

~~Sideletter 26~~

10.8.9
12/4/17

Implementation of Senate Bill 334 re Enhanced Industrial Disability Leave (EIDL)

The State and CAL FIRE Local 2881 understand and agree that Senate Bill 334, regarding EIDL, defines the industrial disability leave benefit for Unit 8 employees who are temporarily disabled by illness or injury arising out of and in the course of state employment for dates of injury on or after January 1, 2018 and who experience a period of temporary disability that exceeds 22 consecutive days.

Government Code section 19871.3 shall apply to an injury or illness described above and supersedes Section 10.8 – Enhanced Industrial Disability Leave and Section 11.21 – Industrial Disability Leave, with the exception of 11.21.1 and 11.21.9.

Senate Bill 334 defines the IDL benefit period for employees who experience a period of temporary disability that exceeds 22 consecutive days to be a period not to exceed 52 weeks following the date of injury or until the injury or illness is declared “permanent,” whichever is earlier, unless the injury is burn-related. If the injury is burn-related, the maximum period is not to exceed 156 weeks following the date of injury or until the injury or illness is declared “permanent,” whichever is earlier.

“Permanent” is defined as “permanent and stationary.”

Senate Bill 334 does not contain supersession language and, therefore, Government Code Section 19871.3 is controlling.

For the purposes of determining the net salary on the date of the occurrence of the injury or illness or the date the injury or illness is declared, ‘declared’ is defined as the filing of a completed claim form with the employer.

Section 11.21 – Industrial Disability Leave shall continue to apply for employees who are temporarily disabled by illness or injury arising out of and in the course of state employment until the employee experiences a period of temporary disability that exceeds 22 consecutive days.

TRA
12/4/17 12:22pm
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