

HONOLULU POLICE DEPARTMENT

POLICY HUMAN RESOURCES AND TRAINING

April 6, 2015

Policy Number 3.06

INDUSTRIAL INJURY/ILLNESS AND WORKERS' COMPENSATION

POLICY

Employees of the Honolulu Police Department shall be guided by this directive in determining and claiming industrial injury/illness and workers' compensation coverage and other benefits.

PROCEDURE

I. DEFINITIONS

- A. Compensable injury/illness: An injury/illness that entitles an employee to workers' compensation benefits.
- B. Extended sick leave: Leave that lasts more than five days due to injury or illness.
- C. Industrial injury/illness: See work-related injury/illness.
- D. Limited duty: A productive work assignment that does not exceed the temporary limitations placed on the employee by a physician. Limited duty is also referred to as light duty.
- E. Officer: A member of any metropolitan police classification (including reserves) or helicopter pilot.
- F. Physician: A doctor of medicine, dentist, chiropractor, osteopath, naturopath, psychologist, optometrist, or podiatrist.

- G. Temporary disability: Impairment of a physical or mental function that is determined by a physician to be impermanent.
- H. Temporary total disability: A condition wherein the employee is unable to perform any type of work.
- I. Work-related injury/illness: An injury or ailment that an employee suffers either (1) by accident resulting from and during employment (this includes the willful act of a third person against an employee because of the employee's job) or (2) by disease closely caused by or resulting from employment.
- J. Workers' compensation benefits: All benefits that the Hawaii Revised Statutes (HRS) provide to an employee or an employee's dependents for work-related injury/illness (as defined in Chapter 386), including medical and rehabilitation benefits, income and indemnity benefits (for disability or death), and funeral and burial expense allowances.
- K. Workers' compensation injury/illness: See work-related injury/illness.

II. REPORTING INJURY/ILLNESS

- A. Kinds of Injury/Illness to Report
 - 1. Employees shall report any injury/illness that occurs during duty hours.
 - 2. Employees shall report any injury/illness that occurs outside of duty hours and prevents their performance of full duty.
 - 3. Officers shall report any injury/illness sustained during special duty or authorized special activities (refer to Policy 3.18, PHYSICAL FITNESS ACTIVITIES).

B. When to Report Injury/Illness

1. On-Duty Injury/Illness

The employee shall notify his or her immediate supervisor as soon as practical.

2. Off-Duty Injury/Illness

a. For elements with 24-hour operations, the employee shall notify the on-duty supervisor at least one hour before the scheduled duty time.

b. For all other elements, the employee shall notify the supervisor at the start of the work day.

3. Notification shall be on a daily basis except for extended sick leave.

a. Personnel who anticipate being on "extended sick/injury leave" shall notify their on-duty watch commander of the number of days that they expect to be out.

b. Personnel on extended leave shall notify their watch commander or his or her designee one day prior to their return to normal duty.

c. Personnel calling in sick or injured shall be responsible for knowing the identity of the person notified.

III. ON-DUTY INJURIES

A. An employee injured on duty shall be given medical treatment at the nearest medical facility or by a private physician.

B. The on-duty supervisor shall ensure that the employee prepares and submits the Report of Industrial Injury/Illness, CSWC-1 form. The supervisor shall assist the employee or complete the form for him or her whenever necessary.

1. The supervisor shall indicate in part 2, Supervisor's Certification, whether or not the injury is compensable. A report shall be submitted in every instance, no matter what the recommendation.
2. The report shall be submitted in triplicate through channels to the Human Resources Division (HRD) commander.
 - a. The supervisor shall submit the report before going off duty on the day of the incident.
 - b. If a compensable injury recurs, the supervisor shall submit a report on the date that he or she is notified of the recurrence.
 - c. A numbered police report is required when the injury is inflicted by another person (e.g., motor vehicle accident or assault).
3. The report shall include the following:
 - a. Exact location of incident;
 - b. Time and date of incident;
 - c. Names of persons involved;
 - d. Department/element;
 - e. Extent of injury and/or property damage;
 - f. Brief description of incident, including number and types of vehicles (in the case of vehicular accidents); and
 - g. Name of person making the report and name and telephone number of contact person.
4. When submitting the report, the supervisor shall include the initial physician's report, if it is available.

