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## APPENDICES

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GENERAL INFORMATION

Reference: Education Code Sections 89529-89529.11

CSU employees who are members of the Public Employees Retirement System (PERS) or the State Teachers Retirement System (STRS) and who have suffered an industrial disability may be eligible to receive Industrial Disability Leave (IDL) in lieu of Workers’ Compensation Temporary Disability (TD) benefits. An eligible employee may receive IDL payments for a period not to exceed 52 weeks within two years from the first day of disability. The 52-week eligibility period is equivalent to 365 calendar days. One calendar day means any day during which the employee is on the IDL program (which includes days where partial benefits are received and may include weekends). However, IDL payments are based on the actual number of work days the disabled employee is absent from work. A holiday is counted as a work day. (Please refer to Appendix A for Education Code sections concerning Industrial Disability Leave.)

DESIGNATION OF RETURN-TO-WORK COORDINATOR

Each campus of The California State University shall designate a return-to-work coordinator and shall forward his/her name to the Governor’s Safety and Rehabilitation Program Office. The duties and responsibilities of the coordinator shall include but not be limited to ensuring that the disabled employee is informed of the benefits to which s/he is entitled to and to facilitate the employee’s early return to work.

ELIGIBILITY - General

An employee who is a member of the Public Employees Retirement System or the State Teachers Retirement System in compensated employment who becomes disabled due to an injury or illness arising out of or in the course of employment, within the meaning of Education Code Section 89529.3, shall be eligible to receive IDL benefits. Eligibility shall be contingent upon appropriate medical determination and the agreement of the employee to cooperate and participate in a reasonable vocational rehabilitation plan when furnished by The California State University. An employee shall become entitled, regardless of his/her period of service, to receive IDL payments, in lieu of Workers’ Compensation Temporary Disability (TD) payments with/without supplementation of appropriate leave credits.
A CSU employee who suffers a disability arising out of or in the course of CSU employment may receive IDL benefits if s/he meets all of the following conditions:

1.) Is an active PERS or STRS member, and

2.) Has a disability which has been verified and accepted by the State Compensation Insurance Fund (SCIF) as industrially caused, and

3.) Has chosen to receive IDL benefits in lieu of Workers' Compensation Temporary Disability benefits or has failed to make a choice within 15 days from the date of the notice of benefit eligibility, and

4.) Has been unable to work as a result of injury or illness since:
   a.) the third calendar day of disability following the day of injury or illness, or
   b.) the first day the injured employee leaves work as a result of an injury growing out of a criminal act of violence against the employee, or
   c.) the first day of hospitalization, or
   d.) the day following the injury if the employee is absent from work because of the injury for more than 14 calendar days.

Each new, independent disability must be recorded separately with its own 52-week period. Recurrence of old disabilities do not entitle the disabled employee to a new 52-week IDL eligibility period.

**ELIGIBILITY - Delay in Determination**

Under certain circumstances, it may take some time before a determination can be made by SCIF as to whether an employee's disability is or is not work-related. During this period, the employee should be allowed to use sick leave, vacation, and CTO leave credits as long as they are available. (The employee should also be encouraged to apply for NDL.) After all leave credits have been exhausted, the individual will be placed on leave without pay status until a determination is reached. When it is determined the disability is job-related and the employee is eligible for IDL or Workers' Compensation Temporary Disability, appropriate adjustments will be made to the employee's account in accordance with the procedures of the particular program selected by the employee.
ELIGIBILITY - Medical Determination

The State Compensation Insurance Fund (SCIF) shall make all temporary disability determinations based on medical evidence in accordance with its authority under Section 11871 of the Insurance Code. Eligibility for IDL benefits shall be contingent upon the certification of disability by SCIF. Upon expiration of IDL benefits, SCIF shall determine whether disability continues to exist and shall further determine the disabled employee's eligibility to receive Workers' Compensation Temporary Disability (TD) benefits.

