



**ADMINISTRATIVE PROCEDURE**

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 7131

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CATEGORY: **Personnel, Leaves/Absences**

EFFECTIVE: **9-12-68**

SUBJECT: **Industrial Accident and Illness Leave**

REVISED: **11-03-06**

**A. PURPOSE AND SCOPE**

1. To outline administrative procedures governing request for and use of leave to cover absence due to industrial accident or illness.

2. **Related Procedures:**

Mandatory reports for employee injury or illness on the job ..... 5170

**B. LEGAL AND POLICY BASIS**

1. **Reference:** Board policy: G-2000, I-1350, I-1360, I-2100, I-2250; Education Code Sections 44984, 45192.

2. **Eligibility.** Temporary, probationary, permanent and restricted status employees paid at monthly pay rates are eligible for industrial accident and illness leave. Eligibility accrues immediately upon employment with the school district. Hourly employees are not eligible for industrial injury leave, but may be eligible for workers compensation benefits under the law.

3. **Residence Requirement and Travel Outside the State.** Any employee receiving benefits under this procedure shall, during periods of injury or illness, remain within the state of California unless the governing board authorizes travel outside the state. (Education Code Sections 44984, 45192)

**C. GENERAL**

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Risk Management Department, Business Operations Division, Office of the Chief Administrative Officer.

2. **Leave Allowance.** Up to sixty workdays per accident are allowed in any fiscal year, or up to sixty days per accident if the leave overlaps into a new fiscal year. Leave allowance is reduced by one day for each day of absence, regardless of amount of compensation. Unused leave cannot be accumulated and cannot be extended for more than one fiscal year following the year in which the accident occurred, unless a new accident report form and/or an explanatory physician's statement is submitted.

3. **Physician's Certification.** Certification of a licensed physician is required on all applications for industrial accident leave benefits.

4. **Amount of Compensation.** In most cases, workers' compensation will not cover an employee's full salary; balance will be made up from industrial accident leave or

employee's accumulated sick leave, half pay sick leave or vacation. Employee receives full salary throughout the sixty days of industrial accident leave. When an absence exceeds three consecutive days (excluding day of injury), claim adjusting firm begins temporary disability payments by issuing a voucher to the district for the workers' compensation benefit. This voucher is applied to the employee's pay warrant by the Payroll/Employee Benefits Department to achieve the correct taxation. The earnings reported as Workers' Compensation are not subject to income and social security taxes, but are included in the base for calculation of retirement contributions.

5. **Leave Available Upon Expiration of Accident Leave.** Sick leave, vacation or other compensatory time off may be used *in the following order*:
  - a. **Sixty days accident leave** is paid first.
  - b. **All regular full-pay sick leave plus money from insurance management firm** is paid next, not to exceed employee's full salary.
  - c. **Half-pay sick leave** plus money from insurance management firm is paid next, not to exceed employee's full salary.
  - d. **Vacation or compensatory time off** may be used if absence due to industrial injury or illness exceeds sick leave benefits for which employee is eligible.
  - e. **After all paid benefits are exhausted**, employee receives any remaining money due from insurance management firm, and may, at the discretion of the Board of Education, be placed on health leave without pay. Medical, dental and life insurance coverage for the employee and his/ her eligible dependents (as appropriate) may be continued in accordance with Procedure 5170.
6. **Absence Beyond Expiration of All Leave**
  - a. **Classified employees**
    - (1) **Extension of leave.** When all paid leave of absence has been exhausted, employee may request and, at the discretion of the Board of Education, be placed on a health leave of absence without pay. Such leave normally is granted for the year only, but may be extended for a maximum of one additional year. If not sufficiently recovered by the end of leave period, employee shall retire if eligible, resign or accept dismissal for reasons of health. Employee's name shall be placed on a reemployment list for a period of thirty-nine months.
    - (2) **Re-employment.** When available during the thirty-nine month period, and if medically cleared by the district, employee shall be re-employed in a

vacant position in the class of previous assignment over all other available candidates, except for a re-employment list established because of lack of work or lack of funds, in which case employee shall be listed in accordance with appropriate seniority regulations. An employee who has been placed on a re-employment list, who has been medically cleared by the district for return to duty and who refuses to accept an appropriate assignment, shall have his/her name removed from such re-employment list.

- b. **Certificated employees**
- (1) **Extension of leave.** When all paid leave of absence has been exhausted, employee may request and be placed on a health leave of absence without pay for a period of time not to exceed one year, and is subject to annual renewal for a period up to a total of thirty-nine months. If not sufficiently recovered by the end of leave period, employee shall retire if eligible, resign or accept dismissal for reasons of health.
  - (2) **Re-employment.** Application for re-employment for such employees will be given full consideration when accompanied by evidence of full recovery and ability to meet current employment standards. If an employee who was classified as a permanent employee is rehired within thirty-nine months after last day of paid service, all rights, benefits and burdens of a permanent employee as provided by law, shall be restored.
7. **Return to Duty.** On return to work, employee shall submit to principal/department head a written clearance by his/her physician indicating employee's fitness to resume the duties contained in his/her job description. The written clearance must indicate any permanent and temporary disabilities/work restrictions that apply to
- the employee, and the duration that all temporary disabilities/work restrictions are expected to last.

## D. IMPLEMENTATION

1. **Employee**
  - a. Complete "Industrial Accident Leave" form; obtains physician's signature, and forwards to supervisor or manager for signature.
  - b. On return to duty, submit to principal/department head his/her physician's written clearance to return to duty (C.7.).

**2. School/Department Timekeeper**

- a. Record absence in Time & Labor using industrial injury time reporting code.

(**Note:** If there is doubt as to whether an accident was job related, call Risk Management Department for clarification and/or directions.)

- b. File original leave form with site timekeeping records.

**3. Payroll Unit, Payroll/Employee Benefits Department**

- a. Review time reported as industrial injury; charge absence to industrial injury leave if accident has been determined to be job related and employee has not exhausted their allowance of 60 days leave.

- b. If 60 days leave has been

exhausted or accident has not been determined to be job related, charge absence to sick leave, half-pay sick leave or vacation as balances permit.

- c. Adjust pay sheet entries to reflect workers' compensation vouchers.

- d. If determination that accident is job related has not been completed, time reported as industrial injury is changed to Industrial Injury Pending until the determination is made.

- e. If determination has concluded that the injury is not job related and the time was reported as Industrial Accident, the absence is reclassified to use the employee's available sick leave.

- f. Adjustments are prepared and applied to pay sheets to restore sick leave, half pay sick leave and vacation balances to account for hours charged to these leave balances that were funded by vouchers from the industrial management firm.

**E. FORMS AND AUXILIARY REFERENCES**

1. Industrial Accident Leave Benefits Application, is available on the Payroll Department website
2. Supervisors Report of Industrial Injury or Illness (online)

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**F. REPORTS AND RECORDS**

**G. APPROVED BY**



Chief of Staff

For the Superintendent of Schools