

INDUSTRIAL ACCIDENTS & ILLNESS

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| BP No. 7343 |
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Board Adopted: 4-9-64; Rev. 6-7-78; 1-10-79; 3-23-83; 8-10-05

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- I. In compliance with Educational Code, the following is the policy of the Rio Hondo Community College District.
 - A. The accident or illness must have arisen out of and in the course of the employment of the employee and must be accepted as a bona fide injury or illness arising out of and in the course of employment by the carrier.
 - B. Allowable leave shall not be accumulative from year to year.
 - C. Industrial accident or illness leave of absence will commence on the first day of absence.
 - D. Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the governing board authorizes travel outside of the state.

- II. CLASSIFIED
 - A. Allowable leave for each industrial accident or illness shall be for the number of days of temporary disability.
 - B. The benefits provided by these rules and regulations shall be applicable to all employees immediately upon becoming an employee of the District.
 - C. Allowable leave shall not exceed 60 working days in any one fiscal year for the same accident.
 - D. 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.

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- E. Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workers' compensation.
- F. 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.
- G. The industrial accident or illness leave of absence is to be used in lieu of entitlement of other leaves. 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, he/she shall be entitled to use only so much of his/her accumulated or available sick leave, accumulated compensation time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary. When applicable the following formula shall be used: Divide the disability check endorsed to the District by the employee's daily salary rate. (Example: salary \$100 per week or \$20 per day; industrial injury check assume \$65 disability check for one week; $\$65 \div \$20 = 3 \frac{1}{4}$ days industrial leave allowed – charge $1 \frac{3}{4}$ days to sick leave.
- H. Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.
- I. 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 governing board, the employee shall endorse to the District wage loss benefit checks received under the workers' 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.
- J. An employee who has been placed on a reemployment list, as provided herein, who has been medically released for return to duty and who fails to accept an appropriate assignment shall be dismissed.
- K. When all available leave 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 person, if not placed in another position, shall be placed on a reemployment list for a period of 39 months.

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III. ACADEMIC

- A. Allowable leave shall be for not less than 60 days during which the District is required to be in session or when the employee would otherwise have been performing work for the District in any one fiscal year for the same accident.
- B. If absence is due to 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 Division 4 or 4.5 of the Labor Code.
- C. During all paid leaves of absence, the employee may endorse to the District the temporary disability indemnity check received on account of his or her industrial accident or illness. The District, in turn, 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.
- D. Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award.
- E. When an industrial accident or illness overlaps into the next fiscal year, the employee shall be entitled to only that amount of unused leave due him or her for the same illness or injury.
- F. Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in section 87780, 87781 and 87786 of the Educational Code. For the purpose of this section, 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 temporary disability indemnity, will result in a payment to the employee of not more than his or her full salary.

IV. Source/Reference

Education Code 88192 and 87787