

**CLASSIFIED EMPLOYEE
LONG TERM ILLNESS/INJURY POLICY**

BP 5510

Industrial Illness or Injury

In accordance with Education Code Sections 88190, 88192 and 88199, permanent classified employees are entitled to industrial accident or illness leaves subject to the following provisions:

1. Allowable leave shall not be less than 60 working days in any one fiscal year for the same accident/illness, and will commence on the first 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 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.
2. Industrial accident/illness leave of absence is to be used in lieu of entitlement to non-industrial illness or injury leave. When entitlement to industrial accident/illness leave has been exhausted, entitlement to other sick leave will then be used. However, if an employee is receiving worker's compensation, the employee shall be entitled to use only so much of their 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.
3. Payment for wages lost on any day shall not, when added to a workers' compensation award, exceed the normal wage for the day.
4. Industrial accident leave will be reduced by one day for each day of authorized absence regardless of whether a workers' compensation award was made.
5. When all available paid or unpaid leaves of absence have been exhausted and the employee is not medically able to assume the duties of his/her regular position, the employee, shall, if not placed in another position, be placed on a reemployment list for 39 months. The employee shall have priority over all other available candidates for a vacancy in the employee's previous class, except for candidates on a reemployment list established because of lack of work or funds, in which case the employee shall be listed in accordance with the appropriate seniority regulations. An employee who has been placed on a reemployment list who has been medically released for return to duty who fails to accept and appropriate assignment shall be dismissed.
6. A classified employee must serve six months of continuous service before he or she is entitled to industrial illness and accident leave.
7. Any employee receiving paid or unpaid industrial illness or accident leave shall remain within the state of California unless the Governing Board authorizes travel outside the state.

Non-industrial Illness or Injury

In accordance with Education Code Sections 88190, 88191 and 88199, classified employees are entitled to non-industrial illness or injury leaves subject to the following provisions:

1. Every employee employed five days a week shall be entitled to twelve days leave of absence for illness or injury and such additional days as the Governing Board may allow for illness or injury.
2. An employee, employed five days a week, who is employed for less than a full fiscal year, is entitled to that proportion of twelve days leave of absence for illness or injury as the

number of months he/she is employed bears to twelve and the proportionate amount of such additional illness or injury leave as authorized by the Governing Board.

3. An employee employed less than five days per week shall be entitled, for a fiscal year of service, to that proportion of twelve days he or she is employed per week bears to five, and is entitled to the proportionate amount, consistent with this formula of additional illness or injury leave, as authorized by the Governing Board.
 - a. When such persons as employed in paragraph 3 or employed for less than a full fiscal year, they shall be entitled to that portion of leave in paragraph 3 as the number of days the employee has been employed bears to a full fiscal year.
4. Pay for any day of such absence shall be the same as the pay which would have been received had the employee served the day. Credit for leave of absence need not be awarded prior to taking such leave by the employee and such leave may be taken at any time during the year. However, a new employee of the District shall not be eligible to take more than six days, or the proportionate amount to which he or she may be entitled under this policy, until the first calendar month after completions of six months of active service with the District.
5. Leave not taken in any year shall be accumulated from year to year with such additional days as the Governing Board may allow.
6. Employees covered by a collective bargaining agreement shall be required to provide proof of illness or injury in accordance with the collective bargaining agreement.
7. Employees not covered by a collective bargaining agreement shall be required to provide written verification of illness or accident, by a licensed medical practitioner when requested by the District.
8. When an employee has, for reasons of having suffered a non-industrial illness or injury, exhausted all entitled leaves provided by the District, the Governing Board shall review the circumstances and exercise one or more of the following options:
 - a. Grant additional paid or unpaid leave not to exceed 18 months, in six month increments; or
 - b. place the employee on a 39 month reemployment list.

An employee, upon ability to resume duties of a position within the class to which he or she was assigned, may do so at any time during the leaves of absence granted under Education Code 88195, and time lost shall not be considered a break in service. He or she shall be restored to a position within the class to which he or she was assigned and, if at all possible, to his or her position with all the rights, benefits and burdens of a permanent employee.

An employee who has been placed on a reemployment list for 39 months and is able to assume the duties of his or her positions shall be re-employed in the first vacancy in the classification of his or her previous assignment. Such reemployment will take preference over all other applicants except for those laid off for lack of work or funds, in which case the employee shall be listed in accordance with the appropriate seniority regulations. Upon resumption of her or her duties, the employee's break in service will be disregarded and he or she shall be fully restored a permanent employee.

Legal Reference: Education Code Sections 88190, 88191, 88192, 88195, 88198 and 88199.

Adopted: December 7, 1987