

<b>PERSONNEL SERVICES MEMORANDUM (PSM)</b>	DATE ISSUED: <b>February 15, 2018</b>
	ISSUE NUMBER: <b>2018-002</b>
	DATE REVISED:
GENERAL SUBJECT: <b>Industrial Disability Leave (IDL)</b>	
SPECIFIC SUBJECT: <b>Implementation of SB 334 – Extended IDL for Members of Bargaining Unit 8 (Formerly Enhanced IDL)</b>	

**BACKGROUND:** On October 15, 2017, Governor Brown signed Senate Bill (SB) 334 which amends Government Code to add Section 19871.3, granting extended IDL to rank and file members of Bargaining Unit 8 automatically on the 23<sup>rd</sup> consecutive day of temporary disability. (Lost time qualifying for IDL must still be verified by State Compensation Insurance Fund).

This addition to Government Code (GC) only impacts rank and file members of Bargaining Unit 8 (affected employees). Managers and supervisors associated with Bargaining Unit 8 remain covered by Government Code Section 19871.2 for excluded employees.

With agreement between CalHR and Local 2881, the new GC will be effective for dates of injury on or after January 1, 2018.

Following are the four major changes created by this legislation:

- 1) Any affected employee who sustains an industrial injury or illness on or after January 1, 2018 resulting in 22 consecutive days of temporary disability will continue to receive the IDL benefit in an amount that is equivalent to the employee's net salary beginning on the 23<sup>rd</sup> day of temporary disability. (For injury dates prior to January 1, 2018, refer to current Department policy, section 1156.)
- 2) The period of IDL is limited to 52 weeks from the date of injury. Affected employees injured on or after January 1, 2018 no longer have 2 years from the first date of lost time to use their 52-week benefit.
- 3) For affected employees injured on or after January 1, 2018, the IDL amount will be based on the salary at the date of injury or the date the injury is declared (which is interpreted by agreement between CalHR and Local 2881, to mean the date that the claim is filed), whichever is greater.
- 4) Affected employees must exceed 22 days of *consecutive* temporary disability (time lost) to qualify for the extended benefit.

Some details remain unchanged by this legislation: the IDL ends if the temporary disability period ends (the injured worker is returned to work or declared permanent and stationary), and affected employees will still receive up to 156 weeks of IDL if the injury is burn related.

**REFERENCE:** GC Section 19871.3, Bargaining Unit 8 Memorandum of Understanding Section 10.8.9

**EFFECTIVE:** January 1, 2018

**PROCEDURES:** The procedures outlined below are for rank and file members of Bargaining Unit 8 only. Procedures for all other employees remain the same.

- Due to the change outlined in Item #3 on the previous page, CalHR has determined that similar to the process for Non-Industrial Disability Leave (NDI), the affected employee's salary amount will remain unchanged throughout the duration of the extended IDL period. The employment history will reflect any pay increases (or decreases) that take place during the extended IDL period; however, the net salary amount will remain unchanged unless the affected employee works intermittently during their extended IDL period. If the affected employee works intermittently through their extended IDL period, wages earned will be paid at the amount listed in the employment history.
- Since the State Controller's System is not designed to track two separate salary amounts, they have directed that the extended IDL benefit be paid through manual processing using the following instructions:
  - Submit the 674D via fax to (916) 327-7205 and in Item #11, including the following, "Extended IDL at [correct net salary amount]"
  - On the 565, in Item #215 including the following, "Ext IDL [correct net salary amount]"
- If an employee does not meet the requirement for 22 consecutive days but instead works intermittently, the employee will revert to the old rules per Government Code 19871.1 which allows for supplementation once the employee is receiving 2/3 of their net salary. The IDL benefit will be based on the rate in the month it's payable per Employment History.

**CONTACT:** For questions concerning this information, personnel staff may contact their assigned Region Office. Region staff needing assistance may contact the Headquarters Personnel Transactions Manager, Human Resources at (916) 445-7801.