ELIGIBILITY - Waiting Period

The disabled employee must serve a three calendar-day waiting period after the date of injury before becoming eligible for Industrial Disability Leave benefit payments unless:

1.) The employee is disabled as a result of an injury growing out of a criminal act of violence against the employee, in which case the employee is eligible for IDL benefit payments from the first day of disability.

2.) The employee is hospitalized on the date of injury, in which case the employee is eligible for IDL benefit payments from the first calendar day following the date of injury.

3.) The employee is hospitalized later because of the disability, in which case the employee is eligible for IDL benefit payments from the first day of the three calendar-day waiting period.

4.) The employee is disabled for more than 14 calendar days, in which case the employee is eligible for IDL benefit payments from the first day of the three calendar-day waiting period.

The three calendar-day waiting period need not be consecutive. Partial days of absence relating to the disability shall be accumulated to full days toward the waiting period. On the date of injury, the disabled employee shall be compensated for the full amount of time s/he would have worked had the injury not occurred. The waiting period may begin on the day following the injury, or at a later date. The disabled employee shall be eligible for IDL benefit payments when the accumulation of time off completes the three calendar-day waiting period. The waiting period may include weekend days. This can occur at any time during the day. The three calendar-day waiting period is equivalent to 24 hours of scheduled work for an employee on an eight-hour work day schedule, 30 hours of scheduled work for an employee on a ten-hour work day schedule, and 36 hours of scheduled work for an employee on a twelve-hour work day schedule.
Absences from scheduled work during the three-day waiting period shall not be charged to IDL. Absences are to be charged against the employee's sick leave balance or other paid leave credits. If a non-exempt employee is out of leave credits, the salary must be docked. Exempt employees are charged leave credits for absences only on a full day basis based on the normal hours worked.

**BENEFITS - Choice**

A disabled employee shall have 15 calendar days from the mailing of the notice of benefit eligibility to notify his/her campus that s/he elects Workers' Compensation Temporary Disability (TD) benefits with or without supplementation, rather than IDL benefits. The employee's choice shall be retroactive to the first day of eligibility for disability benefits. Upon failure to respond within the time limit, the employee shall be placed on IDL unless TD benefits are greater. In such a case, the employee shall be determined to have rejected IDL in accordance with Education Code Section 89529.05, and all provisions of Workers' Compensation Temporary Disability shall apply.

If a disabled employee is incapable of making decisions for himself/herself, the campus or the disabled employee's spouse or representative shall request through the State Compensation Insurance Fund that the Workers' Compensation Appeals Board appoint a guardian or trustee in accordance with Section 5307.05 of the Labor Code. In such cases, the 15 calendar-day time limitation on the benefit choice provisions shall be waived.

Appendix B is an example of a benefits summary form that the campus may wish to reproduce and use as a guide while counseling an employee on choice of benefits.

**BENEFITS - Employee Waiver of Selection**

If a disabled employee waives his/her right to make his/her benefit selection, Education Code Section 89529.05 provides that s/he will receive IDL benefits unless Workers' Compensation Temporary Disability payments are greater, in which case all provisions of Workers' Compensation Temporary Disability shall apply.

**BENEFITS - Change**

Employees will be given a one-time opportunity to change benefits. At any time during the first 90 calendar days of absence, the disabled employee may notify his/her campus to change benefits from IDL to Workers' Compensation Temporary Disability benefits or vice versa. Such change shall be a one-time opportunity and shall be effective on the 90th calendar day of
absence. The amount of benefit shall be that which the employee would have received on the 90th calendar day had the benefit been initially elected.

No later than the 60th calendar day of absence, the campus shall notify the disabled employee of his/her benefit modification rights provided for in this section. The employee must submit written notification of his/her desire to change benefits no later than the 90th calendar day of absence. Regardless of the change in benefits, the eligibility period for IDL benefits remains at 52 weeks within two years from the first day of disability. A failure of the employee to exercise his/her option by the 90th day shall result in no further opportunity for a change in benefits.

**BENEFITS - Garnishment**

Garnishment of IDL benefits may be only for court-ordered support payments. (Reference: State Controller’s Payroll Procedure Manual (PPM) Deduction Section.)

