SANTA BARBARA
County Education Office
Susan C. Salcido, Superintendent

PROVISIONS RELATING TO CLASSIFIED EMPLOYEES

ADMINISTRATIVE REGULATION – **INDUSTRIAL ACCIDENT/ILLNESS LEAVE** AR 4261.11

An eligible employee shall be entitled to a leave of absence for an industrial accident or illness arising in the course of their assigned duties. (Education Code 44984, 45192)

For such leave, the employee shall be granted no more than sixty (60) working days in any one fiscal year for the same industrial accident or illness.

To be eligible for industrial accident or illness leave, a classified employee shall have served the SBCEO in regular status continuously for at least one year.

Allowable industrial accident or illness leave shall not be accumulated from year to year. (Education Code 44984, 45192)

When an employee is absent from the employee's duties because of an industrial accident or illness: (Education Code 44043, 44044, 44984, 45192)

1. The leave shall start on the first day of absence.

2. During the period of absence, the employee shall be paid such portion of their wage or salary that, when added to the award granted under state workers' compensation laws, will not exceed their normal wage or salary.

3. The leave shall be reduced by one day for each day of authorized absence, regardless of an award granted under workers' compensation laws.

4. When the leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury.

During any paid leave of absence, the employee shall retain any workers' compensation check received on account of an industrial accident or illness. The employee shall notify the Superintendent or designee that they have received such check. The Superintendent or designee shall then issue payment of the employee's normal wage or salary less an amount equivalent to the face amount of the workers' compensation check and other appropriate deductions, including, but not limited to, employee retirement contributions. Employee benefits shall be computed on the basis of the employee's regular wage or salary prior to the deduction of any amounts for temporary disability payments. (Education Code 44044)

Absence for industrial accident or illness shall not be considered a break in service of the employee. An employee using such leave shall retain all status and benefits to which they would otherwise be entitled.

When available industrial accident or illness leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request any additional paid or unpaid leave available to the employee. (Education Code 45192)

Upon expiration of allowable leave for an industrial accident or illness, the employee may use personal illness and injury leave provided pursuant to Education Code 44977, 44978, 44983, or 45191, as applicable, provided that such leave, when added to any continuing workers' compensation award, does not result in a payment to the employee of more than the employee's full wage or salary. (Education Code 44984, 45192)

If the employee has exhausted all available leaves of absence, paid or unpaid, and is not medically able to resume the duties of the position, the employee shall, if not placed in another position, be placed on a reemployment list for a period of 39 months. If the employee becomes medically able to resume duties during the period of reemployment eligibility, the employee shall be employed in a vacant position in the classification of the employee's previous assignment over all other candidates except those on a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with seniority regulations. If the employee is medically released to return to duty but fails to accept an appropriate assignment, the employee shall be dismissed. (Education Code 45192)

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources	**Description**
Website	California Department of Industrial Relations

State	**Description**
Ed. Code 44043	Temporary disability
Ed. Code 44044	Temporary disability checks; waiver of endorsement to district
Ed. Code 44977	Salary schedule for substitute employees
Ed. Code 44978	Sick leave, certificated employees
Ed. Code 44978.1	Inability to return to duty; placement in another position or on reemployment list
Ed. Code 44983	Compensation during leave, certificated employees
Ed. Code 44984	Required rules for industrial accident and illness leave
Ed. Code 45191	Personal illness and injury leave, classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Lab. Code 3200-6002	Workers' compensation and insurance

ADOPTED BY COUNTY SUPERINTENDENT: September 1, 2022
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