

INDUSTRIAL ACCIDENT OR ILLNESS LEAVE

EMPLOYEES - ACADEMIC/ADMINISTRATORS/MANAGERS

Employees who are a part of a collective bargaining unit and employees who are part of the administrators/classified managers units shall be entitled to an industrial accident or industrial illness leave of absence during which the college is required to be in session, or when the employee would have otherwise been performing work for the District.

Allowable leave shall commence on the first day of authorized absence and shall be reduced by one (1) day. Periods of leave of absence shall not be considered to be a break in service of the employee.

An employee absent from duties because of an industrial accident or illness shall be paid a portion of the salary due for any month in which the absence occurs so that when it is added to the employee's temporary disability indemnity, the total will result in a payment of not more than the employee's full salary. During such a paid leave of absence, an employee shall, endorse to the District the temporary disability indemnity checks received on account of the industrial accident or illness. The District shall then issue appropriate salary warrants to the employee for payment of the employee's salary. Normal retirement and other authorized contributions shall be deducted.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in Education Code Sections 87780, 87781, and 87786, and, for the purposes of each of these sections, his/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, she/he may elect to take as much of her/his accumulated sick leave which, when added to her/his temporary disability indemnity, will result in a payment to the employee of not more than her/his full salary.

EMPLOYEES - CLASSIFIED

Classified employees are entitled to all the same industrial accident and illness leave benefits provided to academic and administrators/managers, as listed above.

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, the person shall be entitled to use only so much of the person's 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.

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In the case of classified employees, when all available paid or unpaid leaves of absence have been exhausted, if the employee is not medically released to return to duty, and if the employee is not placed in another position, the employee shall be placed on the re-employment list for a period of thirty-nine (39) months. When available, during the 39 months, the employee shall be employed in a vacant position of the class of the employee's previous assignment over all other available candidates except for a re-employment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations. An employee who has been placed on the re-employment list and who has been medically released for return to duty, but who has failed to accept an appropriate assignment, shall be dismissed.

EMPLOYEES - POLICE OFFICERS

Police Officers are entitled to all the same industrial accident and illness leave benefits provided to academic and administrators/managers, as listed above.

In the case of police officers, when all available paid or unpaid leaves of absence have been exhausted, if the employee is not medically released to return to duty, and if the employee is not placed in another position, the employee shall be placed on the re-employment list for a period of thirty-nine (39) months. When available, during the 39 months, the employee shall be employed in a vacant position of the class of the employee's previous assignment over all other available candidates except for a re-employment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations. An employee who has been placed on the re-employment list and who has been medically released for return to duty, but who has failed to accept an appropriate assignment, shall be dismissed.

An employee suffering serious bodily injury during the performance of his/her duties as a result of a willful and unlawful use of force or violence by another necessitating absence from his/her duties and responsibilities may be entitled to additional leave as outlined in the collective bargaining agreement between South Orange County Community College District (SOCCCD) and SOCCCD Police Officers Association.

References:

*California Education Code Sections 87780-87781; 87786-87787; 88122; 88192
AB-915*

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