

SDCRAA HUMAN RESOURCES STANDARDS AND PROCEDURES

Section: Attendance and Leaves of Absence
Standard: WORK-RELATED INJURY AND ILLNESS LEAVE
Section #: B-7
Effective: June 3, 2008

See Also: Observed Holidays; Paid Time Off; Accommodation of Disabled Applicants and Employees; Family and Medical Leave; Timekeeping

GENERAL STANDARD

In the event of verified occupational injury or illness, the Authority provides continuity of compensation and insurance benefits in conjunction with and as a supplement to workers' compensation benefits¹.

SPECIFIC STANDARDS

- ❑ Employees who sustain a work-related injury or illness may receive paid workers' compensation benefits beginning the fourth day² following injury or commencement of illness, provided their claim is determined to be compensable by the Authority's workers' compensation insurance carrier. However, workers' compensation benefits may begin immediately in the case of hospitalization due to a work-related injury or illness.

- ❑ Unless the employee is hospitalized due to work-related illness or injury, s/he may use accrued PTO hours, or if such hours are unavailable, leave without pay during the five-day waiting-period² following work-related injury or illness. If the employee's workers' compensation claim is accepted, PTO hours or accumulated sick leave bank hours are restored to the employee's accounts. There is no waiting-period for a work-related injury or illness that requires

¹ Because of the potential interaction between or among California and/or federally regulated leaves, managers must contact a Human Resources representative to ensure leave benefits are administered in accordance with Authority procedures and state and/or federal regulations. Managers must ensure their employee contact a Human Resources representative, as well, for guidance.

² Note: workers' compensation - three day waiting period, use of injury leave - five day waiting period.

hospitalization. However, an employee absent from work due to a work-related injury or illness may receive pay retroactively to the first day of absence should the absence exceed fourteen days.

- ❑ While employees are on approved workers' compensation leave, the Authority will supplement their workers' compensation payments in amounts necessary to match but not exceed their base salary in effect at the time of injury or illness, without any additional pay differentials. In no case shall an employee receive this supplemental pay for more than one year for each injury, nor shall an employee be paid more than the employee would have received in base salary had the employee not been injured. If an employee continues on injury/illness leave and receiving workers' compensation benefits after one year, the employee may at such time be entitled to use any accrued PTO credits available to supplement the workers' compensation benefits. This supplement may not exceed the amount of the employee's base salary as calculated at the time of the employee's injury/illness.

- ❑ During the first year while an employee is on disability leave and receiving workers' compensation benefits, the employee may not work in any capacity outside the Authority's employment during these hours the employee regularly would have been working for the Authority without first receiving permission of the Authority in writing. Should the employee's request to work in another capacity be approved, during the first year an employee is on disability leave and receiving workers' compensation benefits, the supplemental wages paid by the Authority will be offset by any sums earned by the employee during normal working hours. The employee will be required to reimburse the Authority an amount equal to the wages earned through outside employment during regular working hours up to the amount the Authority had paid the employee in supplemental wages.

- ❑ An employee absent from work due to illness/injury may utilize PTO credits when workers' compensation benefits have not been granted or during the period when a final determination as to the granting of workers' compensation benefits is pending. If a final

determination is made to grant workers' compensation benefits, all PTO shall be restored as appropriate.

- ❑ Any employee receiving medical treatment authorized by the Authority for work-related injury/illness shall be compensated at his/her regular rate for any and all time spent traveling to and from and at the medical facility during regularly scheduled work hours. Medical treatment other than emergency or first treatment shall be scheduled outside regular work hours and shall not be compensated.
- ❑ Employees not assigned to the standard eight hour, Monday-Friday (8A –5P) schedule may have their work schedule changed to a standard or other schedule during the work-related injury/illness leave or modified duty period.
- ❑ Any employee on work-related injury/illness leave during which workers' compensation benefits are paid shall not accrue new PTO benefits. Any holiday falling during the period of illness/injury leave while workers' compensation benefits are being paid to an employee shall not be paid as a holiday but shall be charged to injury/illness leave.
- ❑ Supplemental pay shall be terminated after one year or when the employee's condition is determined by competent medical authority to be "permanent and stationary", whichever comes first.
- ❑ Employees are expected to return to work, with or without accommodation, as soon as they are medically authorized to do so. Providing accommodation does not result in undue hardship to the Authority, the Authority will make every reasonable effort to provide accommodation by:
 - Adjusting work hours;
 - Providing light duty assignments;

- Providing a temporary appointment to another classification with requirements consistent with their qualifications and limitations; and
 - Making reasonable work site modifications and other means necessary to achieve the employee's prompt return to duty.
- Under some circumstances, an employee may not be eligible for workers' compensation leave pay. Examples follow:
- The employee was performing work with physical demands substantially different from and not reasonably related to employee's position or classification;
 - The employee was performing work for which the employee had been physically disqualified by medical examination;
 - A determination has been made that it was the employee's gross negligence or willful misconduct that was the proximate cause of the injury;
 - The employee's injury was the result of an aggravation, reoccurrence, or continuation of a preexisting non-service connected physical or mental disability or any physical or mental condition existing prior to employment by the Authority;
 - The injury to the employee has not been accepted as compensatory by the Authority's workers' compensation insurance carrier;
 - The employee failed or refused to follow safety rules, regulations, or instructions; or
 - The employee failed or refused to wear prescribed safety and personal protective equipment.

GUIDELINES

The department manager and the Director, Human Resources or designee must approve the filling of any vacancy resulting from an employee's injury/illness leave. A full-time position vacancy shall not be filled unless it is reasonably expected that the absent employee's period of disability will exceed four months and/or a bona fide business necessity requires filling the vacancy. Human Resources staff will assist managers in addressing staffing needs.

Nothing in this section affects an employee's right to seek and receive medical, surgical and hospital treatment, as provided in the California Labor Code, or affect an employee's right, if eligible, to receive temporary disability insurance benefits when disability leave has not been granted.

Failure of an employee to comply with disability leave rules may result in termination of disability leave benefits and other corrective or disciplinary action, up to and including termination of employment.

PROCEDURES

Upon learning that an employee may have sustained a work-related illness or injury, the manager shall immediately inform the Manager, Benefits & Safety Programs (or designated Human Resources representative).

The Human Resources representative will manage and administer the workers' compensation claim process and will communicate in a timely manner with the disabled employee and the supervisor or other appropriate manager.

Return from work-related injury/illness leave:

- An employee returning to work after injury/illness leave must report to a representative of the Human Resources Department and present the required medical release, prior to returning to work. The Human Resources representative will notify the manager of any work

restrictions and assist in determining how to provide reasonable accommodations, if necessary, to an employee with work restrictions.

- If the employee's position has not been filled, the Authority will make every reasonable effort to assign the employee to the same position the employee previously held.
- If the employee's position has been filled and an equivalent position is not available within the employee's former department, a temporary position may be created while the Human Resources staff pursues other placement options within the Authority.
- If the employee is unable to return to work within the maximum allowable combined Family and Medical Leave and extended work-related injury/illness leave, the employee may be terminated unless s/he is able to return to work. Human Resources generally will notify the employee of the date his/her employment with the Authority will be terminated.
- A representative of the Human Resources Department will coordinate benefit plan and other related employment issues with the employee.

Managers must ensure that time sheets accurately reflect the employee's time off. Record "Injury/Illness Leave" on the employee's time sheet for all injury/illness leave taken. In situations where the time cards are completed by a representative in the Human Resources Department, the representative will record the leave in this manner.

Time cards showing an injury/illness leave earnings code must be approved by the Director, Human Resources or designee.