**BENEFITS - Expiration or Termination**

The campus Human Resources office shall notify the Controller’s Office (via the PPT document and standard form 674D) and the State Compensation Insurance Fund (via SCIF Form 68A) as soon as the campus anticipates expiration or termination of Industrial Disability Leave benefits as follows:

1.) In the event an employee has exhausted his/her IDL benefits and remains temporarily disabled, the employee shall be placed on Workers’ Compensation Temporary Disability, with or without supplementation. Supplementation may include sick leave, vacation and/or CTO credits.

2.) If the disabled employee is offered medically approved temporary light duty and refuses to accept such duty, the employee’s IDL benefits should be terminated. Furthermore, the employee would not be eligible to receive Workers’ Compensation Temporary Disability benefits.

3.) If at any time an employee receiving IDL benefits refuses to participate or cooperate in a reasonable vocational rehabilitation plan provided by the campus, s/he is no longer entitled to IDL payments. (Reference: Education Code Section 89529.09.) At this time, the employee shall be placed on Workers’ Compensation Temporary Disability payments, if otherwise eligible, with supplementation of applicable leave credits (sick leave, vacation, and/or CTO). The employee will have 15 calendar days to notify his/her department of the decision to NOT supplement the WCTD benefit with available leave credits.
If the employee has an adequate balance of leave credits available to supplement his/her Workers’ Compensation Temporary Disability payments, s/he should be returned to active pay status. Standard form 674D should be completed as shown in the Disability Section of the State Controller’s Payroll Procedures Manual.

4.) When a temporary employee’s appointment expires while on IDL, the employee’s IDL benefits will expire at the same time as the appointment and the employee will be separated. Following separation, if otherwise eligible, the employee may request Temporary Disability payments under Workers’ Compensation. (Reference: FSA 76-79.)

**PAYMENTS - Industrial Disability Leave - Basic**

IDL provides that an eligible employee may receive up to 22 working days of full pay less an amount equal to his/her federal and state income tax and Social Security/Medicare taxes based on his/her exemptions in effect on the date of disability.

**Federal/State Tax and OASDI or Medicare**

Deductions for federal/state tax and OASDI or Medicare will NOT be made from IDL payments and IDL payments are not reported as Taxable Wages or Other Compensation on Form W-2. However, an employee’s full gross will be reduced by the amount of federal and state tax and OASDI or Medicare to establish IDL reduced gross.

**Retirement**

Retirement contributions WILL BE deducted from all IDL payments. The deduction amount will be computed at the employee’s current rate on the “full pay” amount and the “full pay” amount will be reported to PERS/STRS for full service credit. The state share will be computed in the same manner.

Full pay means the gross base salary the employee may earn (including shift differential payments) and subject to retirement contribution if s/he had not vacated the position. For example, for purposes of computing the IDL benefit payment for an employee injured while on Sabbatical Leave, full pay shall be the amount to which the employee’s appropriate retirement system (PERS/STRS) retirement contribution is applied at the time of commencement of the Industrial Disability Leave.
Exemptions

The number of exemptions claimed by the employee on the Employee Action Request STD. 686 at the time a disability is incurred is one of several factors which will determine the size of IDL benefit payments. Employees should be encouraged to review the number of exemptions claimed on their Employee Action Request STD. 686 on a periodic basis. Employees should be informed of the effect the number of exemptions claimed will have on their IDL benefit payments should they incur a work-related disability.

Effect of Salary Adjustments

An employee’s IDL benefits shall be adjusted during his/her leave to reflect any changes (increases or decreases) in the gross base salary which would have occurred due to salary modifications. These include performance-based salary increases, service-based salary increases, general salary increases, special salary adjustments, or decreases due to demotions which s/he would have received had s/he not gone on an Industrial Disability Leave but remained on active employment. The goal of IDL is to maintain, as close as possible, the disabled employee’s take-home pay. IDL payment checks shall be issued by the State Controller’s Office.

