not accumulate from year to year.

At no time shall an employee, due to the application of industrial accident and illness leave, receive more than his/her contractual salary corresponding to the period of absence.

If an industrial and accident leave has not run out by the end of the fiscal year, the employee may continue on such leave for the number of remaining days of the original sixty (60) days.

No benefits shall be paid an employee under the provisions for industrial accident and illness leave until and unless a physician, duly licensed by the state of California, certifies the need for such leave on forms supplied by the school district. The leave shall terminate at any time before the end of the sixty (60) days if said physician indicates that the employee is well enough to resume his/her duties.

The employee who is on industrial accident and illness leave shall receive full salary from the school district, with normal deductions, but shall endorse the workers' compensation check over to the school district.

Receipts of payments from the Workers' Compensation Fund shall not terminate the sixty (60)-day industrial accident and illness leave, which shall run until the full sixty (60) days have been used.

At the end of the sixty (60)-day leave, the employee may begin to draw upon sick leave, which cannot have been used concurrently with the industrial accident and illness leave. If, after the termination of the industrial accident illness leave, the employee receives payments from the Workers' Compensation Fund, only that amount of sick leave shall be used which will yield him/her the full contractual salary for the period involved, with the normal deductions.

Leaves, Return to Work After Extended Industrial or Personal Illness or With Restrictions After Illness Leave.

When an employee has been absent from work on industrial accident leave for any duration, the employee must present his/her supervisor with a completed physician's verification form before resuming work. If the verification indicates return to "regular work duty", the employee may begin work. However, if the verification indicates that there are medical restrictions upon the employees return to work, both the employee and his/her supervisor must understand the nature of the restrictions placed upon the employee.

For personal and industrial injuries and illnesses, if the release has medical restrictions, the employee must meet with his/her supervisor and the personnel office before resuming work, and one/or more of the following actions will be necessary:

1. The employee will complete a job-related questionnaire to determine the extent that the medical restriction will limit the employee's ability to perform the job and to determine if the duties can be reasonably modified to accommodate the restriction.

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2. If the restrictions are temporary and job duties can be reasonably modified to accommodate these restrictions, the employee will be allowed to return to work.
3. If the restrictions are temporary and, in the opinion of the supervisor, job duties cannot be reasonably modified, the employee will be placed on personal illness or industrial accident leave, whichever is appropriate, until the doctor's restrictions are lifted or become permanent.
4. If the restrictions are permanent, and, based on medical evidence, the employee cannot perform all the duties of the job, the employee shall be eligible for the following.
 - a. Reasonable accommodation may be made for disabled employees by identifying barriers presented by the individual's disability, identifying possible accommodations, assessing the reasonableness of the accommodation(s) and identifying alternatives such as permanent light duty work, modified work schedules, job sharing or reassignment to vacant positions. A determination shall be made as to whether the accommodation is an undue hardship, in which case the following options are available:
 - i. Those employees whose permanent disabilities are due to a work-related injury may qualify for rehabilitation benefits.
 - ii. Employees may be considered for disability retirement.

At a regular meeting held May 9, 1968, the Board of Trustees adopted a policy which includes volunteer workers in the Etiwanda School District under Worker's Compensation Insurance. However, in order to be eligible, the volunteer must be helping in relation to a specific request with knowledge and permission of the school district. Some examples would be, but not limited to:

1. Classroom volunteers;
2. District approved parent groups/programs;
3. Field trip volunteers; and
4. Student activity volunteers.

The specific delineation is necessary to eliminate the possible claims of a casual visitor who might incur injury while performing some action which could be construed as beneficial and voluntary assistance to the district.

Notifications

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's rights to receive workers' compensation benefits if injured at work. (Labor Code 3551.8 CCR 15596)

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In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, he/she shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to his/her dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation. Employees shall also be informed that pursuant to Labor Code 4906, it is a felony for an employee to make a false workers' compensation claim.

District Responsibilities

Supervisors receiving reports of a work-related employee injury shall gather appropriate information, including but not limited to:

1. The date, time and place of the injury.
2. The name, occupation and signature of the injured employee.
3. Details of how the injury occurred.
4. The names of any witnesses.

Supervisors shall promptly remit information about work-related injuries to the Superintendent or designee.

Whenever a work-related injury results in lost work time beyond the date of the injury or requires medical treatment beyond first aid, the employee shall be given a workers' compensation claim form and a notice of potential eligibility for benefits within one working day of the injury. (Labor Code 5401)

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death must be filed with the insurance carrier within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall

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immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

Employee Responsibilities

Upon receiving treatment for a work-related injury, the employee shall obtain a medical verification of his/her condition, indicating any limitations on the employee's ability to work, the anticipated time needed for recovery from these limitations, and the type of work modification needed.

The district has designated a medical carrier where employees will be taken in case of a work-related injury. Employees who wish to be taken to their personal physician for treatment of work-related injuries must have a valid pre-designation physician form on file with the Superintendent or designee. It is the employee's responsibility to inform his/her supervisor that he/she has such a request on file. (Labor Code 4600)

To qualify for workers' compensation, employees must notify their supervisor of a work-related injury within 30 days. (Labor Code 5400)

The District does not process workers' compensation benefits but uses a third-party administrator. Once a claim is approved by the third party administrator, it is the employee's responsibility to ensure that benefits are received timely and in the appropriate amount, and to report any problems or inaccuracies directly to the third party administrator. It is also the employee's responsibility to contact the third party administrator directly regarding any change in status or benefits.

Claims Related to COVID-19

Until January 1, 2023, an employee is presumed to be entitled to workers' compensation benefits for illness or death resulting from COVID-19 if the diagnosis was made within 14 days after the employee performed labor or services at the place of employment and if the employee contacted COVID-19 during an outbreak at the employee's specific place of employment. (Labor Code 3212.86, 3212.88)

For this purpose, an outbreak means that, within 14 calendar days, one of the following occurs at a specific place of employment: (Labor Code 3212.88)

1. If a specific place of employment has 100 employees or fewer, four employees test positive for COVID-19.
2. If a specific place of employment has more than 100 employees, for percent of the number of employees who reported to the specific place of employment test positive for COVID-19.
3. A specific place of employment is ordered to close by a local public health department, the California Department of Public Health, Cal/OSHA, or the Superintendent due to a risk of infection with COVID-19.

The Superintendent or designee may rebut a presumption that COVID-19 was contracted during the course and scope of employment by offering evidence to the Workers' Compensation Appeals Board, such as the measures that were in place at the employee's specific place of employment to reduce potential transmission

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of COVID-19 and evidence of an employee's nonoccupational risk of contracting COVID-19. (Labor Code 3212.86, 3212.88)

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