

SANTA ANA POLICE DEPARTMENT

DEPARTMENTAL ORDER NO. 250

**PROCEDURES RELATING TO INDUSTRIAL AND NON-INDUSTRIAL INJURIES
AND ILLNESSES**

PURPOSE The purpose of this Order is to insure that employee injuries and illnesses, which may or may not be work related, are properly documented and to provide a clear procedure by which leave time is accurately reflected on payroll and employee records. It is the Department's goal to provide effective and timely responses to Workers' Compensation issues, and to assist the City's Workers' Compensation Unit in providing professional and responsive services to members of our agency. The Department supports providing a comprehensive temporary modified duty program that accommodates, when available, injured personnel with temporary modified duty assignments to promote healing and to provide the continuity employees need when ill or injured. The Santa Ana Police Department does not have permanent light duty positions.

BACKGROUND

The administration and management of industrial and non-industrial injuries and illnesses is governed by the California Labor Code, the Santa Ana Municipal Code, the Memorandum of Understanding between the employee bargaining units and the City and other Federal and State statutes and regulations.

Labor Code Section 3600 specifically provides that injuries or illnesses arising out of and in the course of employment are compensable under the Workers' Compensation System.

Employees participating in off-duty activities such as sporting or social events are not covered under Worker's Compensation. In such cases, health care benefits are available through employee insurance plans and sick time is available according to provisions established by the Memorandum of Understanding.

Generally, injuries occurring during the time spent going to or coming from work are not job incurred. The same principle applies to unpaid lunch periods and the use of the Santa Ana Police Department Fitness Center. There may be exceptions to these basic principles and they must be evaluated on a case-by-case basis.

I REPORTING PROCEDURE

A. EMPLOYEE RESPONSIBILITY – REPORTING INDUSTRIAL INJURIES AND ILLNESSES

1. Report all job-related injuries, illnesses, exposures or contagious diseases to your supervisor as soon as possible, and in any event, no later than 24 hours after the occurrence.
2. If an unwitnessed injury, submit a memo detailing the circumstances surrounding the injury to Police Human Resources within 24 hours of reporting the incident.
3. All injuries must be reported on a DWC Form 1 (Employee's Claim for Workers' Compensation Benefits). The employee shall complete the top portion of the DWC Form 1, sign it and submit it to his/her supervisor. The DWC Form 1 and the Supervisor's Accident Investigation Report are to be forwarded to Police Human Resources.
4. If medical treatment is required, obtain a supervisor's approval. The supervisor will provide you with a Medical Service Order and refer you to an approved medical facility utilized for the treatment of work-related injuries. Following the medical visit, you will return a copy of the medical service order completed by the treating physician to your supervisor at the police department and notify Police Human resources of your work status.
5. If the treating physician imposes work restrictions, your supervisor will attempt to accommodate the limitations in a temporary modified duty assignment.
6. Employees having medically imposed work restrictions may not return to full unrestricted duty unless released to do so in writing by the treating physician or designated City doctor

B. EMPLOYEE RESPONSIBILITY – REPORTING NON-INDUSTRIAL INJURIES AND ILLNESSES

1. The employee taking sick leave shall notify his or her immediate supervisor or designee not less than one hour prior to the time he or she is scheduled to report for duty. When the absence is more than three consecutive working days, the employee must present to the Police Chief a physician's certificate stating, in the physician's opinion, the employee could not report to work. A physician's certificate of illness or injury may be required after an absence of any duration of less than three days.

- a. A physician's certificate is required from the physician releasing the employee to full unrestricted duty. Such physician's certificate shall be forwarded to Police Human Resources.
2. An employee may need extended sick leave due to a non-industrial injury or illness. Extended sick leave is a leave that lasts longer than five consecutive workdays. On such occasions the employee is required to provide his/her supervisor with a physician's certificate that he or she cannot work and the estimated date he/she may return to full duty.
3. If an employee is released to modified duty, the physician's certificate must provide the exact limitations in writing and the estimated date the employee may return to full duty. The supervisor will attempt to provide a temporary modified duty assignment when available until the physician releases the employee to full unrestricted duty.

