TULARE/KINGS COUNTIES PERSONNEL COMMITTEE

Tulare County Office of Education
Redwood Room A, B, G, H
Friday, October 23, 2026
9:00 a.m. - 11:00 a.m.

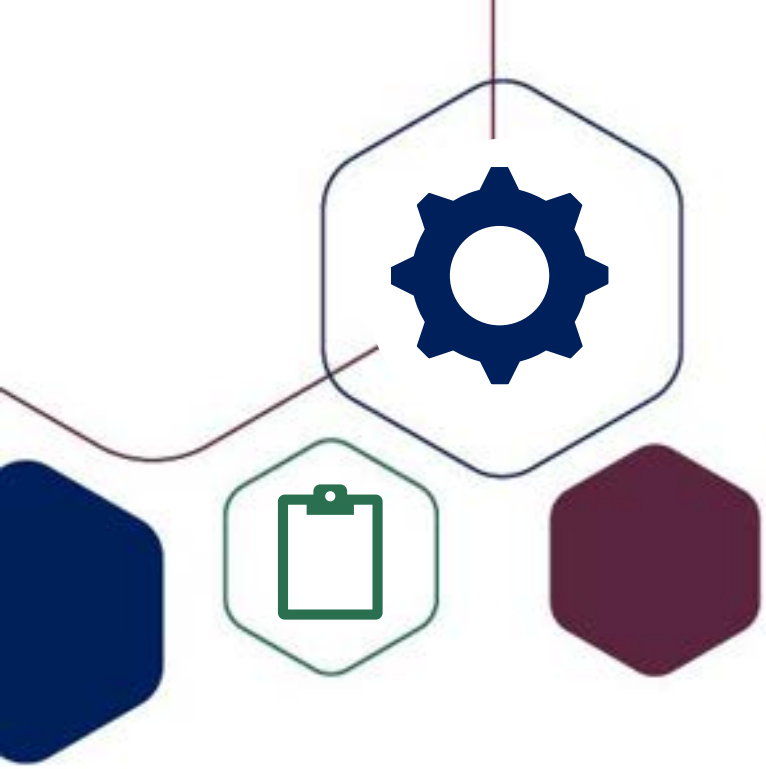
- **Welcome & Introductions**
- **Hot Topics – open discussion**
- **Worker's Compensation presentation**
  Tony Zuniga from Keenan
- **Open Forum: recap, questions, future topics…**



*Eleanor Welke, attorney with Lozano Smith, will be in attendance to help answer any legal questions associated with Worker's Compensation.

Upcoming Events

Law Seminar – Prior Written Notice	**Tuesday, December 1, 2026**	**8:30-10:30am**
Negotiations in Practice – part 2	**Thursday, January 21, 2027**	**8:30-11:30am**
Law Seminar – CalSTRS & CalPERS	**Wednesday, February 3, 2027**	**8:30-10:30am**



Keenan

Workers' Compensation - Life of a Claim



Legal Disclaimer

The discussion and materials provided by the presenter are for informational purposes only and no opinion, suggestion, or recommendation of the panel members, their entities or employees, shall constitute legal advice. Participants are advised to consult with their own attorney for a determination of their respective legal rights, responsibilities and liabilities, including the interpretation of any statute or regulation, or its application to the participants' business activities. Furthermore, while the presenter hopes this information will help participants identify and mitigate liability exposures, neither they nor their entities or employees make any promise or representation that participants will recognize improved loss experience or premium savings as a result of any suggestion or recommendation made by the presenter. Information about COVID-19 is still rapidly changing. Schools should always refer to, and comply with any local Department of Health mandates, guidelines, and recommendations.

The Intent of the California WC System



Workers' Compensation (WC) benefits are mandatory for **all** Employers in the State of California to cover their Employees for any **industrial** injuries or illnesses (CA Labor Code Section 3700)



Intent is to compensate workers who are injured on the job (i.e. industrial injury)



Provides all medical care reasonably necessary to cure or relieve the injured worker from the effects of the industrial injury



WC is a "No Fault" system



Attempt to compensate for lost earnings and medical recovery but to limit a "windfall" of benefits.