If the industrial disability continues beyond 22 working days, the IDL payment will be adjusted to two-thirds of the employee’s gross monthly salary.

Probationary Period

A probationary employee who suffers a work-related injury and elects IDL coverage shall have his/her probationary period extended by the number of days on IDL. A probationary employee shall not gain permanent status in a classification while on IDL.

PAYMENTS - Industrial Disability Leave Benefits With Sick Leave Credit Supplementation

Both represented and nonrepresented employees shall be eligible to make application for supplementation of their Industrial Disability Leave benefits with accrued sick leave credits.

Employees whose disabilities are determined by the CSU to be work-related shall have a one-time opportunity to elect to receive Industrial Disability Leave benefits with or without supplementation of accrued sick leave credits.
up to regular salary or wages. Total benefit and supplementation shall not be in excess of an employee's regular salary or wage.

Before an employee may elect to supplement IDL with accrued sick leave credits, s/he must have sufficient credits to provide an IDL and supplementation amount equal to his/her regular daily salary or wage. The campus will stop supplementation when the combined IDL and supplementation amount is less than the employee's daily salary or wage. Supplementation is limited to the use of sick leave accrued up to the date of the work-related injury or the first day of disability (which may be different than the date of injury) for which IDL with supplementation is sought, except as indicated under the Catastrophic Leave program. If an employee is released to return to work but goes out on IDL at a later time for the same work-related injury, sick leave accrued during the time in work status may be used for supplementation purposes.

Supplementation shall be made only upon written notification to the campus by an eligible employee. The notification shall be given to a designated member or representative of CSU management no later than fifteen (15) calendar days from the mailing of the notice of benefit eligibility. The employee's election commences with the 23rd day on IDL. Supplementation shall continue until the employee has exhausted his/her pre-disability accrued sick leave credits or until the employee provides written notification to the campus s/he wishes to discontinue supplementation. The written notification must be provided at least 15 calendar days in advance of the supplementation termination date so as to permit the campus and the State Controller's Office sufficient time to process the necessary documents.

All payments received by an employee while on IDL shall be subject to mandatory and authorized voluntary deductions.

**ENHANCED INDUSTRIAL DISABILITY LEAVE (EIDL) - Unit 8**

Employees covered by the California State University and the Statewide University Police Association Agreement (Unit 8) are eligible for an Enhanced Industrial Disability Leave (EIDL) for disabilities occurring on or after October 1, 1995, under the following conditions:

1.) When an employee is disabled by injury or illness arising out of and in the course of his/her duties regardless of his/her period of service with the campus. The EIDL benefit for police officers is no longer limited to injuries received as a result of a criminal act of violence.

2.) The campus makes the determination of employee eligibility for the enhanced benefit. The campus may periodically review the employee's
condition by any means necessary to determine an employee’s eligibility for EIDL.

3.) The injury or illness meets the terms and conditions of the MOU and the policies and procedures outlined in this administrative guide.

4.) The injury or illness occurs between October 1, 1995 and June 30, 1998. The EIDL benefit expires on June 30, 1998, unless it is extended through the collective bargaining process.

The EIDL benefit will be equivalent to the injured employee’s net take home salary on the date of occurrence of the injury. EIDL eligibility and benefits may continue for no longer than one (1) year after the date of injury. For the purposes of this Section, “net salary” is defined as the amount of salary received after federal and state income taxes, Social Security/Medicare taxes, and the employee’s retirement contribution have been deducted from the gross salary.

The EIDL benefit does not apply to presumptive, stress-related disabilities, any psychiatric disability, or any physical disability arising from a psychiatric injury.

**CATASTROPHIC LEAVE PROGRAM**

The purpose of the Catastrophic Leave Program is to supplement any disability benefit for which the employee is eligible. Therefore, if the employee is eligible for IDL, catastrophic leave should be used only to supplement that benefit. The employee should not be allowed to waive IDL benefits at his/her option and still apply for catastrophic leave donations.

