

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4464 LEAVE OF ABSENCES

4464.3 Industrial Accident and Illness Leave

GENERAL PROVISIONS

- A. Leaves resulting from an industrial accident or industrial illness shall be granted in accordance with the provisions of Education Code Sections 44043 and 45192 and this rule.
- B. Periods of leave of absence for accident and illness leave, paid or unpaid, shall not be considered to be a break in service of the employee.

PAID INDUSTRIAL, ACCIDENT OR ILLNESS LEAVE

- A. An employee in the classified service who is absent from duty because of an illness or injury defined as an industrial accident or industrial illness under provisions of the Workers' Compensation Insurance shall be granted paid industrial leave for such accident or illness while receiving temporary disability benefits from workers' compensation provided that the employee has probationary or permanent status.
- B. Paid industrial accident leave shall be granted for not more than 60 working days in any one fiscal year for the same accident commencing from the first day of absence to and including the last day of absence resulting from such industrial illness or industrial injury. The combination of workers' compensation payment and the Santa Barbara County Education Office compensation shall equal not more than the employee's normal monthly salary.
- C. Paid industrial accident leave shall be reduced by one day for each day of authorized absence regardless of the temporary disability allowance made under workers' compensation.
- D. Allowable leave shall not be accumulative from year to year.
- E. 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.
- F. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used. Upon exhaustion of all illness pay leave, an employee shall receive pay from accrued vacation or other earned leave. However, if an employee is receiving workers' compensation he/she shall be entitled to use only as much of his/her accumulated or available sick leave, accumulated vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.

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4464.3 Industrial Accident and Illness Leave (Continued)

- G. During such periods of temporarily disability the employee's temporary disability checks shall be endorsed payable to the Santa Barbara County Education Office. The Santa Barbara County Education Office shall then cause the employee to receive his/her normal wage or salary less appropriate deductions including but not limited to employee retirement contributions. Final allowance for permanent industrial disability settlements shall not be subject to remittance to the Santa Barbara County Education Office under this rule.

PLACEMENT ON REEMPLOYMENT LIST

- A. 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/her position, he/she shall, if not placed in another position be placed on a reemployment list for a period of 39 months.
- B. When medically cleared to assume the duties of the position during the 39-month period, he/she shall be employed in a vacant position in the class of his/her 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/she shall be listed in accordance with appropriate seniority regulations.

RETURN TO SERVICE

- A. From Paid and/or Unpaid Leave

Upon return to service from any paid or unpaid leave resulting from an industrial accident or illness, an employee shall be assigned to a position in his/her former class ahead of any employee with less seniority. If no vacancy exists in his/her former class, he/she may displace the most recently appointed employee in the class with less seniority. If an employee's former class has ceased to exist, the employee may be reassigned or placed on a suitable reemployment list.

- B. An employee returning from such paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically provided in applicable provisions of the Education Code, Administrative Regulations, and Commission Rules. An employee shall continue to receive seniority credit for all purposes while on such paid or unpaid leave of absence.

- C. From a Medical Reemployment List

An employee on a medical reemployment list shall have the same rights and benefits as an employee laid off because of lack of work or lack of funds.

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4464.3 Industrial Accident and Illness Leave (Continued)

- D. An employee who has been placed on a medical reemployment list, as provided herein, who has been medically released for return to duty and who fails to accept an appropriate assignment shall be terminated.

Reference:

Education Code Sections 44043, 45260, 45261, 45191, 45192 and 45195

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