

POLICIES AND PROCEDURES FOR TIME AND ATTENDANCE WORK RELATED INJURY

POLICY SUMMARY

- This policy defines the application of accrued sick leave and vacation leave for employees who are unable to work due to a work-incurred injury or illness compensable under the California Workers' Compensation Act and provides extended sick leave for such employees when accrued sick leave is exhausted and when employees are still unable to work because of such injury or illness.
- The University permits employee's receiving California Workers' Compensation Temporary Disability (TD) benefits to use accrued sick and/or vacation leave to supplement TD benefits to 100% of the employee's regular earnings.
- Refer to [collective bargaining agreements](#) for language specific to represented employees.
- Refer to safety member (Policy, Fire) collective bargaining agreements for specific information on leave with full salary, accrued sick, vacation and supplemental vacation leave.

RELATED POLICIES, CONTRACT ARTICLES AND REFERENCES

- A. Personnel Policies for Staff Members (PPSM) – employees not covered by representation: [Absence from Work Policy](#)
- B. [Collective Bargaining Agreements](#)
- C. [Delegations of Authority](#)
- D. Campus Workers Compensation Policies – Office of Risk Services
<http://risk.ucsc.edu/>
- E. For Safety Members: California Labor Code Sections 4806 and 4804.1
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=04001-05000&file=4800-4820>

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EXTENDED SICK LEAVE

- For any one injury or illness, if the employee has exhausted accrued sick leave, remains disabled, and continues to receive temporary disability payments, the employee shall receive extended sick leave (ESL) payments in an amount equal to the difference between the temporary disability payments and 80 percent of the employee's basic salary plus any shift differential which the employee would have received for up to 26 weeks.
- If such an employee returns to part-time University duties, the earnings plus any Workers' Compensation payments, if less than 80 percent of basic salary plus shift differential, shall be supplemented to 80 percent by ESL payments, provided the employee continues to be medically authorized for Workers' Compensation temporary disability.

- ESL constitutes an advance against permanent disability payments.
- In lieu of receiving ESL, an eligible Senior Manager may, at the Manager's option, participate in the provisions described in [Staff Policy II-42, Disability Leave](#).
- An eligible employee who does not have sufficient accrued sick leave to cover the three calendar days' waiting period for receiving Workers' Compensation payments shall receive ESL 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.
- After ESL has been exhausted an employee may request a leave without pay.
- A new period of extended sick leave eligibility is available for each injury or occupational disease not arising out of the same accident.
- UCRP service credit is accrued at 80% during extended sick leave and can be bought back through a process coordinated through the campus Benefits Office.
- Health Benefit Premiums: While an employee is receiving TD compensation for a work related injury and receiving salary from the University at 100% or 80% ESL, all health benefit premiums continue to be paid via the normal payroll process. Medical insurance only is paid through the University Contingency Fund once an employee is on a leave without pay and still receiving TD payments.
- Employees who are on extended sick leave accrue sick leave and vacation at 100% of their normal rate. These accruals are available upon the employee's return to work. If the employee does not return to work at the University, the vacation pay will be paid to the employee upon separation.
- Employees who are on extended sick leave receive 80% of holiday pay.

EXTENDED SICK LEAVE IMPLEMENTATION

- This benefit is available even if the employee's sick leave bank is exhausted at the time of disability.
- The following criteria must be met before an employee is eligible for Extended Sick Leave: An employee:
 - Must be receiving Workers' Compensation temporary disability (TD) benefits
 - Must be eligible to accrue sick leave
 - Must use all sick leave accruals
 - May elect to use vacation, but use of vacation is not required

PROCESS OVERVIEW

- Once elected accrual banks are exhausted and the employee is continuing to receive Temporary Disability (TD) for their work related injury; extended sick leave (ESL) is implemented by the HR Service Team Representative (HRSTR).
- For an employee fully absent from work, the extended sick leave benefit will equal the difference between TD and 80% of the employee's normal appointment for up to 26 weeks for any one injury or illness.
- An employee who has returned to part-time University duties shall receive 100% pay for all hours actually worked, and 80% pay for all hours not worked.
 - The resulting salary must equal at least 80% of the employee's normal appointment. (e.g., there are 168 hours in a month, 70 hours actually worked are paid at 100%, and 90 hours not worked are paid at 80%).
- The Office of Insurance and Risk Services will identify and notify the HRSTR of cases that merit an exception to these policies.
- The extended sick leave payments consist of TD payments sent to employee directly from the insurance carrier plus funds provided from the unit resources.
- When an employee is unable to work due to a work incurred injury; the HRSTR should determine whether the employee is eligible to receive benefits under FMLA.
 - Refer to FMLA policies for further clarification.

INSURANCE CARRIER

- Provides payments to non-exempt and exempt employees.
- Investigates UCSC Workers Compensation claims to determine compensability.
- Pays Temporary Disability (TD) to employees who are eligible.
- Notifies UCSC Risk Services weekly of TD checks sent to all University employees.

OFFICE OF RISK SERVICES PROCEDURE

- Receives notification of employee's eligibility to receive Temporary Disability (TD).
- Contacts HR Service Team Representative (HRSTR) to obtain Sick Leave and Vacation accrual balances.
- Provides HRSTR with instructions on how to pay employee and how to maintain Sick Leave and Vacation accrual banks.
 - This process continues until the accrual banks are exhausted or the employee returns to work.
- Notifies HRSTR:
 - When to begin or end Extended Sick Leave (ESL).
 - If employee will return to work prior to ESL ending.
 - By letter, when sick leave reimbursement is appropriate for partial work time lost.
- Notifies employee one month in advance of the ending date for ESL benefits.

PAYROLL PROCEDURE

- Adjusts monthly University paycheck(s) by the Temporary Disability (TD) amount.
- Deposits TD check into Units payroll account.

HR SERVICE TEAM REPRESENTATIVE (HRSTR) PROCEDURE

- Provides Sick Leave and Vacation accrual balances to Risk Services upon request.
- Deducts Sick Leave and Vacation accruals from banks according to calculation provided by Risk Management.
- Implements use and recording of Extended Sick Leave (ESL).
 - Exempt Employee: records only full-day absences
 - Non-Exempt Employee: records time lost to the nearest quarter hour
 - For employees using CruzPay uses the Extended Sick Leave paycode for reporting ESL on the employee's timesheet
- Places employee on a Leave of Absence after ESL ends, following guidelines found in the PPS User Manual, Section 6.18.
- Reimburses employee's sick leave accrual banks according to instructions received from Risk Services.
- If the HRSTR determines that the Pay Status Hours Section of the employee's timesheet includes partial hours noted as "workers comp".
- Uses accrued sick leave to cover the time off work.
- Follows guidelines outlined in the Campus Workers Compensation Policies.