The use of catastrophic leave while on IDL is problematic due to the fact that all leave credits (sick leave, vacation, CTO, and in some cases the personal holiday) must be exhausted before an employee may request participation in the Catastrophic Leave Program. If an employee is out of leave credits and requests and is deemed eligible to participate in the Catastrophic Leave Program, the employee’s sick and vacation leave credits should be used as accrued. Do not continue to process donated leave without exhausting the employee’s own leave credits. An employee’s participation in the Catastrophic Leave Program while on IDL is the only exception for use of the injured employee’s vacation credits or use of the employee’s sick leave after the date of the injury or the first day of disability, if different. Please refer to Technical Letter HR/Benefits 6600 92-19 and collective bargaining agreements, if applicable.
FAMILY MEDICAL LEAVE

The Family Medical Leave (FML) entitlement, if available to the employee, should run concurrently with IDL benefits. Please refer to HR 94-11 and collective bargaining agreements, if applicable.

PAYMENTS - Deductions

IDL benefits are not considered a salary or wage; therefore, the State Controller’s Office will not report IDL payments as earnings for tax purposes. However, for the IDL-Sick Leave and Catastrophic Leave Supplement programs, the supplement portion is reported as earnings.

Appendix C provides examples of computation of benefits and a sample form for campus use when making such estimates. The following transactional guidelines should be followed when making benefit estimates:

1.) The employee’s PERS/STRS contributions shall be deducted from the IDL benefit payment on the basis of his/her normal gross monthly salary.

2.) The State contribution to PERS/STRS shall be made on the basis of the disabled employee’s gross monthly salary rate.

3.) Voluntary deductions shall continue to be made unless canceled by the employee.

4.) The employee’s regular contribution to his/her health insurance premiums shall be deducted from his/her IDL benefit.

5.) The CSU shall continue to pay the employer’s contribution for the health, dental, vision, life and/or long term disability insurance premiums.

6.) While receiving IDL benefit payments, the employee shall continue to accrue sick leave, vacation, service credits, and salary modifications.

7.) Only court-ordered support garnishments will affect IDL benefit payments.

PAYMENTS - Adjustments to Reflect Salary Changes

The employee’s salary rate and the number of days and hours for which s/he would have been paid had the work-related disability not occurred shall be used to compute IDL payments at the time of disability in accordance with Section 89529.02(b) and 89529.03 of the Education Code. Thereafter, payments
shall be adjusted to reflect any salary adjustments which the employee would have received had s/he not incurred the disability.

In cases where the employee is on a variable work schedule, such as an intermittent employee who is a member of PERS/STRS, the employee's salary rate and number of days and hours for which s/he would have been paid had the disability not occurred as well as his/her past work schedule shall be used by the campus to compute IDL benefit payments.

**PAYMENTS - Adjustment to Reflect Other Sources of Disability Benefits**

Education Code Section 89529.03 states that IDL benefit payments shall be adjusted to offset disability benefits, excluding those disability benefits payable from the State Teachers Retirement System, the employee may receive from other employer-subsidized programs, except that no adjustments will be made for benefits to which the employee's family is entitled to a maximum of three-quarters of full pay. This allows an offset to IDL benefits only for other benefits which are paid for by the employer (e.g., Social Security payments) and does not offset against private income protection plans. Upon written notification by the employee that s/he is receiving other benefits, the campus shall adjust the employee’s IDL benefit to reflect this. If the employee does not notify his/her campus of other benefits s/he is receiving, this inaction would constitute grounds for removing the employee from the IDL program.

**PAYMENTS - Ten-Month and Ten-Twelve (10/12) or Eleven-Twelve (11/12) Pay Plan Employees**

When a permanent or probationary employee in a ten-month appointment class incurs a work-related disability while on the active payroll and selects IDL coverage, the employee shall be eligible for IDL benefit payments only for the period of active payroll status. If the employee is still disabled when s/he goes on inactive payroll status, the employee shall be transferred to Workers’ Compensation Temporary Disability for the two months of inactive payroll status. Upon the designated date of the employee’s return to active payroll status, if the employee’s disability continues, the employee is returned to IDL status for the balance of his/her IDL eligibility.

