

AR 4561.11 Industrial Accident and Illness Leave

In accordance with sections 44984 and 45192 of the Education Code, the Etiwanda School District grants leaves of absence to eligible employees because of an injury incurred on the job as a result of carrying on their regular duties.

Industrial accident or illness leave shall be for a maximum of sixty (60) working days within a fiscal year. Industrial accident/illness leave begins on the first day of absence caused by the accident. Such leave shall not accumulate from year to year. At no time shall a unit member, due to the operation of industrial accident or illness leave receive more than his/her contract salary. When an industrial accident or illness leave overlaps into the next fiscal year, the unit member who continues to be disabled due to the industrial accident or illness, may continue on such leave for the number of remaining days of the original sixty (60) days.

No benefits shall be paid a unit member under the provisions for industrial accident or illness unless and until a duly licensed physician verifies in writing the industrial nature of the accident or illness, and, further, until the District's workers' compensation administrator reaches a final determination that the accident or illness is work related.

The leave shall terminate at any time before the end of the sixty (60) days if the physician indicates that the unit member is well enough to resume his/her duties.

In order to receive full salary with normal deductions, a unit member on industrial accident/illness leave shall endorse to the District any temporary disability checks received on account of the industrial accident/illness. If, upon the termination of the industrial accident/illness leave, the employee continues to receive payments from the Workers' Compensation Fund, only that amount of regular sick leave shall be deducted which will yield the unit member's full contractual salary for the period, less normal deductions.

Receipts of payments from the Workman's 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.

Upon expiration of allowable leave for an industrial accident or illness, the employee may use personal illness and injury leave provided pursuant to Education Code 44977, 44978, 44983, or 45191, as applicable, provided that such leave, when added to any continuing workers' compensation award, does not result in a payment to the employee of more than his/her full wage or salary. (Education Code 44984, 45192)

Absence for industrial accident or illness shall not be considered a break in service of the employee. An employee using such leave shall retain all status and benefits to which he/she would otherwise be entitled.

When available industrial accident or illness leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request any additional paid or unpaid leave available to the employee. (Education Code 45192)

Leaves, Return to Work After Extended Industrial Illness or With Restrictions After Industrial 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 employee's return to work, both the employee and his/her supervisor must understand the nature of the restrictions placed upon the employee.

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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.
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.

If a certificated employee is unable to resume the duties of his/her position after exhausting all accumulated sick leave, including the consecutive five-month period provided by Education Code 44977, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 24 months if he/she is a probationary employee or 39 months if he/she is a permanent employee. If the employee becomes medically able to resume duties during the period of reemployed eligibility, he/she shall be returned to employment in a position for which he/she is credentialed and qualified.

If a classified employee has exhausted all available leaves of absence, paid or unpaid, and is not medically able to resume the duties of his/her position, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 39 months. If he/she becomes medically able to resume duties during the period of reemployment eligibility, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other candidates except those on a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with seniority regulations. If the employee is medically released to return to duty but fails to accept an appropriate assignment, he/she shall be dismissed. (Education Code 45192)

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