

**HUMAN RESOURCES**

**AP 7343 INDUSTRIAL ACCIDENTS AND ILLNESS**

**References:**

Education Code Sections 87787 and 88192

The specific procedures for industrial accident leaves of absence are contained in the appropriate collective bargaining agreement and employee handbooks.

**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 or her duties on account of an industrial accident or illness, the employee shall be paid the portion of the salary due him or her for any month in which the absence occurs as, when added to his or her temporary disability indemnity under the Labor Code, will result in a payment to the employee of not more than his or her 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 Section 4453 of the Labor Code. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in Section 4453 of the Labor Code 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 or her 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 or her 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 may elect to take as much of his or her accumulated sick leave which, when added to his or her temporary disability indemnity, will result in a payment to the employee of not more than his or her full salary.

34 During any paid leave of absence, the employee may endorse to the District the  
35 temporary disability indemnity checks received on account of his or her industrial  
36 accident or illness. The District shall issue the employee appropriate salary warrants for  
37 payment of the employee's salary and shall deduct normal retirement, other authorized  
38 contributions, and the temporary disability indemnity, if any, actually paid to and  
39 retained by the employee for periods covered by the salary warrants.

40 Any employee receiving benefits as a result of this section, during periods of injury or  
41 illness, shall remain within the State of California unless the Governing Board  
42 authorizes travel outside the state.

43 **Classified Employees**

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

46 Allowable leave shall not be accumulative from year to year.

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

49 Payment for wages lost on any day shall not, when added to an award granted the  
50 employee under the workers' compensation laws of this state, exceed the normal wage  
51 for the day.

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

54 When an industrial accident or illness occurs at a time when the full 60 days will overlap  
55 into the next fiscal year, the employee shall be entitled to only that amount remaining at  
56 the end of the fiscal year in which the injury or illness occurred, for the same illness or  
57 injury.

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

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

67 During all paid leaves of absence, whether industrial accident leave as provided in this  
68 procedure, sick leave, vacation, compensated time off, or other available leave provided  
69 by law or the action of the District, the employee shall endorse to the District wage loss  
70 benefit checks received under the workers' compensation laws of this state. The  
71 District, in turn, shall issue the employee appropriate warrants for payment of wages or  
72 salary and shall deduct normal retirement and other authorized contributions.  
73 Reduction of entitlement to leave shall be made only in accordance with this procedure.

74 When all available leaves of absence, paid or unpaid, have been exhausted and if the  
75 employee is not medically able to assume the duties of the person's position, the  
76 person, if not placed in another position, shall be placed on a reemployment list for a  
77 period of 39 months. When available, during the 39-month period, the person shall be  
78 employed in a vacant position in the class of the person's previous assignment over all  
79 other available candidates except for a reemployment list established because of lack of  
80 work or lack of funds, in which case the person shall be listed in accordance with  
81 appropriate seniority regulations.

82 Any employee receiving benefits as a result of this section shall, during periods of injury  
83 or illness, remain within the State of California unless the Governing Board authorizes  
84 travel outside the state.

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

88 Office of Primary Responsibility: Human Resource Services