

SAM—WORKERS' COMPENSATION

TEMPORARY DISABILITY (REVISED 6/90)

2583.1

Temporary disability is a benefit payable if a job-related injury or illness results in an inability to work for more than 3 calendar days. In cases where hospitalization is required, the employee is disabled as a result of a criminal act of violence or, the loss of time exceeds 14 days, temporary disability is paid for the first three days. The waiting period starts the first day following the date of injury. No charge is made for absence on the day of injury.

The waiting period need not consist of consecutive days. Portions of days of absence for doctor's appointments or because the employee is unable to work subsequent to date of injury may be accumulated to full days and charged to the waiting period.

Most disabled state employees qualify for Industrial Disability Leave. See SAM Section 2583.11. Industrial Disability Leave may be paid in lieu of temporary disability. In many cases the disabled, state employee will be able to choose between Industrial Disability Leave or temporary disability with or without supplementation by their leave credits. Those disabled employees who qualify for and choose temporary disability are allowed to use any accrued sick leave, vacation time, or excess time credits to make up the difference between the temporary disability payments and normal salary. (Government Code Section 19863.) The maximum weekly temporary disability payment is \$266 for injuries occurring on or after January 1, 1990.

Hours lost subsequent to a full work release for such things as routine doctor's appointments or therapy may not be accumulated and reported to the State Fund as full days lost for purposes of temporary disability. However, under certain conditions, employees may qualify for temporary partial disability payments. See SAM Section 2583.12.

The benefit normally ceases when the employee returns to work or the medical condition has stabilized. See SAM Section 2583.10 for an exception to this rule.