

CAPS ROLL OVER PROPOSAL

Bargaining Unit: 10

Date: February 3,
2022 at 11:05AM

Exclusive Representative: CAPS

Article: 5

Subject: Health and Welfare

5.6 Enhanced Industrial Disability

Employees shall be eligible for Industrial, Enhanced Industrial Disability Leave, and Nonindustrial Disability Leave as provided in Government Code Sections 19869 through 19885 and as described below.

A. IDL

1. Employees who suffer an industrial injury or illness and would otherwise be eligible for temporary disability benefits under the Labor Code will be entitled to Industrial Disability Leave as described in Article 4 of the Government Code, beginning with Section 19869. Industrial Disability Leave will be paid in lieu of temporary disability benefits.
2. Eligible employees shall receive IDL payments equivalent to full net pay for the first twenty-two (22) workdays after the date of the reported injury.
3. In the event that the disability exceeds twenty-two (22) workdays, the employee will receive 66 and 2/3 percent of gross pay from the 23rd workday of disability until the end of the 52nd week of disability. No IDL payments shall be allowed after two years from the first day (i.e., date) of disability.
4. The employee may elect to supplement payment from the 23rd workday with accrued leave credits including annual leave, vacation, sick leave, or compensating time off (CTO) in the amount necessary to match, but not exceed, full net pay. Full net pay is defined as the net pay the employee would have received if ~~he/she~~ they had been working and not on disability. Partial supplementation will be allowed, but fractions of less than one (1) hour will not be permitted. Once the level of supplementation is selected, it may be decreased to accommodate a declining leave balance but it may not be increased. Reductions to supplementation amounts will be made on a prospective basis only.
5. Temporary Disability (TD) with supplementation, as provided for in Government Code Section 19863, will no longer be available to any State employee who is a member of either the PERS or STRS retirement system during the first 52 weeks, after the first date of disability, within a two-year period.
6. If the employee remains disabled after the IDL benefit is exhausted, then the employee will be eligible to receive Temporary Disability benefits as provided for in the Labor Code, except that no employee will be allowed to supplement Temporary Disability payments in an amount which exceeds the employee's full net pay as defined above.
7. All appeals of an employee's denial of IDL benefits shall only follow the procedures in the Government Code and Title 2. All disputes relating to an employee's denial of

benefits are not grievable or arbitrable. This does not change either party's contractual rights which are not related to an individual's denial of benefits.

- B. EIDL. The following classifications in Unit 10 shall be eligible for Enhanced Industrial Disability Leave (EIDL), as described below:

<u>CODE</u>	<u>CLASS NAME</u>
BH70	Environmental Scientist
BH74	Senior Environmental Scientist (Specialist)
BH94	Hazardous Materials Specialist
BH93	Associate Hazardous Materials Specialist
BH92	Senior Hazardous Materials Specialist (Technical)
SW80	Examiner I, Laboratory Field Services
SW75	Examiner II, Laboratory Field Services
IC61	Assistant Industrial Hygienist
IC62	Associate Industrial Hygienist

1. An employee in the above enumerated classifications who loses the ability to work for more than 22 days as the result of an injury incurred in the official performance of ~~his/her~~ their duties, may be eligible for financial augmentation to the existing industrial disability leave benefits. Such injury must have been directly and specifically caused by an assault by an inmate, ward, or parolee under the jurisdiction of the California Department of Corrections and Rehabilitation, a client of the Department of Developmental Services, patient of the Department of State Hospitals or a member of the Department of Veterans Affairs.
2. The EIDL benefits 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 year after the date of occurrence of injury. For the purposes of this Section, "net salary" is defined as the amount of salary received after federal income tax, State income tax, and the employee's retirement contribution have been deducted from the employee's gross salary. The EIDL benefit will continue to be subject to miscellaneous payroll deductions.
3. EIDL will apply only to serious physical injuries and any complications directly related medically and attributable to the assault, as determined by the department director or designee. This benefit shall not be applied to either presumptive, stress related disabilities, or physical disability having mental origin.
4. The final decision as to whether an employee is eligible for or continues to be eligible for EIDL shall rest with the department director or designee. The department may periodically review the employee's condition by any means necessary to determine an employee's continued eligibility for EIDL.
5. Other existing rules regarding the administration of IDL will be followed in the administration of EIDL.
6. This Section relating to EIDL will not be subject to the arbitration procedure of this MOU.