

ARTICLE 34
WORK-INCURRED INJURY OR ILLNESS

A. GENERAL PROVISIONS

This Article defines the application of sick leave, and personal time off for Postdoctoral Scholars who are unable to work due to a work-incurred injury or illness compensable under the California Workers' Compensation Act.

1. A Postdoctoral Scholar 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. Postdoctoral Scholars who are unable to work due to a work-incurred injury or illness compensable under the California Workers' Compensation Act are eligible to use sick leave and personal time off as provided below. When sick leave is exhausted and when Postdoctoral Scholars are still unable to work because of such illness or injury, Postdoctoral Scholar may be placed on a leave without pay as provided below.
5. A Postdoctoral Scholar 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 Postdoctoral Scholar's established appointment period.

B. EXTENSIONS OF WORK-INCURRED INJURY OR ILLNESS LEAVE

1. In the event a Postdoctoral Scholar requires an extension to their work-incurred injury or illness leave, the Postdoctoral Scholar 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 Postdoctoral Scholar was previously scheduled to return to work.

C. RETURN FROM WORK-INCURRED INJURY OR ILLNESS LEAVE

1. Prior to returning to work, a Postdoctoral Scholar granted a work-incurred injury or illness leave must provide the University with a statement from their licensed health care practitioner of the Postdoctoral Scholar's ability to return to work. When possible, a Postdoctoral Scholar 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 Postdoctoral Scholar shall be afforded the same considerations which would have been afforded had that Postdoctoral Scholar been on pay status when the position was abolished.

D. SHORT TERM DISABILITY LEAVE AND PERSONAL TIME OFF TO SUPPLEMENT WORKERS COMPENSATION

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

E. EFFECT ON PAY STATUS

A Postdoctoral Scholar who is receiving temporary disability payments and supplemental sick leave, or personal time off as described in Section D. above is considered on regular pay status for purposes of application of provisions of this Agreement.

F. SEPARATION

A Postdoctoral Scholar shall not use personal time off 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 a Postdoctoral Scholar 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 Postdoctoral Scholar's rights to reasonable accommodations under FEHA and the Americans with Disabilities Act of 1990.