

INDUSTRIAL DISABILITY LEAVE

- TO QUALIFY FOR THIS BENEFIT, AN INJURED EMPLOYEE MUST BE AN ACTIVE MEMBER OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS) ●

Industrial Disability Leave (IDL) is a benefit available to active members of CalPERS in lieu of temporary disability benefits. This benefit is administered by the Department of Food and Agriculture.

The amount of IDL varies and is limited to 52 weeks of payments (365 calendar days) within a two-year period beginning on the first day of disability. Payments for the first 22 working days of disability shall be in the amount of the employee's full pay less voluntary deductions and withholding for Federal and State income taxes and OASDI. Thereafter, the payments shall be two-thirds gross pay less voluntary deductions for up to an additional 11 months. The employee continues to receive full credit, such as sick leave, vacation, and merit salary adjustments. Contributions to CalPERS are deducted from all IDL benefit payments in the amount based on full pay. IDL payments are not reported as wages on Form W-2. See Exhibit A for further information on IDL.

IDL is subject to a three-day waiting period which is waived if the employee is hospitalized, disabled as a result of a criminal act of violence, or disabled more than 14 calendar days. Any fraction of a day paid on IDL is counted as a full calendar day on IDL.

An eligible injured employee has the choice of receiving IDL payments with or without supplementation of the employee's leave credits. The employee receives an Industrial Disability Leave With Supplementation Benefits Information and Option Selection Form which is prepared by the fair. Exhibit B is a sample form. This form must be returned to the fair within the allowed time. If no form is returned, the employee will be placed on IDL without supplementation of the employee's leave credits.

When an injured employee, who is an active member of CalPERS, misses more than three days of work due to a work injury or illness and temporary disability benefits are payable, CFSA will pay temporary disability benefits directly to the fair. The fair will then pay the injured employee IDL in lieu of temporary disability benefits. The amount of temporary disability benefits paid by CFSA to the fair for the injured employee is the same amount that would have been paid to the injured employee if the employee was not a member of CalPERS. Refer to Exhibit A Temporary Disability Fact Sheet in Section 8 General Information for more information on how temporary disability is calculated.

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CFSA will send to the fair a copy of the required notice of benefits sent to the injured employee and a form TEMPORARY DISABILITY VERIFICATION OF STATE EMPLOYEE. Exhibit C is a sample form. This form includes the following information:

- a. Approved dates for period of temporary disability
- b. Number of days approved for temporary disability, which are calendar days. Pursuant to the Labor Code, temporary disability benefits are paid based on number of calendar days that an injured employee is disabled.

REFER TO THE DEPARTMENT OF FOOD AND AGRICULTURE'S POLICIES FOR INFORMATION REGARDING DEDUCTIONS OF TAXES AND BENEFITS, COMPUTATION OF IDL AND SUPPLEMENTING IDL WITH ACCRUED LEAVE CREDITS.

Attachments

- Exhibit A: Industrial Disability Leave (IDL)*
Exhibit B: Industrial Disability Leave with Supplementation Benefits Information and Option Selection Form
Exhibit C: Temporary Disability Verification of State Employee