When an employee appointed on a temporary basis into a ten-month classification incurs a work-related disability while on the active payroll and selects IDL coverage, the employee shall be eligible for IDL benefit payments only for the period covered by the appointment. If the employee is still disabled at the end of the appointment, the employee is separated and placed on Workers’ Compensation Disability until SCIF makes a decision that s/he is no longer eligible for benefits. NOTE: If the campus expressed an intent, in writing prior to a disabling injury, to reappoint the employee for a new ten-month period, the individual may be placed on active payroll status on the
designated date of the reappointment and returned to IDL status for the balance of his/her IDL eligibility.

**Ten-Twelve** and **Eleven-Twelve** Pay Plan employees will be continued on IDL for the duration of the benefit period. If, at the end of the benefit period the employee is still disabled, s/he shall be continued on Workers’ Compensation Temporary Disability until SCIF makes a decision that s/he is no longer eligible for benefits.

**PAYMENTS - Academic Year Employees**

**Semester and Quarter Systems**

When an employee appointed to an academic year class (usually covers the period from September through June for two consecutive semesters or three consecutive quarters) incurs a work-related disability during the academic year and selects IDL coverage, the employee shall not be eligible for IDL benefit payments during the vacation period (normally July and August) while receiving regular monthly salary payments. S/he may be eligible for medical and hospital costs reimbursement. If such an employee continues to be disabled following the start of a new appointment or continuing appointment for the new academic year, the employee shall be returned to IDL status. If s/he continues to be disabled beyond the vacation period but has not been reappointed for the new academic year, s/he may be eligible to receive Workers’ Compensation benefit payments.

When an employee appointed to an academic year class incurs a work-related disability during the vacation period while performing campus-related business, the employee, in all probability, would be receiving regular monthly salary payments during the vacation period and therefore shall not be eligible for concurrent IDL benefit payments. S/he may be eligible for medical and hospital costs reimbursement.

**Summer Session**

If an academic year appointment class faculty member incurs a work-related disability while employed during the Summer Session, s/he shall not be eligible for IDL but may qualify for Workers’ Compensation medical and hospital benefits under the terms and conditions of Continuing Education’s membership in the CSU Risk Pool. Since the disabled faculty member is not considered a “State” general fund employee while teaching during Summer Session, s/he is not eligible for the CSU IDL program.
Quarter System Year Round Operation (QSYRO)

When a faculty member in an academic year class employed on a QSYRO campus incurs a work-related disability while employed during an extra quarter for pay (typically the summer quarter), the faculty member shall not be eligible for IDL benefit payments concurrent with his/her salary payments during what normally would have been the vacation period.

When a faculty member in an academic year appointment class, employed on a campus operating on the quarter system, incurs a work-related disability while employed during a quarter in which s/he is banking salary payments for a future quarter off, the faculty member shall not be eligible for IDL benefit payments concurrent with his/her salary payments during what normally would have been the vacation period. Furthermore, there is no provision to bank IDL benefit payments to replace the lost earnings.

Employees in these two categories may be eligible for medical and hospital costs reimbursement. Only at such time when the faculty member is scheduled for a new appointment period and is not receiving concurrent salary payments is s/he eligible to select IDL benefits, should the disability continue into the new appointment period.

PAYMENTS - Partial Days of Absence

An employee receiving IDL benefits who is released by the physician to work only part-time shall be eligible to continue receiving IDL credit for the days on which s/he works. If the disabled employee works less than his/her scheduled work hours on a particular day, s/he shall receive wages for the hours actually worked and IDL payments for the balance of the workday. Partial days off work due to industrial disability shall be reported as full days of IDL. A partial day on IDL counts as a full day of IDL.

If an employee receiving IDL benefits is released by the physician to full-time employment and subsequently loses work time for doctor’s appointments, physical therapy etc., such absences shall be charged to the employee’s leave credits consistent with CSU policy on reporting of absences for non-exempt and exempt employees.