C. Reporting Major Incidents

1. Supervisors shall report all major incidents and work-related accidents that include any of the following:
 - a. Loss of life within 30 days of incident;
 - b. Injury to three or more employees requiring inpatient hospitalization within 30 days of the incident; or
 - c. Damage to property, including motor vehicles, exceeding \$25,000.
2. Commanders shall ensure that supervisors in all major incidents report the information listed in sections III' B 3 a to g above to the following:
 - a. Occupational Safety and Health Division of the Department of Labor and Industrial Relations. Contact information is listed in Attachment 1.
 - b. Industrial Safety and Workers' Compensation Division of the Department of Human Resources. The report shall be made by telephone to the number listed in Attachment 1. Incidents occurring from 0600 to 1700 hours on regular work days shall be reported from the scene as soon as possible. Incidents occurring at other times shall be reported at the start of the first regular work day after the occurrence.
 - c. Appropriate employee unions via telephone by the start of the first regular work day after the incident.

- D. Any officer injured as a result of a criminal assault, no matter how slight the injury, shall be examined by a physician. The injured officer's immediate superior or the officer in charge of the assault scene shall:
 - 1. Make the necessary arrangements for a medical examination without undue delay;
 - 2. Have the injuries photographed; and
 - 3. Ensure that complete reports (incident reports, injury report, etc.) are submitted and that they accurately detail the injuries suffered.

IV. REPORTS AND LEAVE REQUESTS FOR EXTENDED LEAVE

A. Leave for Compensable Injury/Illness

- 1. The supervisor shall contact the employee periodically to ensure that:
 - a. The employee is aware of the provisions of this directive and of his or her available leave time;
 - b. The employee's health and welfare needs are being met; and
 - c. The employee's commander is informed of the employee's progress and anticipated date of return to duty.
- 2. The supervisor shall submit the Supervisor's Follow-Up Report of Sick/Injured Employee, HPD-347A form, within five calendar days after the employee's leave begins. Further reports shall be submitted after each contact with the employee as described in section IV A 4 below.
- 3. The employee shall submit an application for sick leave (with a doctor's certificate attached) every 30 calendar days after the first day of injury/illness.

4. In addition, the employee shall contact the supervisor or a designee at least once every 15 calendar days during the first four months immediately following the injury/illness and at least once each month thereafter.
5. If the employee is under continuous treatment by a physician, the physician is required by Section 386-96, HRS, to submit an interim report every 21 days. If the physician fails to submit this report, the employee's pay may be suspended.

B. Leave for Noncompensable Injury/Illness

1. The supervisor shall contact the employee periodically for the purposes listed in section IV A 1 above.
2. The Supervisor's Follow-Up Report of Sick/Injured Employee, HPD-347A form, shall be submitted within five calendar days after the employee's leave begins and every 30 calendar days thereafter.
3. The employee shall submit an application for sick leave (with a doctor's certificate attached) every 30 calendar days after the first day of injury/illness.

C. Leave Without Pay for Injury/Illness

1. If leave without pay is necessary, the employee shall submit a completed Leave Request, HPD-357 form, and To/From memorandum explaining the request for leave via channels to the Chief of Police for approval prior to taking leave. The request shall include the following:
 - a. Verification of the employee's incapacitation by a licensed physician or other explanation for request; and
 - b. Prognosis and anticipated date of the employee's return to work.

2-23-2016

2. During periods of leave without pay, the supervisor shall contact the employee periodically for the purposes listed in section IV A 1 above.
3. If the leave without pay begins during the first five days of the employee's absence, the supervisor shall submit the Supervisor's Follow-Up Report of Sick/Injured Employee, HPD-347A form, by the following day. The supervisor shall submit additional follow-up reports every 30 days thereafter.

V. RECURRENCE OF COMPENSABLE INJURY

- A. The employee shall obtain medical verification of (1) incapacitation and (2) the fact that the incapacitation resulted from a previously reported, compensable injury.
- B. The employee shall notify the supervisor immediately so that form CSWC-1 can be processed.
- C. Each reported period of leave must be verified. The original date of injury shall be inserted under the description of illness on the Application for Sick Leave, DF-2 form.

