Industrial Accident or Illness Leave

All certificated and classified employees excepting substitute teachers shall be allowed industrial accident or illness leave as follows:

1. Maximum allowable leave shall be for 60 days during which the schools of the Office are in session or when the employee would otherwise have been performing work for the Office in any one fiscal year for the same accident.

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

3. Industrial accident or illness leave shall commence on the first day of absence.

4. When a certificated employee is absent from his duties on account of an industrial accident or illness, he shall be paid such portion of the salary due him for any month in which the absence occurs as, when added to his temporary disability indemnity under Division 4 or Division 4.5 of the Labor Code, will result in a payment to him of not more than his full salary. The phrase "full salary" as used here shall be computed so that it shall not be less than the employee's "average weekly earnings" as that phrase is utilized in Section 4453 of the Labor Code. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in Section 4453 of the Labor Code.

5. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award.

6. When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due him for the same illness or injury.

Legal References:

Education Code 44984 Required rules for industrial accident and illness leaves of absence
Labor Code 3201 et seq. Workers’ compensation
Labor Code 4453 Disability indemnity
Labor Code 6100 et seq. State Compensation Insurance Fund

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