
Industrial and Non-Industrial Injury and Illness Reporting

1022.1 PURPOSE AND SCOPE

This policy provides guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease or mental health issues arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1022.2 POLICY

The Santa Ana Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1022.3 RESPONSIBILITIES

1022.3.1 MEMBER RESPONSIBILITIES - REPORTING INDUSTRIAL INJURIES AND ILLNESSES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practical, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35). If an un-witnessed injury occurs, the employee must submit a memo detailing the circumstances surrounding the injury to his/her supervisor within 24 hours of reporting the incident.

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.

A supervisor's approval is required to obtain medical treatment. The supervisor will provide a Medical Service Order indicating an approved medical facility to be used for the treatment of work-related injuries. Following the medical visit, a copy of the medical service order completed by the treating physician must be returned to the supervisor with notification of the employee's work status to Police Human Resources.

1022.3.2 MEMBER RESPONSIBILITIES - REQUIRED REPORTING FOLLOWING RECEIPT OF TREATMENT

1. After examination by the treating physician, the member will obtain a written statement from the doctor describing the medical restrictions, if any, or release to unrestricted duty. The member shall submit the document to his/her supervisor or the Watch Commander and notify Police Human Resources staff.

Santa Ana Police Department

Santa Ana PD Policy Manual

Industrial and Non-Industrial Injury and Illness Reporting

2. The member must obtain a physician's note for each visit to the doctor or physical therapy. Following each visit, the member shall immediately call in or fax his or her updated work status to his/her supervisor and Police Human Resources staff.
 - (a) If a member's medical visit for an industrial injury/illness occurs during on-duty hours, the member will submit an IOD chit with the corresponding physician's note as supporting documentation to the member's supervisor which must be forwarded to Police Human Resources for processing.
 - (b) If the medical visit for an industrial injury/illness occurs during off-duty hours, an IOD chit is not required.

1022.3.3 MEMBER RESPONSIBILITIES - REPORTING NON-INDUSTRIAL INJURIES AND ILLNESSES

1. The employee taking sick leave shall notify his/ her immediate supervisor or designee not less than one hour prior to the time he/ she is scheduled to report for duty. When the absence is more than three consecutive working days, on the fourth day, the employee must present to the Police Chief or designee, 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.
2. An employee may need extended medical leave due to a non-industrial injury or illness. Extended medical leave is an absence 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 indicates he/ she cannot work and the estimated date he/she may return to full duty.
3. Upon the employee's release 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.
4. 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.

1022.3.4 SUPERVISOR RESPONSIBILITIES - REPORTING INDUSTRIAL INJURIES AND ILLNESSES

1. It shall be the responsibility of each supervisor to investigate and document all reports of industrial injuries- which are brought to his/her attention.
2. Each injury shall be documented by the employee on a DWC Form 1 (Employee's Claim for Workers' Compensation Benefits) and by the supervisor on the Supervisor's Accident Investigation Report. The DWC Form 1 and the Supervisor's Accident Investigation Report shall be submitted to Police Human Resources.
3. If an employee reports an injury and does not want or need medical treatment, the supervisor shall complete the Supervisor's Accident Investigation report and leave the

Santa Ana Police Department

Santa Ana PD Policy Manual

Industrial and Non-Industrial Injury and Illness Reporting

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.

4. If the injury results 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 an employee copy.
5. Questionable or un-witnessed 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) A detailed account of circumstances surrounding the injury.
6. The completed report must be forwarded to the Police Human Resources Division within five (5) days following the reported injury. This brief memorandum must be forwarded by the end of shift.
7. 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.
8. Supervisors shall promptly forward all medical forms returned by the employee to the Police Human Resources Division.

1022.3.5 SUPERVISOR RESPONSIBILITIES - REPORTING NON-INDUSTRIAL INJURIES AND ILLNESSES

1. Supervisors shall promptly forward all physicians' certifications of injury/ illness to Police Human Resources.
2. The supervisor will complete a memorandum documenting the absence of the employee due to illness/ 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 workdays), the employee must present a physician's note to his/her immediate supervisor. If released to modified duty, the physician's note must provide the exact limitation(s) 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.