SELECTION OF PHYSICIAN

The campus shall exercise its right to control an injured employee’s course of treatment during the first 30 days following the injury if the employee has not provided the campus with the name of his/her personal physician in advance.
Pursuant to Labor Code Section 4600, an injured employee, after 30 days from the date the injury is reported, may be treated by a physician of his/her own choice at a facility of his/her own choice within a reasonable geographical area or one selected from a panel of physicians provided by the campus. (Please refer to Appendix D for legal requirements and procedures.) The campus retains the right to require periodic reevaluation by its own physician or facility as deemed necessary.

Pursuant to Labor Code Section 4603, the employer may request a change of physician by submitting a petition to the administrative director of the Division of Industrial Accidents.

ASSIGNMENT OF RESPONSIBILITIES - Please refer to Appendix E

REHABILITATION

Vocational rehabilitation is legally required on the part of the employer and employee (please refer to Appendix F). A brief description of the rehabilitation process is presented in Appendix G. NOTE: Professionals reviewing medical disposition should be versed in requirements of the Americans with Disabilities Act (ADA), as appropriate.

The State Compensation Insurance Fund and the campus shall determine the need for the disabled employee to undergo vocational rehabilitation. It shall be the ultimate responsibility of the State Compensation Insurance Fund to notify the disabled employee and his/her campus of such decision if it is decided to provide vocational rehabilitation to the employee.

If it is determined that the employee is medically unable to undergo or successfully complete his/her vocational rehabilitation program, s/he shall continue to receive Industrial Disability Leave benefits.

The campus should keep in mind that it should give foremost consideration to the right of return of the disabled employee back to his/her former position whenever possible.

RETURN TO EMPLOYMENT FOLLOWING REHABILITATION

The campus shall take at least one of the following actions at such time as the employee has successfully completed his/her vocational rehabilitation program initiated while under IDL:

1.) Restore the employee to his/her former position if able to perform such duties without danger to his/her health or safety or to that of others. If the employee is covered by the ADA, restore the employee to
his/her former position if s/he is able to perform the essential duties of the position with or without reasonable accommodation;

2.) Demote or transfer the employee to another position, if s/he is able to perform such duties. If the employee is covered by the ADA, demote or transfer the employee to another position if s/he is able to perform the essential duties of the position with or without reasonable accommodation;

3.) Place the employee on a training and development assignment in another line of work suitable to his/her disability with the intent to transfer at a later date.

4.) Initiate placement services for non-CSU employment.

The campus is responsible for making the final determination concerning the medical suitability of placement of the disabled employee who has completed his/her vocational rehabilitation program.

When an employee on IDL is no longer disabled, s/he shall be returned to his/her former position.

Upon the request of an employee who is dismissed, demoted, or reassigned pursuant to Sections 43403 and 43406, Title 5, the employee shall be reinstated to an appropriate vacant position in the same class, comparable class or in a lower related class if it is determined that the employee is no longer incapacitated for duty. (See Title 5, Section 43407.)

**APPEAL PROCESS**

When a disabled employee has complaints regarding IDL action taken by the campus or other State agencies, s/he may seek a remedy through the following appeal process:

1.) The employee shall first seek administrative remedy through the campus for complaints which can be resolved administratively. The employee should notify his/her Human Resources office of the complaint in writing within 30 days of its origin. If the matter is not resolved to the satisfaction of the employee, s/he may appeal to the appropriate appeal source set forth below.

2.) The Workers’ Compensation Appeals Board of the Division of Industrial Accidents is the source of appeal for such matters as:

   A.) Determinations on the CSU’s liability for provision of medical care.
B.) Determinations on whether disability was industrially caused.

C.) Determinations on eligibility for Workers' Compensation Temporary Disability payments.

There are certain time limits during which appeals shall be filed (Labor Code Sections 5404 and 5410), therefore, it is advisable that such appeals be filed as soon as possible.