

ARTICLE 34 WORK-INCURRED INJURY OR ILLNESS

A. GENERAL PROVISIONS

This Article defines the application of sick leave, and vacation for Academic Researchers who are unable to work due to a work-incurred injury or illness compensable under the California Workers' Compensation Act.

1. An Academic Researcher unable to perform the normal duties of their job due to a work-incurred illness or injury compensable under the California Workers' Compensation Act may be granted leave for the duration of a verified disability but not to exceed twelve (12) months or the end date of the appointment, whichever comes earlier.
2. Work-Incurred Injury or Illness Leave runs concurrently with Family Medical Leave.
3. An approved leave of absence for work-incurred illnesses or injuries shall not be considered a break in service.
4. An Academic Researcher who is unable to work due to a work-incurred injury or illness compensable under the California Workers' Compensation Act is eligible to use sick leave and vacation as provided below. When sick leave is exhausted and when an Academic Researcher is still unable to work because of such illness or injury, the Academic Researcher may be placed on a leave without pay as provided below.
5. An Academic Researcher shall notify their supervisor of the need for leave for a work-incurred injury or illness, or any extension of such leave, as soon as practicable after the need for such leave or extension is known. This notification shall include written medical certification of the need for such leave or extension, and the anticipated return to work date.
6. Leave for a work-incurred injury does not continue beyond the Academic Researcher's established appointment period.

B. EXTENSIONS OF WORK-INCURRED INJURY OR ILLNESS LEAVE

1. In the event an Academic Researcher requires an extension to their work-incurred injury or illness leave, they shall provide the University with a statement from their licensed health care practitioner of the need for the extension and the anticipated return to work date.
2. Such a statement must be provided ten (10) calendar days prior to the date the Academic Researcher was previously scheduled to return to work.

C. RETURN FROM WORK-INCURRED INJURY OR ILLNESS LEAVE

1. Prior to returning to work, an Academic Researcher granted a work-incurred injury or illness leave must provide the University with a statement from their licensed health care practitioner of the Academic Researcher's ability to return to work. When possible, an Academic Researcher granted a work-incurred injury or illness leave must provide the University with ten (10) calendar days notice of their ability to return to work. If a return to work specifies restrictions, the University will consider what accommodation, if any, will reasonably be made.
2. If the position held has been abolished during the leave, the Academic Researcher shall be afforded the same considerations which would have been afforded had that Academic Researcher been on pay status when the position was abolished.

D. SHORT TERM DISABILITY LEAVE AND VACATION TO SUPPLEMENT WORKERS COMPENSATION

1. An Academic Researcher shall be permitted to use 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 Academic Researcher under the Workers' Compensation Act and the Academic Researcher's regular salary. The additional payment made to an Academic Researcher to provide the Academic Researcher with full salary prior to receipt of disability payments shall be deemed an advance temporary disability payment within the Workers' Compensation Act.
3. An Academic Researcher who receives advance temporary disability payment shall reimburse the University for such payment. The reimbursement is used to restore proportionate sick leave and vacation credit as appropriate.

E. EFFECT ON PAY STATUS

An Academic Researcher who is receiving temporary disability payments and supplemental sick leave, or vacation as described in Section D. above is considered on regular pay status for purposes of application of provisions of this Agreement.

F. SEPARATION

An Academic Researcher shall not use vacation or sick leave to supplement Workers' Compensation payments beyond a predetermined date of separation or leave without pay.

G. LIGHT DUTY

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 an Academic Researcher who has 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. Nothing in this provision waives the employer's duties and/or the Academic Researcher's rights to reasonable accommodations under FEHA and the Americans with Disabilities Act of 1990.