Types of Injuries

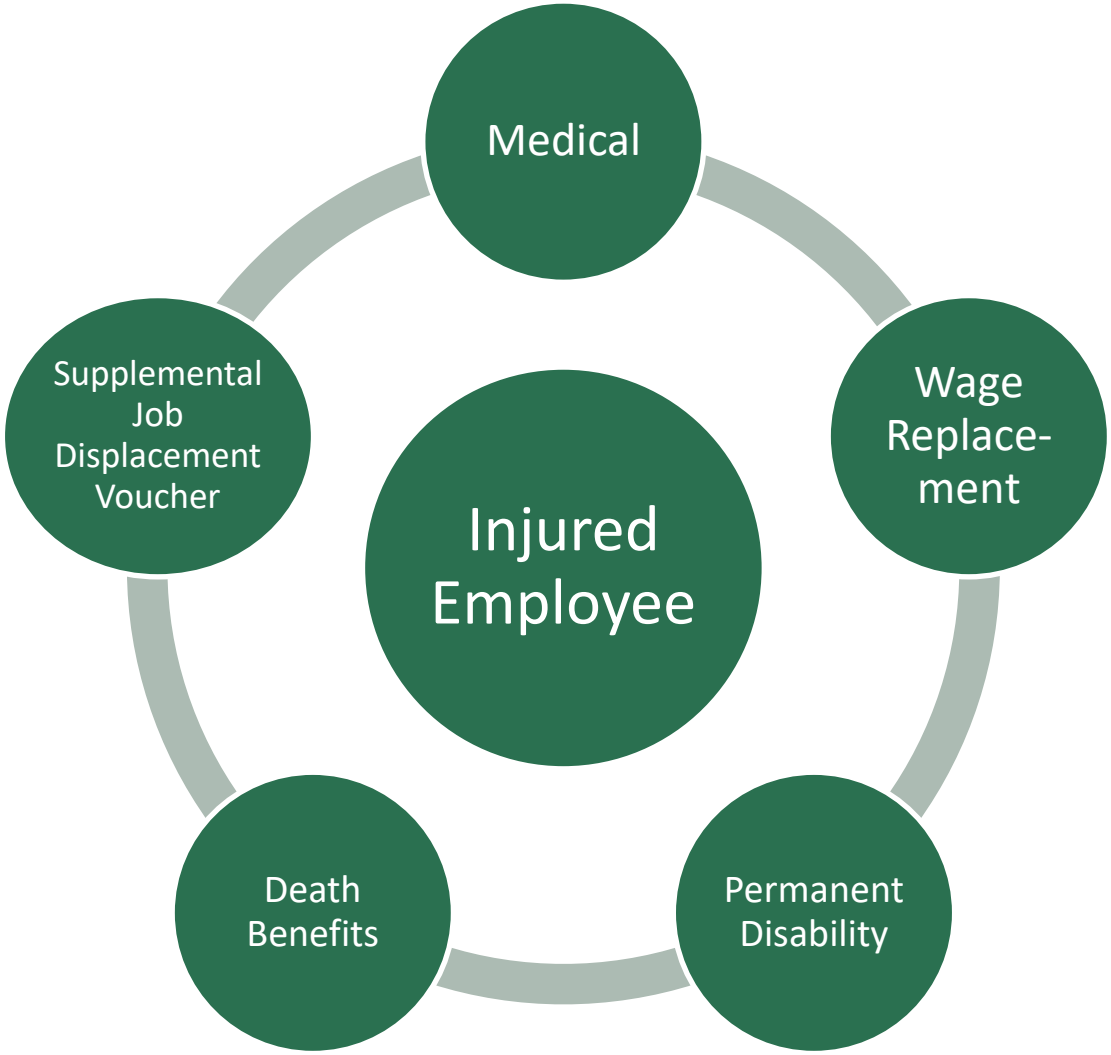


- Any injury or illness that "arises out of employment (AOE) and/or occurs in the course and scope of the employment (COE)" known as "AOE/COE"
- Specific Injuries (i.e. - slip and fall on wet floor in office)
- Occupational Diseases (i.e. - lung cancer for fireman)
- Cumulative Trauma (i.e. - carpal tunnel syndrome from typing at a computer all day)
- Aggravations of pre-existing conditions (i.e. - A Child Nutrition Worker, who has an old back injury from playing football, lifts a box of beef patties at work and aggravates the old back injury)





Benefits Through CA Workers' Compensation System



Meet Ms. Ida Fall

A 1st year Teacher that just finished all the assigned Keenan Safe School Classes







Ida broke her arm when she fell



Ida's Medical Benefits include all medical expenses "reasonably required to cure or relieve the employee from the effects of the injury". All medical treatment must meet treatment guidelines set by Medical Treatment Utilization Schedule. Medical benefits may include:

