

**Coast Community College District
ADMINISTRATIVE PROCEDURE**

Chapter 7
Human Resources

AP 7904 Industrial Accident and Illness Leave

References:

Education Code Sections 87780, 87781, 87786, 87787, 88191, and 88192
Labor Code Section 4453

Academic Employees

Academic employees shall be entitled to not less than 60 days total leave on account of an industrial accident or illness for injuries arising from the same accident or incident.

Allowable industrial or illness leave shall not be accumulated from fiscal year to fiscal year. Industrial accident or illness leave shall commence on the first day of absence.

When an academic employee is absent from his/her duties on account of an industrial accident or illness, the employee shall be paid the portion of the salary due him/her for any month in which the absence occurs as, when added to his/her temporary disability indemnity under the Labor Code, will result in a payment to the employee of not more than his/her full salary. "Full salary" shall be computed so that is not less than the employee's "average weekly earnings" as that phrase is used in Labor Code Section 4453. For purposes of this provision, 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, or a proportion of one day for a partial 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 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 statutes, his/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/her accumulated sick leave which, when added to his/her temporary

disability indemnity, will result in a payment to the employee of not more than his/her 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 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.

Classified Employees

Classified employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness for the same accident or incident.

Allowable leave shall not be cumulative 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, or a proportion of one 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 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 all paid leaves of absence, whether industrial accident leave as provided in this Procedure, sick leave, vacation, compensated time off, or other available leave provided by law or the action of the District, the employee shall endorse to the District wage loss benefit checks received under the workers' compensation laws of California. The District,

in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this Procedure.

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 employee, 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 employee'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 rules.

The Chancellor or designee may require that an employee serve, or have served continuously, for at least three years, unless otherwise agreed upon in collective bargaining agreements, before the benefits provided by this provision are made available to the employee. All service of an employee prior to the effective date of any such requirement shall be credited in determining compliance with the requirement.

An 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 removed from the reemployment list.

Ratified January 15, 2014

Renumbered from Administrative Procedure 7343 on May 16, 2018

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