

# City of Mission Viejo

## Personnel Policy

**Subject:**       **INDUSTRIAL ACCIDENT LEAVE OF ABSENCE**

**Statement of Intent:**

To temporarily continue the salary of an Eligible Employee who is incapacitated due to a serious on the job injury or illness and unable to perform their usual and customary duties or a transitional return to work assignment.

**Policy:**

1. Eligibility
  - a. An employee designated as a “Full-time” or “Part-time” employee, as defined in the City’s Categories of Employment Personnel Policy, shall be an Eligible Employee to use Industrial Accident Leave.
  - b. “Hourly/Seasonal/Temporary” (HST) employees, as defined in the City’s Categories of Employment Personnel Policy, are not eligible for Industrial Accident Leave. HST employees may be eligible for Temporary Total Disability (TTD) payments as defined and allowed under the laws governing the workers’ compensation system.
2. When an Eligible Employee is disabled due to an injury or illness arising out of and in the scope of his/her employment with the City, the employee shall be entitled to a paid Industrial Accident Leave of Absence for any scheduled hours they were unable to work for the duration of the work-related disability up to a maximum of thirty (30) continuous calendar days beginning with the first day they were unable to work. The employee will be eligible for such leave for each accepted industrial illness or injury claim under the following conditions.
3. In order for an Eligible Employee to be paid Industrial Accident Leave, the injured or ill employee must:
  - a. Be disabled due to an injury or illness arising out of and in the scope of his/her employment with the City;
  - b. Not have violated any safety policy or work rule that resulted in his/her injury or illness;
  - c. Not have caused his/her injury or illness as a result of willful misconduct or gross negligence;
  - d. Have promptly reported the injury or illness to his/her supervisor;
  - e. Be following the treatment plan of a City approved physician;
  - f. Be reporting his/her status to his/her supervisor, or the Human Resources Division, weekly including physician statements and other work releases or restrictions;

- g. Be disabled and unable to accept work based on a physician's work restrictions in any temporary modified assignment the City makes available to the employee
  - h. Not be permanently disabled from returning to work.
4. The Industrial Accident Leave of Absence (IALA) payment is in lieu of the Workers Compensation Temporary Total Disability (TTD) payment the employee is entitled to receive as a result of the claim. In no instance is the employee eligible for payment of both TTD and IALA payments.
  5. During a paid Industrial Accident Leave of Absence, the employee shall remain eligible to receive the same benefit allowance and benefit enrollments that they would have received had he/she not been disabled.
  6. At the completion of an Industrial Accident Leave of Absence, the employee may be placed on a Medical Leave of Absence at the discretion of the City Manager, or a designee, if the employee would otherwise be eligible as defined in the Temporary Leave of Absence Personnel Policy.
  7. If the City's third-party workers' compensation administrator does not accept the employee's workers' compensation claim, or delays acceptance of the claim, Industrial Accident Leave of Absence will not be provided. Authorization for medical treatment does not constitute workers' compensation claim acceptance. The employee may use CAL time during the period they are unable to return to work; or may be eligible to use leave of absence as provided by city policies in the event they do not have an adequate accrued CAL leave balance, or choose not to use CAL leave. If the claim is accepted at a later date, the City will credit CAL leave used, or provide retro payment for periods of unpaid leave, in accordance with this Industrial Accident Leave of Absence policy from the beginning of the claim.

**Administration:**

In accordance with City of Mission Viejo Municipal Code chapter 2.60 "Personnel System", this Personnel Policy is deemed to have a direct financial impact on the City. City Council approval is required prior to initial implementation and for any subsequent amendments.

Adopted: By City Council - September 11, 1989 - Res. No. 89-92.  
Amended: By City Council – August 15, 2011 – Res. No. 11-52.  
Amended: By City Council – October 24, 2017 – Resolution No. 17-51.