

## North Orange County Regional Occupational Program

### Administrative Regulation

ROP AR 4361.11 (a)

#### Management Personnel

#### INDUSTRIAL ACCIDENT OR ILLNESS LEAVE

Leave resulting from occupational accident or occupational illness shall be granted in accordance with the applicable laws of the State of California.

A management employee is entitled to a paid industrial accident or industrial illness leave of absence not to exceed 60 days during the time the employee is working in any one fiscal year for the same industrial accident or illness.

Absence due to an industrial accident or illness will not be compensated as industrial leave unless authorized by a physician pursuant to Labor Code 4600. Employees may designate a personal physician prior to injury. Forms for this may be obtained from the Assistant Superintendent, Business Services.

An employee absent from duty because of disability must notify his/her immediate supervisor on the first day of such disability and may not receive benefits for any time prior to such notice unless the delay in notifying is shown to have been unavoidable. In addition, each employee must, within 24 hours of the time the accident occurs, file a written report with the Assistant Superintendent, Business Services. The ROP may require an employee to submit to a physical examination by a physician selected by the ROP at any time during the leave. Payment for the physician's examination shall be paid by the ROP.

An industrial accident or illness leave shall commence on the first day of absence and shall be reduced by one day for each day of authorized absence. When such leave extends into the next fiscal year, the employee shall be entitled only to the amount of unused leave due for the same illness or injury.

The insurance carrier will send the temporary disability indemnity checks earned by the employee to the ROP. The ROP will in turn issue the employee appropriate salary warrants for payment of the employees full salary for up to a maximum of sixty days. Normal retirement and other authorized contributions shall be deducted.

## **INDUSTRIAL ACCIDENT OR ILLNESS LEAVE**

**ROP AR 4361.11 (b)**

Upon termination of the industrial accident or illness leave, an employee shall be entitled to use sick leave benefits. Provided the employee continues eligibility for temporary disability indemnity, the employee may elect to take as much of accumulated sick leave that when added to his/her temporary disability indemnity will result in a payment to the employee of not more than his/her full salary. After using accumulated sick leave, employees must use paid vacation and other paid compensation they have earned before they can use extended sick leave (fifty percent pay).

When all available paid or unpaid leaves of absence have been exhausted, and if the employee is still not medically able to assume the duties of his/her position, he/she will be placed on a re-employment list for a period of 39 months. When the employee is medically able to return to work during this 39 month period, he/she shall be employed in a position in the class of his/her previous assignment. An employee who has been placed on a re-employment list, as provided herein, and who has been medically released for return to duty, and who fails to accept an appropriate assignment may be terminated.

An employee shall be permitted to return to service after an Industrial Accident or Illness leave only upon presentation of a release from the ROP appointed physician and the employee's treating physician. These releases must certify that the employee is able to return to his/her position. If the employee's treating physician gives a full release and the ROP's appointed physician does not, the employee may appeal to the Superintendent or designee and Superintendent shall make a final determination. Employees with only partial releases will not be guaranteed a right to return. The Assistant Superintendent, Human Resources shall make a determination, based on medical restrictions and limitations placed on the employee, whether or not the employee will be able to return based upon any "reasonable accommodation" considerations.

Allowable industrial leave shall not be accumulated from year to year.

July 16, 2002