750 REASSIGNMENT OF REGULAR EMPLOYEES BECAUSE OF ILLNESS OR INJURY

Education Code Section 88098

88098. Reassignment of Regular Employees Because of Illness or Injury. A regular employee who is determined by the governing board to be incapable of performing the duties of his class because of illness or injury may, at the direction of the governing board, be assigned duties which he is capable of performing. The position to which he is assigned shall be subject to classification by the personnel commission, but the employees shall receive no increase in wage or salary because of his assignment to the position unless he is appointed from an eligibility list resulting from a competitive examination. In the event that the position is classified and allocated to a higher wage or salary than that previously attained by the employee, he may be assigned to the position without competitive examination, but shall continue to receive the wage or salary of his former classification. If the position is classified and allocated to a lower wage or salary than that attained by the employee, he shall be paid the wage or salary appropriate to the position.

A. Regardless of the source or nature of the disability, classified employees who are determined to be unable to continue performing their regular duties may be assigned to different duties, upon the recommendation of the division head, or College President and/or the District's Committee for the Physically Handicapped, under the following conditions:

1. Any compensation insurance payments heretofore available on account of disability have been reduced or terminated because the employee is able to do light work, and

2. The District Contract Physician and/or Workers' Compensation Administration Physician approve the physical ability of the employee to perform the new duties.

CHANGES:
Changes rule title from Light Work for Disabled Employees to Reassignment of Regular Employees Because of Illness or Injury. Adds topical heading to code section. Amends Paragraph A. 2. to delete reference to Employee Health Services Unit which no longer exists and adds District Contract Physician and Workers' Compensation Administration Physician as official authorized to approve an employee's physical ability to perform new duties.
3. Information and guidelines for the functions of the Committee for the Physically Handicapped are contained in Board Rules 10208 and 10209.

B. A disabled employee may be assigned to perform the duties of a class but with greater flexibility as to the daily time allowed for completion of work. However, a disabled employee may not work more than eight hours per day without payment for overtime.

C. The position to which the disabled employee is assigned shall be classified by the Personnel Commission. If the position is evaluated at a higher level than any class in which the employee has held regular status and if he/she is not eligible for regular appointment, the position may be reclassified to a (Light Duty) or (Special) class on the same salary level as any class in which the employee holds or has held regular status. When a disabled employee is transferred, he/she shall be credited with seniority accumulated in the class from which transferred.

1. A (Light Duty) class is one in which the employee continues to perform the duties and responsibilities most characteristic of his/her regular class but with some restriction on physical activity. The same knowledges, skills, and abilities continue to be utilized. The restriction on physical activity may take the form of a limitation on the weight of objects the employee may lift; being excused from duties that require bending, stooping, or climbing; or being assigned to a position that does not require operation of equipment. The foregoing are examples only and do not restrict the range of accommodations which may be made to keep the employee gainfully employed.

2. A (Special) class is one in which the employee may perform somewhat different duties and responsibilities than are typical of his/her regular class. The assignment may take into consideration prior training and experience or it may involve a period of study and retraining.

D. When a disabled employee is appointed from an eligibility list to a position at a higher level than any class in which he/she has held regular appointment, he/she shall be placed at that step of the schedule for the class which is next higher than the rate of the step of the schedule he/she received immediately prior to the promotion, or the first step of the new class, whichever is higher.

CHANGES:
Adds to Paragraph A. Board Rule references that contain information on the functions of the Committee for the Physically Handicapped. Adds Paragraphs C. 1. and 2. to specify the difference between a Light Duty class and a Special class. Modifies generic terms.
E. A disabled employee who promotes from a (Light Duty) or (Special) class to the corresponding regular class shall, upon specific finding by the Personnel Commission that he/she has performed and will perform the same duties in both classes, be credited with seniority in the regular class for his/her service in the (Light Duty) or (Special) class.

F. With the exceptions described above, assignment under the provisions of this rule will not alter the employee's rights, burdens, and benefits, nor preclude subsequent assignment in accordance with the above provisions.

The provisions of this rule are intended to be fully compatible with and enable the administration to comply with all laws and regulations issued by federal and state agencies relating to prohibition of discrimination against handicapped persons.

G. The time limits for return to a former or related class set forth in the Education Code and other Personnel Commission rules shall not apply either to the initial or subsequent placement of a disabled employee.

CHANGES:
Modifies generic terms. Adds Light Duty class to Paragraph E. Adds to Paragraph F. A. paragraph to clarify the relationship of this rule to federal and state laws and regulations on discrimination against handicapped persons.