1022.3.6 BUREAU COMMANDER RESPONSIBILITIES

The Bureau Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's Risk Manager, and the

Santa Ana Police Department

Santa Ana PD Policy Manual

Industrial and Non-Industrial Injury and Illness Reporting

Administration Bureau Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

1022.3.7 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Human Resources Division. Copies of the report and related documents retained by the Department shall be filed in the Human Resources confidential medical file.

1022.4 MODIFIED DUTY - INDUSTRIAL AND NON-INDUSTRIAL INJURIES AND/OR ILLNESSES

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

The Department's modified duty program attempts 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 staff shall assist City workers' compensation staff in notifying treating physicians of our Department's modified duty program.

1. Commanders and Managers may change the work schedule of a member on modified duty to facilitate the member's return to work and to benefit the department. The schedule change will not affect the member's pay premiums.
2. A member who works modified duty with partial hours due to an industrial injury/illness 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. A member working modified duty due to a non-industrial injury/illness will take the full day off and submit a chit when calling in sick, requesting personal necessity, or other time off.
4. The decision to allow a member who is working modified duty due to an industrial injury to work outside employment will be made only after the member'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 an industrially injured worker in writing that he/she is required to report to their employer any money he/she has earned for work during the time covered by their Workers' Compensation benefits check, and before cashing their benefits check. Otherwise, the member may be in violation of the law for which the penalty may be jail or prison, a fine, and loss of benefits.
6. No member shall work overtime while on modified duty for an industrial or non-industrial injury/illness.
7. A member shall not exercise in the fitness center while off work or on modified duty for an industrial or non-industrial injury or illness.

Santa Ana Police Department

Santa Ana PD Policy Manual

Industrial and Non-Industrial Injury and Illness Reporting

8. If a member wants to carry a weapon while working modified duty, he/she must qualify in the police department's range and provide written authorization to do so from their treating physician.
9. Additional inquiries, either in person or by telephone, will be made on a regular basis by the member's immediate supervisor and Human Resources Division staff. These inquiries will be directed toward determining the member's present condition and to assist with the member's earliest possible return to full or modified duty.
10. All injured or ill members should expect periodic contacts from supervisors and Human Resources Division staff during his/her recovery period. In certain cases, specific efforts will be made to verify members' adherence to medical restrictions imposed to facilitate his or her recovery and rehabilitation.

1022.5 MONITORING PROGRESS OF INJURED OR ILL MEMBERS - INDUSTRIAL AND NON-INDUSTRIAL

This section sets forth guidelines governing the activities of members unable to report for duty as a result of an industrial or non-industrial injury/illness. It also establishes procedures for monitoring the progress of such members.

1. An injured/ill member shall adhere to this policy and abide by all medical advice and instruction(s) intended to facilitate recovery. A member is forbidden to engage in any activity which would delay or aggravate his/her recovery or rehabilitation from said injuries or illnesses. Such forbidden activities may be specified by order of the member's Bureau Commander or recommendation of Police Human Resources with the concurrence of the attending physician and will be based on the circumstances of the member's injury or disability.
2. When a member has been taken off work completely, he/she shall be available at their residence Monday through Friday from 0800 to 1700 hours. In the event it becomes necessary to leave the residence for more than 2 hours during the assigned shift, the member shall notify the Police Human Resources Division as to how they may be contacted. A time off chit will not be required for the time away from the residence. Members 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. The decision to allow a member who is off work due to an industrial injury to work outside employment will be made only after the member's treating physician has approved the outside employment, and an approved request to engage in outside employment is on file with Police Human Resources.
4. No member shall work overtime while off work completely due to an industrial or non-industrial injury/illness.
5. A member shall not exercise in the fitness center while off work completely due to an industrial or non-industrial injury/illness.
6. Any member claiming an inability to respond to a subpoena for court due to an industrial or non-industrial injury/illness must provide a written physician's certification to Police Human Resources and Court Liaison, confirming said inability to respond.

Santa Ana Police Department

Santa Ana PD Policy Manual

Industrial and Non-Industrial Injury and Illness Reporting

The member must notify Court Liaison immediately after service of the subpoena so that proper notification to the affected parties may be made. The member's appearance shall be considered as modified duty and will not qualify for court or overtime pay unless it is on his/her regular day off.