C. SUPERVISOR RESPONSIBILITY – REPORTING INDUSTRIAL INJURIES AND ILLNESSES

1. It shall be the responsibility of all supervisors to investigate and document all reports of industrial injuries, which are brought to their attention.
2. Injuries shall be documented on a DWC Form 1 (Employee's Claim for Workers' Compensation Benefits) and Supervisor's Accident Investigation Report. The employee will complete the top portion of the DWC Form 1 and sign it. The DWC and the Supervisor's Accident Investigation Report shall be submitted to Police Human Resources.
3. If an employee is reporting an injury but does not want or need medical treatment, the supervisor shall complete the Supervisor's Accident Investigation report and leave the bottom portion of the DWC Form 1 blank. The supervisor will give the employee the last sheet of the DWC Form 1 as a temporary receipt. The supervisor shall complete the bottom portion of the DWC Form 1 only if the employee seeks medical attention.
4. If the injury resulted in a clinic visit on the date it was reported, the supervisor will complete the bottom portion of the DWC Form 1 and give the employee the temporary receipt and employee copy.
5. Questionable or unwitnessed injuries, or injuries requiring medical treatment shall be investigated immediately after being reported. The investigating supervisor will prepare a brief memorandum containing the following

information (unless an administrative report has already been prepared due to the nature of the incident):

- a. Name, badge number, shift, and days off of the injured employee.
- b. Names of witnesses.
- c. Detailed account of circumstances surrounding the injury.

The completed Administrative report must be forwarded to the Police Human Resources Division Commander within five (5) days following the reported injury. This brief memorandum must be forwarded by the end of shift.

6. All required industrial injury forms documenting the injury (except administrative reports) must be submitted to the Police Human Resources Division no later than one (1) working day following the injury.
7. Supervisors shall promptly forward all medical forms returned by the employee to Police Human Resources.

D. SUPERVISORY RESPONSIBILITY – REPORTING NON-INDUSTRIAL INJURIES AND ILLNESSES

1. Supervisors shall promptly forward all physicians' certifications of injury or illness stating that the employee could not work to Police Human Resources.
2. The Supervisor will complete a memorandum documenting the absence of the employee due to illness or injury and send a copy to Police Human Resources.
3. In order to return to full or modified duty after an extended sick leave (five or more consecutive work days), the employee must present a physician's note to his or her immediate supervisor. If released to modified duty, the physician's note must provide the exact limitation in writing and the estimated date the employee may return to full duty. The supervisor will attempt to provide a temporary modified duty assignment when available until the physician releases the employee to full unrestricted duty.
4. The supervisor will complete a log entry documenting the employee's return to work and update their Division Commander and Police Human Resources as to the employee's work status until released to full duty. Supervisors shall forward all physicians' certificates to Police Human Resources.

II MODIFIED DUTY - INDUSTRIAL AND NON-INDUSTRIAL INJURIES AND ILLNESSES

A. PURPOSE

The purpose of temporary modified duty assignments is to provide a work environment, which will accommodate the medical limitations of injured or ill employees, while allowing for their rehabilitation, and at the same time, accomplish essential departmental tasks.

1. The department's modified duty policy is an attempt to provide injured personnel with a modified duty assignment to accommodate them during their recuperative period and provide the continuity needed by the department. Police Human Resources shall assist workers' compensation in notifying treating physicians of our department's modified duty policy.

B. REQUIREMENTS

1. Lieutenants and Managers may change the work schedule of an employee on modified duty due to an industrial or non-industrial injury or illness to facilitate the employee's return and to benefit the department. The schedule change will not affect or remove the employee's pay premiums.
2. Employees who work modified duty with partial hours due to an industrial injury and who do not report to work due to illness unrelated to their industrial injury, or who take personal necessity or time off, shall submit a chit for the time they would have worked, not the entire day.
3. Employees working modified duty due to a non-industrial injury or illness will take the full day off when calling in sick, requesting personal necessity, or other time off.
4. The decision to allow an employee who has an industrial injury to work outside employment will be made only after the employee's treating physician has approved the outside employment and an approved request to engage in outside employment is on file with Police Human Resources.
5. California Insurance Code Section 1871.8 requires self-insured employers (City of Santa Ana) to notify industrially injured workers in writing that they must report to their employer any money they have earned for work during the time covered by their workers compensation benefits check, and before

cashing their benefits check, or the employee may be in violation of the law for which the penalty may be jail or prison, a fine, and loss of benefits.

