

Proposal made by IFPTE Local 21 to the City of San Jose

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Proposal #23

Submitted on: 04/02/2026 @ _____

AEA, AMSP, CAMP**Article [NEW]: Disability Leave**

_.1 "Disability leave of absence" is provided for a full-time employee of the City who is required to be absent from active service for the City as the result of injury arising out of and in the course of an employee's full-time employment with the City. Disability leave of absence from active City service extends from the time the employee is absent from City service due to an injury arising out of and in the course of full-time employment for the City to the time it is no longer required by such injury to be absent from such active service or until the employment with the City ends or is terminated, whichever is first. While on disability leave of absence, such employee shall be entitled to receive and be paid, in lieu of regular salary, and in addition to any temporary disability compensation to which the employee may be paid under the workers' compensation provisions of the California Labor Code, such temporary disability leave of absence compensation, if any, to which the employee may be entitled, under the following provisions of this Article.

_.2 Notwithstanding anything to the contrary, disability leave of absence and compensation or benefits as a result of disability leave of absence will only entitle a full-time employee of the City who is required to be absent from active service for the City as a result of injury to compensation or other benefits if the employee is entitled to temporary disability benefits as a result of the injury and absence from service. If any money has been paid to said employee as benefits under the provisions of this Article and it is determined that the employee is not entitled to temporary disability, the City shall be entitled to reimbursement of the benefits/monies paid in error.

An employee shall not be deemed to be on disability leave of absence and shall not be entitled to any compensation or other benefits under the provisions of this Article in situations including but not limited to injuries caused by intoxication or unlawful use of drugs, injuries that were intentionally self-inflicted, injuries that arose from an altercation where the employee was the initial aggressor, injuries that occurred during a felony that the employee committed and was convicted for, or injuries that arose out of voluntary participation in an off-duty activity not part of the employee's work-related duties. The

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provisions of this article will be interpreted in a manner that is consistent with the Worker's Compensation provisions of the California Labor Code.

An employee shall not be deemed to be on disability leave of absence and shall not be entitled to any compensation or other benefits under the provisions of this Article if the injury results from any work voluntarily undertaken by the employee that is contrary to the work restrictions imposed by an examining physician.

_.3 Compensation or other benefits shall not be payable under the provisions of this Article to any employee during a disability leave of absence for any period greater than the following: i) the time the employee is required to be absent from active City service as a result of injury arising out of and in the course of employment with the City ii) the period of time for which temporary disability is payable under workers' compensation provisions of the California Labor Code or iii) one year, whichever is shortest. No employee is entitled to benefits or compensation under the provisions of this Article beyond five years of the date of injury.

_.4 An employee entitled to benefits or compensation pursuant to a disability leave of absence shall not be entitled to any salary, leave of absence or other compensation under the provisions of this Article, the San Jose Municipal Code, any other ordinance or resolution due to an injury or disability leave of absence. The disability leave of absence, compensation and benefits provided are in lieu of, not in addition to, other compensation or benefits to which the employee might otherwise become eligible, and the employee is not entitled to a duplication of benefits.

_.5 Subject to the terms, conditions, limitations and other provisions contained in this Article, a full-time employee of the City on disability leave of absence shall be entitled to temporary disability leave compensation as follows:

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_.6 The employee shall be entitled to an amount of money, paid as a supplement, for up to 2080 hours, which when added to the temporary disability compensation paid for that period of time, will equal 100% of what would have been the employee's regular salary had the employee been in active service.

_.7 An employee shall not be entitled to any compensation except as provided by Article 31 of these provisions following expiration of the abovementioned periods

_.8 No employee shall be entitled to any compensation or other benefits under the provisions of this Article unless the Director of Human Resources shall have determined that such employee is entitled to such compensation or benefits.

_.9 The Director of Human Resources in order to properly make any determination respecting an employee's claim to benefits hereunder, may require the employee to present evidence proving that such employee is entitled to the benefits claimed, including, but not limited to, proof of the injury, proof that it arose out of and in the course of their employment with the City, proof of the disability and of its duration, and proof of any other relevant matters. Also, said Director may require the employee to submit himself to medical and physical examinations by physicians selected by said Director.

_.10 The Director of Human Resources shall not make any determination holding that an employee is entitled to any compensation or leave of absence hereunder for any period of time because of an injury if the Workers' Compensation Appeals Board, or any judicial court having jurisdiction over the matter, shall have already determined that such employee is not entitled because of such injury to any temporary disability compensation whatsoever from the City, or to any such compensation from the City for said period of time, under the Workers' Compensation provisions of Division 1 or Division 4 of the Labor Code of the State of California. Any such determination by said Director in violation of this paragraph shall be null and void and the City shall be entitled

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to reimbursement for any compensation paid by the City to the employee for the injury/absence.

_.11 If a decision of the Director of Human Resources regarding entitlement to temporary disability compensation or any compensation from the City for a disability leave of absence, conflicts with a determination made by the Workers' Compensation Appeals Board, or any judicial court having jurisdiction over the matter, the determination of the Director of Human Resources will become null and void and the City shall be entitled to reimbursement for any compensation paid by the City to the employee for the injury/absence.

_.12 Notwithstanding any other provisions of this Article, the San Jose Municipal Code, ordinance or resolution to the contrary, and in accordance with San Jose Police Department Duty Manual Section C 1535, an employee of the City who is placed on disability leave or modified duty shall not be authorized for secondary employment. Employees may appeal the suspension of their secondary employment authorization to the Chief of Police or designee and request they be granted an exemption

Criteria for denying an exemption request include, but are not limited to the following: (i) the employee is on total disability and is unable to perform modified duty for the Department that is within work restrictions imposed by an examining physician, (ii) if the secondary employment is medically detrimental to the total recovery of the disabled member, or (iii) the secondary employment requires substantially the same physical ability as would be required in the employee's classification.