7. The responsibility for monitoring the progress and activities of injured or ill members rests with the Administrative Bureau Commander. At the Commander's direction, inquiries will be made into the status of injured or ill members.
8. Additional inquiries, either in person or by telephone, will be made regularly by the member's immediate supervisor and Human Resources Division staff. These inquiries will be directed toward determining the member's present condition and to assist with the member's earliest possible return to full or modified duty.
9. All injured or ill members should expect periodic contacts from supervisors and Human Resources Division staff during his/her recovery period. In some instances, specific efforts will be made to verify members' adherence to medical restrictions imposed to facilitate his or her recovery and rehabilitation.

1022.6 STATUS OF AN OFFICER ABSENT FROM DUTY

An officer who is 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 their treating physician.

Officers who are absent from duty more than 60 calendar days due to industrial injury/illness are not required to participate in firearms training and shall not carry a firearm. There is a possibility that such an officer may not be aware of recent changes in legal issues or modification of Department procedures and policies. Such an officer's involvement in a situation, requiring police action, could result in potential liability for the officer, as well as the Department. In the best interests of the employee and the Department, officers who are absent from duty more than 60 calendar days will adhere to the following guidelines:

1. The officer shall not exercise police powers.
2. The officer shall not intentionally participate in any activity, which is likely to aggravate his/her condition.
3. When the officer is released to return to modified or full-unrestricted duty, normal police powers will be restored after the required training is completed.

1022.7 LEAVE OF ABSENCE REQUESTS - INDUSTRIAL OR NON-INDUSTRIAL INJURIES AND ILLNESSES

It is sometimes necessary for a member to request a medical leave of absence without pay because the physician has restricted the member from working and the member has exhausted his or her benefits.

Santa Ana Municipal Code (SAMC) Section 9-139 states that a member who is absent from duty without leave for a consecutive number of working hours equal to the number of working hours in the member's regular workweek shall be "deemed a resignation from the service."."

Santa Ana Police Department

Santa Ana PD Policy Manual

Industrial and Non-Industrial Injury and Illness Reporting

1022.7.1 MEMBER'S RESPONSIBILITIES - REQUESTING A LEAVE OF ABSENCE

It is the responsibility of the member to request a leave of absence without pay through his/her normal chain of command. Failure to do so within the time frame set forth in SAMC 9-139 could result in the member's separation from the Department. See SAMC 9-139 for details. Upon approval by the Chief of Police, the member's Commander or Manager will forward the completed leave of absence request to Police Human Resources.

1. Except for industrial disability, when a member is absent on an authorized or unauthorized unpaid leave of more than 15 consecutive calendar days there is no vacation or sick leave accrual. The member does not receive paid holiday time, or City paid insurance benefits, other than those provided under the Family Medical Leave Act and Uniformed Services Employment and Reemployment Rights Act (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. City seniority does not accrue during the length of time a member is on such an extended unpaid leave. Any member on extended unpaid leave for more than 15 calendar days will have his/her in-service date adjusted accordingly.
3. A member on an authorized unpaid absence shall periodically report his/her status and intent to return to work to his/her supervisor. To avoid any delays regarding reinstatement when the member is ready to return to work.
4. If a member 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 the 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 member will be required to present a physician's note releasing him or her to full or modified duty. The member's supervisor will attempt to provide a temporary modified duty assignment when available until the physician releases the member to full unrestricted duty.
5. In order to return to work from unpaid medical leave, a member will be required to present a physician's note releasing him or her to full or modified duty. The member's supervisor shall forward all physician's notes to Police Human Resources for filing in the member's medical file.
6. If released to modified duty, the physician must provide the exact limitations in writing and the estimated date the member may return to full duty. The member's supervisor will attempt to provide a temporary modified duty assignment when available. A physician's note is required to return to full unrestricted duty.

1022.8 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury caused by another person and is subsequently contacted by that person, his/her agent, insurance company or

Santa Ana Police Department

Santa Ana PD Policy Manual

Industrial and Non-Industrial Injury and Illness Reporting

attorney and offered a settlement, the member shall take no action other than to submit a written report of such contact to his/her supervisor as soon as possible.

1022.8.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. The Chief of Police will forward the proposed settlement to the appropriate City departments for review and input. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring the member's right to receive compensation is not affected.