6. Employees shall not work overtime while on modified duty for an industrial or non-industrial injury or illness.
7. Employees shall not work out in the fitness center while on modified duty for an industrial or non-industrial injury or illness.
8. If an employee wants to carry a weapon while working modified duty due to an industrial or non-industrial injury or illness, he or she must qualify in the policed department's range and provide written authorization to do so from their treating physician.

C. REPORTING PROCEDURE

1. Employees shall report all industrial injuries, illnesses, exposures, and contagious diseases as provided in this Departmental Order.
2. After examination by the treating physician the employee will obtain a written statement from the doctor describing the medical restrictions, if any, or release to unrestricted duty. The employee shall submit the document to his or her supervisor or the Watch Commander and notify Police Human Resources.
3. A doctor's note must be obtained for each visit the employee makes to the doctor or for physical therapy. Following each visit, the employee shall immediately call in or fax his or her updated work status to his or her supervisor and Police Human Resources.
 - a. For all employees working on modified duty when a medical visit is during on-duty hours, the employee will submit an IOD chit with the corresponding doctor's note as supportive documentation to the employee's supervisor to be forwarded to Police Human Resources for processing.
 - b. If the medical visit is during off-duty hours, an IOD chit is not required.
4. When an employee can perform only limited duty, the doctor must provide the exact limitations in the written report and the supervisor will attempt to assign the employee to a temporary modified duty position, when available, which conforms to the work restrictions.

III. MONITORING OF INDUSTRIALLY OR NON-INDUSTRIALLY INJURED OR ILL EMPLOYEES

A. PURPOSE

The purpose of this section is to set forth guidelines governing the activities of employees unable to report for duty as a result of either industrial or non-industrial injuries or illnesses, and to establish a procedure for monitoring the progress of such employees.

B. ACTIVITIES WHILE OFF-DUTY

1. Injured or ill employees shall adhere to this Department Order and abide by all medical advice and instruction intended to facilitate recovery and are forbidden to engage in any activity which would delay or aggravate their recovery or rehabilitation from said injuries or illnesses. Such forbidden activities may be specified by order of the employee's Bureau Commander or Personnel Commander with concurrence of the attending physician, and will be based on the circumstances of the employee's injury or disability.
2. All occupationally injured or ill employees, when off work completely shall be available at their residence during their assigned shift hours on their regular workdays or be accessible by telephone or pager until a physician's release is obtained and the employees resume their normal and customary duties without limitation. In the event it becomes necessary to leave the residence during these hours for more than 2 hours, the employee shall notify the Police Human Resources Division Sergeant as to how they may be contacted. A time off chit will not be required for the time away from the residence. Employees should exercise discretion in this regard and not feel prohibited from leaving their residence to attend to the personal and household needs that do not require extended absence.
3. Lieutenants and Managers may move employees who are off work completely due to an industrial or non-industrial injury or illness to dayshift schedules. The schedule change will not affect or remove the employee's pay premiums and will allow for consistent and timely contact by supervisors, Police Human Resources and the Workers' Compensation Unit.
4. The decision to allow an employee who has an industrial injury to work outside employment will be made only after the employee's treating

physician has approved the outside employment and an approved request to engage in outside employment is on file with Police Human Resources.

5. Employees shall not work overtime while off work completely for an industrial or non-industrial injury or illness.
6. Employees shall not work out in the fitness center while off work completely for an industrial or non-industrial injury or illness.
7. Any employee claiming an inability to respond to a subpoena for court due to an industrial or non-industrial injury or illness must provide a written doctor's prohibition to Police Human Resources and Court Liaison confirming said inability to respond. The employee must notify Court Liaison immediately after service of the subpoena so that proper notification to the affected parties may be made. The employee's appearance shall be considered as modified duty and will not qualify for court or overtime pay unless it is on their normal day off.
8. Officers who are absent from duty for less than 60 calendar days due to an industrial or non-industrial injury or illness may carry a weapon if they qualify in the police department's range and provide written authorization to do so from their treating physician.

C. EMPLOYEES ABSENT FROM DUTY MORE THAN SIXTY CALENDAR DAYS

1. Officers who are absent from duty for more than 60 calendar days due to injury or illness are not required to participate in firearms training. Likewise, these officers may not be aware of recent changes in legal issues or modification of Department procedures and policies. Should such an officer become involved in a situation, which requires police action, there is potential liability for the officer, as well as the Department.

