

### **39.0 Occupational Disability Leave**

Employees may be eligible to take a leave of absence for the duration of a disability due to an occupational illness or injury. When on occupational disability leave, the employee must be examined by a health care provider and certified to be disabled from returning to work. During the leave, he/she will receive workers' compensation insurance benefits in accordance with California law.

The leave of absence will end as soon as a health care provider certifies that the employee is able to perform safely all of the essential functions of his or her job, with or without reasonable accommodation. If the Diocese receives satisfactory medical evidence that the employee will be permanently unable to resume safely all of the essential functions of his or her job, with or without reasonable accommodation, and if reassignment to a vacant position is not possible, employment will be terminated.

An employee will be reinstated to his or her former position when a health care provider certifies that the employee is able to perform all of the essential functions of his or her job, with or without reasonable accommodation. Exceptions to this rule are:

- When the employee directly or indirectly indicates to the Diocese that he/she does not intend to return to the job;
- When the former position no longer exists;
- When the Diocese has to replace the employee as a business necessity;
- When the employee is no longer qualified for the former job; or
- When the employee is unable to return to the former job without posing a direct threat to his or her health or safety or to the health and safety of others.

During occupational disability leave, an employee may elect to integrate unused sick pay and vacation time as long as total compensation does not exceed regular pay.

An employee's benefits are protected on the same basis as leave under the Diocese's Medical/Family Leave Policy, and for the same duration since they run concurrently with medical/family leave. If an employee does not meet the eligibility requirements for medical/family leave (as set forth in this handbook), he or she will still be treated as being on medical/ family leave for purposes of employee benefit treatment. Employees will be responsible for paying the full cost of his or her benefits if occupational disability leave continues beyond the 12 weeks limit associated with medical/family leave.