- Medical Treatment / Doctor Visits
- Physical Therapy / Acupuncture / Chiropractic
- Prescription medications
- Medical Equipment & Supplies
- Glasses (depends on the circumstances)
- Transportation / Mileage

As a Credentialed employee Ida becomes Eligible for Ed Code Benefits



39-Month Rehire List

Sub-Differential Pay / 50% Pay

Paid Sick Leave
(current & accumulated)

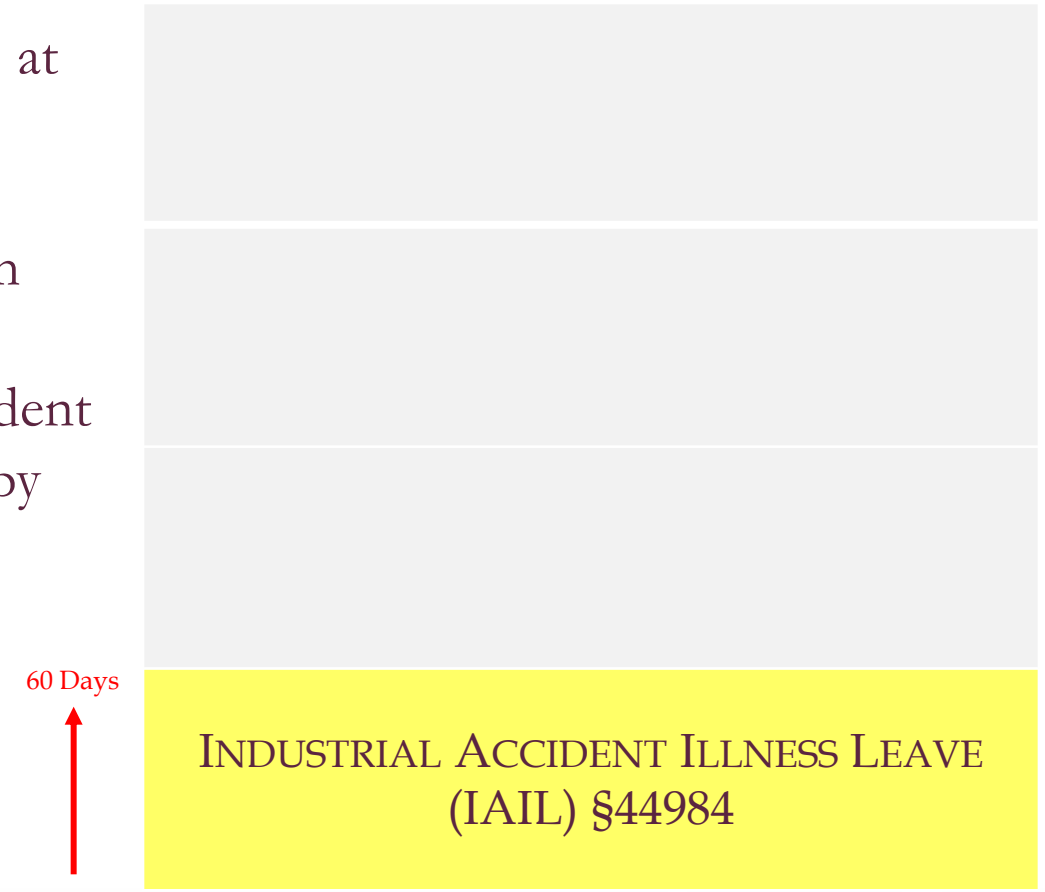
INDUSTRIAL ACCIDENT ILLNESS LEAVE

Let's Demonstrate Applying Leaves for Faculty/Certificated Employees…

Ed Code: How to Apply Leaves (44984; 44978; 44977)

Certificated Employees

- Time missed for up to 60 **days** at full salary
- There is no "waiting period"
- IAIL does not accumulate from year to year
- Only one IAIL period per accident
- Can be applied incrementally (by days not hours)



Ed Code: How to Apply Leaves (44984; 44978; 44977)

Certificated Employees

- Accumulates year to year (unlike IAIL)
- Not to be applied until IAIL has been exhausted (60 days of IAIL)
- Used in conjunction with TTD payments received to keep employee at full salary (prorate)
- Not to exceed employee's full salary



Ed Code: How to Apply Leaves (44984; 44978; 44977)