Therefore, in the best interest of the employee and the Department, officers who are absent from duty more than 60 calendar days will adhere to the following guidelines:

- a. The officer shall not exercise police powers.
- b. The officer shall not intentionally participate in any activity, which is likely to aggravate his or her condition.

- c. When the officer is released to return to modified or full-unrestricted duty, normal police powers will be restored after required training is updated.

D. MONITORING OF INDUSTRIALLY INJURED OR ILL EMPLOYEES

1. The responsibility of monitoring the progress and activities of injured or ill employees rests with the Administrative Bureau Commander. At the commander's direction, inquiries will be made into the status of injured or ill employees.
2. Additional inquiries, either in person or by telephone, will be made on a regular basis by the employee's immediate supervisor. This inquiry will be directed toward determining the employee's present condition and to assist with the employee's earliest possible return to full or modified duty.
3. All injured or ill employees should expect periodic contacts from supervisors during his or her recovery period. In certain cases, specific efforts will be made to verify employees' adherence to medical restrictions imposed to facilitate his or her recovery and rehabilitation.

IV LEAVE OF ABSENCE REQUESTS – INDUSTRIAL OR NON-INDUSTRIAL INJURIES AND ILLNESSES

A. PURPOSE

1. It is sometimes necessary for an employee to request a medical leave of absence without pay because the physician has restricted the employee from working and the employee has exhausted his or her benefits.
2. SAMC 9-139 states that an employee who is absent from duty without leave for a consecutive number of working hours equal to the number of working hours in the employees normal work week, shall be "deemed to have resigned."

B. RESPONSIBILITY

It is the responsibility of the employee to request a leave of absence without pay through his or her normal chain of command. Failure to do so within the time frame set forth in SAMC 9-139 could result in the employee's separation from the Department. Please refer to that section for details. Upon approval by the Chief of

Police, the employee's lieutenant or manager will forward the completed leave of absence request to Police Human Resources.

1. In order to return to work from unpaid medical leave, an employee will be required to present a physician's note releasing him/ or her to full or modified duty.
2. If released to modified duty, the physician must provide the exact limitations in writing and the estimated date the employee may return to full duty. The employee's supervisor will attempt to provide a temporary modified duty assignment when available.
3. Before an employee may return to full unrestricted duty, a physician's note is required. The employee's supervisor shall forward all physicians' notes to Police Human Resources for filing in the employee's medical file.

C. AUTHORIZED ABSENCES WITHOUT PAY

1. Except for industrial disability, when an employee is absent on an authorized or unauthorized unpaid leave of more than 15 consecutive calendar days there is no vacation or sick leave accrual, or paid holiday time, or City paid insurance benefits, other than those provided under the Family Medical Leave Act and USERRA regarding military leave.
2. Except for industrial disability, an authorized unpaid absence for more than 15 calendar days is not an "active duty" status. Seniority does not accrue during the length of time an employee is on such an extended unpaid leave. Employees on extended unpaid leave for more than 15 calendar days will have his or her in-service dates adjusted accordingly.
3. An employee on an authorized unpaid absence shall periodically report his or her status and intent to return to work to his or her supervisor. This will avoid any delays to reinstatement when the employee is ready to return to work.
4. If an employee wishes to request an authorized unpaid leave of absence, he or she must submit a written request to the Chief of Police requesting unpaid time off. Upon approval by the Chief of Police, the unpaid leave of absence request will be sent to Police Human Resources to be forwarded to the City Manager for final decision.

- a. In addition to the above, the City Manager may grant a further extension not to exceed a total of one year without pay.
- b. In order to return to work from an authorized unpaid medical leave, the employee will be required to present a physician's note releasing him or her to full or modified duty as previously described. The supervisor will attempt to provide a temporary modified duty assignment when available until the physician releases the employee to full unrestricted duty.

SUMMARY

It is the responsibility of all employees to maintain a safe and healthy working environment. The personal safety and health of each employee is of the utmost importance to the Department.

The language contained herein, including all explanations, implications, or references is meant to serve as a general guideline applying to industrial and non-industrial injuries and illnesses.

All employees are expected to adhere to and comply with the Department's Injury and Illness Prevention Program and this Departmental Order.

PAUL M. WALTERS
Chief of Police

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