

**ARTICLE 45
WORK-INCURRED INJURY OR ILLNESS**

A. GENERAL PROVISIONS

An employee unable to perform the normal duties of her/his job due to a work-incurred illness or injury compensable under the California Workers' Compensation Act are eligible to use sick leave and vacation as provided herein. When sick leave is exhausted and when employees are still unable to work because of such illness or injury, employees may use extended sick leave or leave without pay as provided below. An approved leave of absence for work-incurred illnesses or injuries shall not be considered a break in service.

B. RETURN FROM WORK-INCURRED INJURY OR ILLNESS LEAVE

When possible, an employee granted a Work-Incurred Injury or Illness Leave must provide the University with 30 days notice of his/her ability to return to work. Upon receipt of the release to return to work, the University shall either reinstate the employee to the same or a similar position in the same department or will determine what accommodation, if any, will be reasonably provided upon expiration of the leave. If the position held has been abolished during the leave, the employee shall be afforded the same considerations which would have been afforded had that employee been on pay status when the position was abolished.

C. USE OF SICK LEAVE AND VACATION

1. An employee who accumulates sick leave and vacation shall be permitted to use accumulated sick leave and vacation to supplement temporary disability payments received under the California Workers' Compensation Act.
2. Sick leave and vacation payments shall be the difference between the amount payable to the employee under the Workers' Compensation Act and the Employee's regular salary.
3. The additional payment made to an employee to provide the employee with full salary prior to receipt of disability payments shall be deemed an advance temporary disability payment within the Workers' Compensation Act. An employee who receives an advance temporary disability payment shall reimburse the University for such payment. The reimbursement is used to restore the proportionate sick leave and vacation credit as appropriate.

D. EXTENDED SICK LEAVE

1. An employee who is receiving temporary disability payments on account of a work-related injury or illness and who has exhausted all accumulated sick leave shall receive extended sick leave payments from the University in an amount equal to the difference between payments from Workers' Compensation and 80% of basic salary plus any shift differential which the employee would have received. If such employee returns to part-time University duties, the earnings plus any temporary disability payments, if less than 80% of basic salary plus shift differential, shall be supplemented to 80% by extended sick leave payments,

provided the employee continues to be medically authorized for Workers' Compensation temporary disability. Total extended sick leave payments shall not exceed 26 weeks for any one injury or illness.

2. An eligible employee who does not have sufficient accumulated sick leave to cover the three calendar days' waiting period for receiving Workers' Compensation payments shall receive extended sick leave payment to cover any part of the waiting period not covered by sick leave. Payment shall be made only after determination that the injury or illness is compensable under Workers' Compensation.
3. An employee who elects not to use all sick leave is not eligible for extended sick leave benefits.

E. EFFECT ON OTHER CONTRACT PROVISIONS

1. An employee who is receiving temporary disability payments and supplemental sick leave or vacation as provided in Section C., above, is considered on regular pay status for all purposes except completion of the probationary period. Sick leave and vacation accumulated during this period may be used as soon as they are accumulated.
2. An employee who is receiving temporary disability payments and extended sick leave benefits as provided in Section D., above, is considered to be on regular pay status for all purposes except completion of the probationary period. However, sick leave and vacation accumulated during this period is credited to the employee only upon return to work. If an employee separates from University employment without returning to work, the employee shall be paid for vacation for the period the employee received extended sick leave payment.
3. An employee on leave without pay and receiving temporary disability payments accumulates sick leave and vacation on the same basis as if regularly employed, but such accumulation is credited to the Employee only upon return to work. If the employee separates from University employment without returning to work, no payment shall be made for such vacation credit.
4. An employee shall not use vacation, sick leave, or extended sick leave to supplement Workers' Compensation payments beyond a predetermined date of separation or leave without pay. Any vacation credit remaining on the date of separation shall be paid on a lump-sum basis.

F. LIGHT DUTY PROGRAM

Subject to operational considerations and budgetary constraints, the University will endeavor, on a case-by-case basis, to modify duties consistent with documented medical restrictions, for employees who have experienced work related injuries. This section shall not be construed as a guarantee of a specific form of accommodation nor shall accommodation in one case establish a precedent for similar or dissimilar circumstances.