

VENTURA COUNTY OFFICE OF EDUCATION

SUPERINTENDENT POLICY NO. 4161.11 & 4261.11

ADOPTED: 02/14/96

CLASSIFICATION: Personnel

REVISED: 04/10/23

SUBJECT: Industrial Accident/Illness Leave

An eligible employee shall be entitled to a leave of absence for an industrial accident or illness arising in the course of his/her 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.

Allowable industrial accident or illness leave shall not be accumulated from year to year.

When an employee is absent from his/her 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 his/her wage salary that, when added to the award granted under state worker's compensation laws, will not exceed his/her normal wage or salary.
3. The leave shall be reduced by one (1) day for each day of authorized absence, regardless of an award granted under worker's 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 leaves of absence, the employee shall endorse to the VCOE any worker's compensation checks received on account of an industrial accident or illness. VCOE shall then issue payment of the employee's normal wage or salary less any appropriate deductions, including, not limited to, employee retention contributions. (Education Code 44043)

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 he/she would otherwise be entitled.

When available industrial accident or industrial 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)

The County Superintendent or authorized representative may require a physical examination to be taken by any certificated employee of the County Office of Education.

The County Superintendent may either provide the required examination, cause the examination to be provided, or provide the employee with reasonable reimbursement for the required examination.

A medical release is a statement of a medical doctor licensed to practice medicine, pursuant to the California Business and Profession Code section 2000, stating that the employee is physically able to return to work and resume his or her duties.

Upon expiration of allowable leave for 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 his/her full wage or salary. (Education Code 44984, 45192)

If a CERTIFICATED employee is unable to resume the duties of his/her position after exhausting all accumulated sick leave, including the consecutive five-month period provided by education Code 44977, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 24 months if he/she is a probationary employee or 39 months if he/she is a permanent employee. If the employee becomes medically able to resume duties during the period of reemployment eligibility, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

If a CLASSIFIED employee has exhausted all available leaves of absence, paid or unpaid, and is not medically able to resume 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. If the employee becomes medically able to resume duties during the period of reemployment eligibility, he/she shall be employed in a vacant position in the class of his/her 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, he/she shall be dismissed. (Education Code 45192)

Legal Reference:

EDUCATION CODE

44043	Temporary disability
44044	Temporary disability checks; waiver of endorsement to district
44977	Salary schedule for substitute employees
44978	Sick leave; certificated employees
44978.1	Inability to return to duty; placement in another position or on reemployment list
44983	Compensation during leave; certificated employees
44984	Required rules for industrial accident and illness leave
45191	Personal illness and injury leave; classified employees
45192	Industrial accident and illness leave for classified employees

LABOR CODE

3200-6002	Workers' compensation and insurance
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Management Resources:

WEBSITE

CSBA District and County Office of Education Legal Services

<https://legalservices.csba.org/>

California Department of Industrial Relations <https://legalservices.csba.org/>