Certificated Employees

- Sub-Differential (§44977) is the amount deducted from the salary due to the employee for any month in which the absence occurs shall not exceed the sum that is actually paid to a temp employee, if no temporary the amount that ***would have*** been paid to the temporary.
- Sub-Differential cannot be applied until IAIL and Paid Sick Leave has been exhausted.
- **Not to exceed employee's full salary**
- **Calendar re-sets to Day 1**
- Sub-Differential (44977) is paid in combination of TTD payments; shall not exceed employee's full salary



Ed Code: How to Apply Leaves (44984; 44978; 44977)

Certificated Employees

- After IAIL, Sick Leave, and Sub-Differential, have all been exhausted there may be other leave provisions to be applied dependent on Collective Bargaining Agreement or past practices.
- After all available leave provisions have been exhausted and a certificated employee continues to be absent beyond the five-month period provided pursuant to §44977, the employee shall be placed on the reemployment list for a period of 39 months.
- All leaves to be applied consecutively



Certificated Sub-Differential

	Industrial Accident Leave	Current Year's Sick Leave	Accumulated Sick Leave	Sub-Differential Pay	39 Month Rehire List
Education Code Benefits	Minimum 60 Days (44984)	Minimum 10 Days (44977, 44972)	(44977)	(44977) **Limited to five School months**	(449781)
Labor Code Benefits	Temporary Disability paid to District as offset to Industrial Accident Leave (3 day waiting period applies)	Temporary Disability paid to District as offset to sick leave. Sick leave prorated	Temporary Disability paid to District as offset to accumulated sick leave. Accumulated sick leave prorated	Temporary Disability paid to Employee (when Sub-Diff + TD less than full wages) Temporary Disability paid to District (when Sub-Diff + TD more than full wages)	Temporary Disability paid to employee Permanent Disability paid when permanent and stationary

Day 61

60 Days Industrial Accident Leave

Five School Months

Once Industrial Accident Leave, Current Year's Sick Leave and Accumulated Sick Leave are exhausted, Sub-Differential pay begins. Sub-Differential pay is limited to five school months per accident or injury.

Let's Demonstrate Applying Leaves for Classified Employees…

Meet Mr. Brock Bottom

A grounds keeper that just finished all the assigned Keenan Safe School Classes







Brock suffered facial contusions as a result of his fall



Brocks's Medical Benefits include all medical expenses "reasonably required to cure or relieve the employee from the effects of the injury". All medical treatment must meet treatment guidelines set by Medical Treatment Utilization Schedule. Medical benefits may include:

- Medical Treatment / Doctor Visits
- Physical Therapy / Acupuncture / Chiropractic
- Prescription medications
- Medical Equipment & Supplies
- Glasses (depends on the circumstances)
- Transportation / Mileage

As a Certificated employee Brock becomes Eligible for Ed Code Benefits



39-Month Rehire List

Sub-Differential Pay / 50% Pay

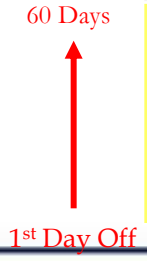
Paid Sick Leave
(current & accumulated)

INDUSTRIAL ACCIDENT ILLNESS LEAVE

Ed Code: How to Apply Leaves (45192; 45191; 45196)

Classified Employees

- Time missed for up to 60 **days** at full salary
- There is no "waiting period"
- IAIL does not accumulate from year to year
- Only one IAIL period per accident
- Can be applied incrementally (by days not hours)

