

Occupational Disease and Work-Related Injury Reporting

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, psychiatric injuries, and work-related injuries.

1024.1.1 DEFINITIONS

Definitions related to this policy include:

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

1024.2 POLICY

The San Leandro 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.). The San Leandro Police Department will also work directly with the City Human Resources Department, and follow the City of San Leandro Administrative Procedure AP-1540, to determine the work-relatedness of all claims.

[See attachment: AP-1540 Reporting Work-Related Injury.pdf](#)

1024.3 RESPONSIBILITIES

1024.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1024.3.1 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

1024.3.4 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 member's confidential medical file.

San Leandro Police Department

San Leandro PD Policy Manual

Occupational Disease and Work-Related Injury Reporting

1024.3.4 DIVISION COMMANDER RESPONSIBILITIES

The Division 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 management entity, and the Services Division 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.

1024.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Services Bureau Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1024.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1024.5.1 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. 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 that the member's right to receive compensation is not affected.

1024.6 RESCINDED POLICY

This policy rescinds San Leandro Operations Directive 84-03.

Attachments

AP-1540 Reporting Work-Related Injury.pdf

CITY OF SAN LEANDRO**ADMINISTRATIVE PROCEDURE****AP-1540: REPORTING A WORK-RELATED INJURY/ILLNESS**

DATE ISSUED: 10/20/98

DATE REVISED: 10/01/2010

APPROVED BY CITY MANAGER:

A handwritten signature in black ink, appearing to be "SB", written over a horizontal line.

I. APPLICABLE TO

All employees who are in a supervisory or management position.

II. PURPOSE

To provide guidance to supervisors and managers whose employees have on-the-job injuries or job-related illnesses.

III. GUIDELINES

Within one working day of receiving notice or knowledge of an employee's injury or illness which results in lost time beyond the date of injury/illness or which results in medical treatment beyond first aid, supervisors or managers must provide, personally or by first-class mail, a claim form (Attachment A, *DWC-1 form*) and a notice of potential eligibility for benefits to the injured employee (Attachment B, *Facts for Injured Workers*). Even if the employee does not report to you, the 24-hour requirement begins as soon as any manager or supervisor becomes aware of an employee's work-related injury/illness.

When in doubt, a supervisor shall complete the employer's portion of the *DWC-1*, date it, make a copy for his/her records, and provide it to the injured worker. If the employee chooses not to complete it or seek medical attention, but later decides to seek medical attention, the copy will provide important documentation of compliance with legal requirements.

- A. If an employee is injured on the job, appropriate medical care should be secured immediately, if needed: If the incident occurs on a weekend or evening, or constitutes a serious emergency, treatment should be secured from San Leandro Hospital or the nearest emergency treatment center.
- B. For non-emergencies (Monday through Friday, 7:00am to 6:00pm), upon receipt of the employee's completed *DWC-1* form, supervisors/managers are to authorize treatment at the City's designated medical provider, Concentra Medical Center, 2587 Merced Street, San Leandro, by phoning (510) 351-3553.

Employees who filed a *Designated Physician Form* (Attachment C) with Human Resources on or after July 12, 2004—naming a personal physician who has agreed in writing to treat workers' compensation injuries may be treated by the physician (MD or

OD) designated on that form. Chiropractors and acupuncturists may no longer be designated for *new* injuries which occurred on or after July 12, 2004. Note: *The Designated Physician Form*, kept on file with Human Resources for industrial incidents, is *not* the same as the goldenrod *Employee and/or Emergency Information Form*, which pertains to non-industrial emergencies only.

An employee who has been treated by a health care professional for any work-related incident shall not be returned to duty except upon release to full or modified duty by the treating health care professional. A release to modified duty shall specify the duration of and any work restrictions, and shall be provided by the employee to his/her supervisor immediately following the medical appointment.

If an employee is released by his/her physician to modified duty, the supervisor shall contact the Senior Human Resources Analyst in Workers Compensation and Benefits to determine whether or not modified work is available, imposes an undue hardship on the City, exceeds or violates the doctor's restrictions. This work may be within the employee's assigned department. Modified duty need not be provided for part-time employees unless it is readily available.

IV. PROCEDURE

- A. Employee: Immediately notifies the supervisor of any injury or illness occurring in the performance of, or arising out of, the job. If injury requires on-site first aid only, logs injury in accordance with departmental procedures. If medical care is required, completes Attachment A, *DWC-1 form* and returns it to supervisor.
- B. Supervisor: Ensures that injury is logged in accordance with departmental procedures. If medical care is required, secures initial treatment as outlined above. Provides employee with the pamphlet, *Facts for Injured Workers* (Attachment B) and *Employee's Claim for Workers' Compensation Benefits (Form DWC-1)*. Additionally, if the employee is treated by a facility other than Concentra, the supervisor provides the employee with a *Modified Duty/Return to Work Form* (Attachment D) to be given to the care provider for completion.

Within 24 hours of the incident, or of a supervisor's knowledge of the incident, or knowledge that a logged "first aid" incident requires medical care, the employee will complete the *On-The-Job Injury, Illness or Exposure Investigation Form* (Employee's Report Attachment E, side 1); the employee's supervisor shall complete the *On-The-Job Injury, Illness or Exposure Investigation Form* (Supervisor's Report Attachment E, side 2) and form 5020, *Employer's Report of Occupational Injury or Illness* (Attachment F). Supervisors are required to track the employee's medical visits beyond one visit on the *Injuries Log* (Attachment G). The 5020 form is forwarded to the Human Resources Department along with the completed *Form DWC-1*, *Supervisor's Report*, and any other

related documentation.

Human Resources: Staff finalizes the above forms and forwards copies to the City's third-party administrator for Workers' Compensation, Gregory B. Bragg and Associates (Bragg). Bragg staff will coordinate subsequent medical treatment and benefits, keeping the City informed of the employee's status.

Human Resources will work closely with managers and supervisors to monitor leaves, establish modified duty assignments, and ensure compliance with state regulations and other legal requirements.