

3.5 Industrial Accident or Illness Leave

- 3.5.1 Members shall receive sixty (60) days leave with pay in any one fiscal year for an industrial accident or illness. An industrial accident or illness is defined as one where the employee becomes ill or is injured while he is serving the District, and the accident or illness is reported to the District's Self-Insurance Program in accordance with District regulations, and the District's Self-Insurance Program accepts the responsibility for the treatment of the employee.
- 3.5.2 Industrial accident or illness leave will commence on the first (1st) day of absence. Allowable leave shall not be accumulative from year to year. When an industrial accident or illness occurs at a time when the full sixty (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.
- 3.5.3 Payment for wages lost on any day shall not, when added to an award granted the employee under the Worker's Compensation laws of this state, exceed the normal wage for one day. Industrial accident leave will be reduced by one (1) day for each day of unauthorized absence regardless of a compensation award made under Worker's Compensation.
- 3.5.4 The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Section 88191 of the State Education Code. 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 Worker's Compensation, he shall be entitled to use only so much of this accumulated or available sick leave, accumulated compensation time, vacation, or other available leave, which, when added to the Worker's Compensation award, provide for a full day's wage or salary.
- 3.5.5 During all paid leaves of absence, whether industrial accident leave as provided in this section, sick leave, vacation, compensation, time off, or, other available leave provided by law, or the action of the Board, the employee shall endorse to the District wage loss benefit checks received under the Worker's Compensation laws of this state. 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 section.
- 3.5.6 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 his position, he shall, if not placed in another position, be placed on a reemployment list for a period of thirty-nine (39) months. When available, during the thirty-nine (39) month period, he shall be employed in a vacant position in the class of his 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 he shall be listed in accordance with appropriate seniority regulations. An employee who has been medically released for return to duty and who fails to accept an appropriate assignment shall be dismissed. The Board shall require certification by the

attending physician that the employee is medically able to return and perform the duties of his position.

- 3.5.7 An employee receiving benefits provided in this section shall, during periods of injury or illness, remain within the State of California unless the Board authorizes travel outside the state.