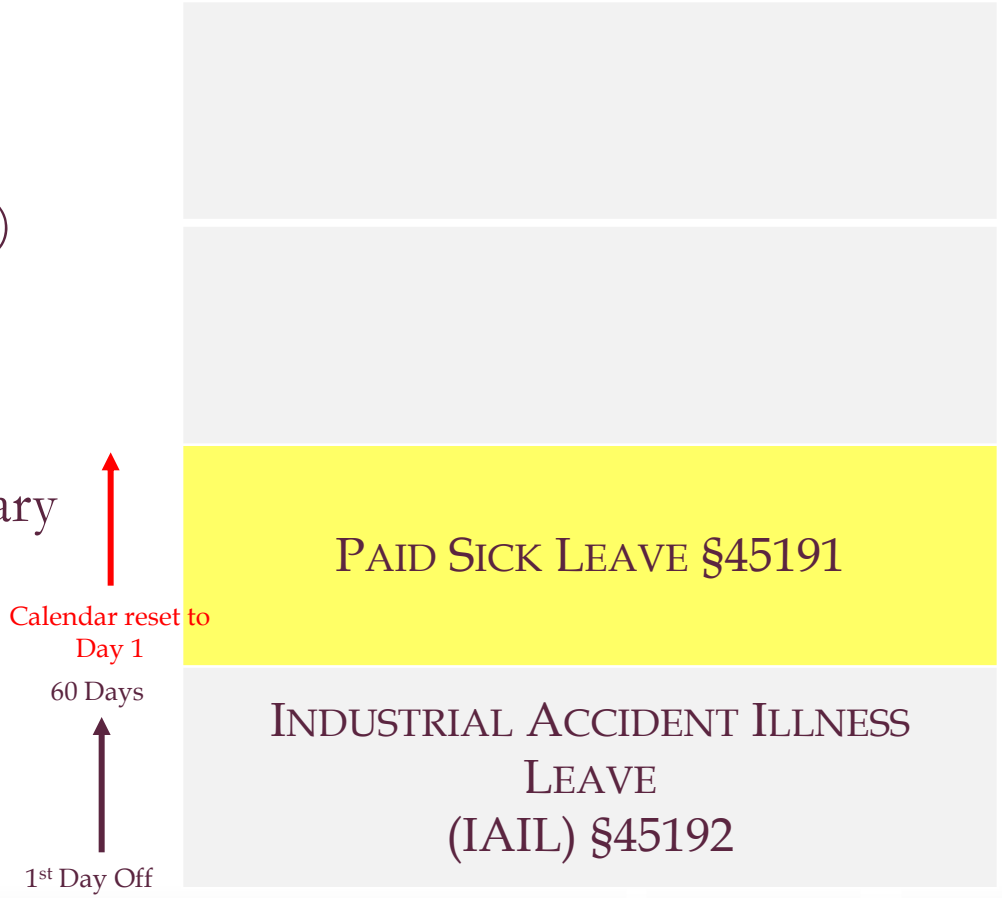


INDUSTRIAL ACCIDENT ILLNESS LEAVE (IAIL) §45192

Ed Code: How to Apply Leaves (45192; 45191; 45196)

Classified Employees

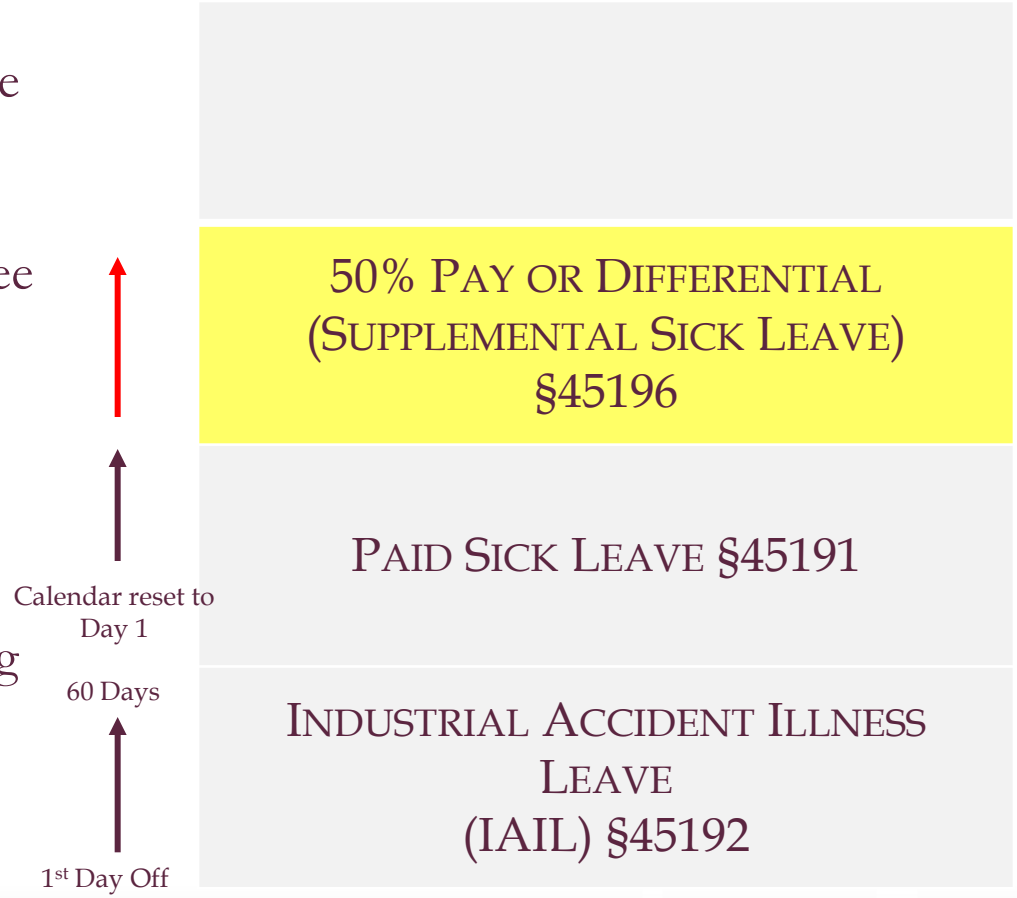
- Accumulates year to year (unlike IAIL)
- Not to be applied until IAIL has been exhausted (60 days of IAIL)
- Used in conjunction with TTD payments received to keep employee at full salary (prorate)
- Not to exceed employee's full salary



Ed Code: How to Apply Leaves (45192; 45191; 45196)

Classified Employees

- Differential pay (§45196) is the amount deducted from the salary due to the employee for any month in which the absence occurs shall not exceed the sum that is **actually** paid to a temp employee. *If no temporary employee gets full salary
- 50% pay) is when District adopts specific rule.
- Entitlement to §45196 shall be used **after** entitlement to all other regular sick leave, accumulated compensating time, vacation or other available sick leave.



Ed Code: How to Apply Leaves (45192; 45191; 45196)

Classified Employees

- After IAIL, Sick Leave, Sub-Differential/50% pay, have all been exhausted there may be other leave provisions to be applied dependent on Collective Bargaining Agreement or past practices.
- Once the employee has exhausted all leaves up to a period of 5 months or 100 days, after the first 60 days of IAIL, shall be placed on the reemployment list for a period of 39 months.
- When employee is medically able to return to duties, shall be placed in a vacant position during that 39-month period



Classified Employee

Classified Employees

Sub-Differential Method

Consult Legal Team

Ed Code Benefit	Industrial Accident Leave minimum 60 days (45192)	Current Year's Sick Leave minimum 12 days (45191)	Accumulated Sick Leave and Accumulated Vacation (45192)	Sub-Differential Pay (45196)	39 Month Re-hire List (45192)
	Limited to total of five months or less*				
WC Benefit	TD paid to District as offset to IA (3 day WP applies)	TD paid to District as offset to sick leave. Sick leave prorated	TD paid to District as offset to accumulated sick leave. Accumulated sick leave prorated	TD paid to employee (when Sub-Diff + TD less than full wages) TD paid to District (when Sub-Diff + TD more than full wages)	TD paid to employee (PD paid when P&S)

FDTL **Day 61** →

Classified Employee

50% Pay Method

Ed Code Benefit	Industrial Accident Leave minimum 60 days (45192)	Current Year's Sick Leave minimum 12 days (45191)	Accumulated Sick Leave (45192)	50% Pay (45196)	Accumulated Vacation Pay/Other paid leave ie: Catastrophic leave	39 Month Re-hire List (45192)
		Limited to total of 100 working days or less*				
WC Benefit	TD paid to District as offset to LA (3 day WP applies)	TD paid to District as offset to sick leave. Sick leave prorated	TD paid to District as offset to accumulated sick leave. Accumulated sick leave prorated	TD paid to employee (when 50% Pay + TD less than full wages) TD paid to District (when 50% Pay + TD more than full wages)	If within the 104 wks of temporary disability TD paid to the District Otherwise straight Ed Code Benefits	TD paid to employee (PD paid when P&S/MMI)
	FDTL	**Day 61** →				

Things To Remember

- Remember the differences. Think: Certificated leaves run consecutively, while Classified leaves run concurrently.
- Ed Code does not have a waiting period, but Labor Code does.
- Always double check your CBA to verify if any additional leave rights should be included
- Document all leave(s) applied and provide copies to the injured worker. Remember to stay transparent!
- Past practices may be another obstacle.
- Only one IAIL period per accident.
- Time lost is accumulated w/o a renewal of benefits from year to year.

When in doubt, call competent legal counsel.





Thank you very much for your time!
Any questions?