VI. ABUSE OF SICK LEAVE

- A. Whenever abuse of paid sick leave is suspected, a supervisor shall investigate.
- B. The supervisor may require the employee to be examined by a city and county physician.
 1. If the supervisor requires the employee to be examined by a city and county physician, the supervisor shall prepare a written request to the HRD commander documenting the suspected abuse.

2. The HRD commander shall prepare a written request from the Chief of Police to the Health Services Division, Department of Human Resources, to schedule the examination and shall direct the employee to report for the medical evaluation.
3. The employee shall request that his or her private physician forward all pertinent medical information to the city and county physician.

VII. RETURN TO DUTY

A. Work-Related Injury/Illness

1. Before returning to full or limited duty, the employee shall obtain a written release from the attending physician. The physician shall include a description of the ailment or injury and the dates of the employee's incapacitation.
2. If there is a loss of 80 or more scheduled working hours due to an injury or illness, the employee shall explain his or her duties to the physician. The physician's written release must certify that the employee is able to perform the general duties of his or her assignment.
 - a. Sworn employees shall provide their physician with a Medical Return to Work, HPD-347 form, to serve as the physician's written release.
 - b. Civilian employees shall provide their physician with the Treating Physician's Clearance to Return to Work form from the Health Services Division.
3. After obtaining the attending physician's written release, the employee shall obtain a medical evaluation from the city and county physician for clearance to return to duty.

- a. The employee shall call the city and county physician for an appointment and also inquire if additional medical reports will be needed.
 - b. At the designated time, the employee shall report to the city and county physician with the completed physician's written release and any other necessary medical reports. Three additional days should be allowed for a medical evaluation.
4. If the absence was due to stress leave or any psychological condition, the employee shall obtain clearance from the police psychologist.
 - a. The employee shall call the department's Human Services Unit to schedule an appointment with the psychologist.
 - b. At the designated time, the employee shall report to the police psychologist with the completed physician's written release.
 - c. Employees shall not be returned to duty from stress leave or leave as a result of any psychological condition until cleared by the police psychologist.
5. Before an employee may perform any duty, the above provisions must be complied with, and the employee must submit an Application for Sick Leave, DF-2 form, to the supervisor. The supervisor shall:
 - a. See that the proper category for leave is marked;
 - b. Ensure that the physician's certificate is attached; and
 - c. If limited duty is specified by the physician or police psychologist, make a tentative assignment to a recommended duty position, subject to approval by the Chief of Police.

B. Nonwork-Related Injury/Illness

1. Any absence of five or more consecutive working days requires a licensed physician's certification of injury/illness before the employee may return to duty.
2. If an employee sustains a significant injury/illness, the employee shall obtain medical clearance from the city and county physician and/or police psychologist before returning to duty. The significant injuries and illnesses are listed in Attachment 2.

C. Pending Clearance

1. While waiting for a return-to-duty clearance from the city and county physician or police psychologist, the employee shall comply with the following and return to limited duty:
 - a. Obtain a written clearance from his or her attending physician to return to duty.
 - b. Obtain an appointment with the city and county physician or police psychologist for a return-to-duty clearance.
 - (1) The appointment shall not be later than seven days after the date of the written clearance from the attending physician.
 - (2) If no earlier appointment can be made, exceptions to the seven-day limitation may be made by the HRD commander.
 - c. Make arrangements with his or her commander for an assignment to a limited-duty position until clearance is received from the city and county physician or police psychologist.

2. For work-related injuries or illnesses, workers' compensation will not supplement the employee's pay after the employee receives clearance from his or her attending physician.
3. After consultation with the city and county physician or police psychologist, the Chief of Police or designee may deny the return to limited duty.

VIII. LIMITED DUTY

A. Work-Related Injury/Illness

An employee may be eligible for limited duty if an injury/illness prevents the employee's performance of full duty and is work related.

B. Nonwork-Related Injury/Illness

1. An employee may be eligible for limited duty if a nonwork-related injury/illness prevents the employee's performance of full duty, a licensed physician certifies that the injury/illness is not permanent, and the treating physician provides an estimated date for the employee's return to full duty.
2. An employee is not eligible for limited duty if a nonwork-related injury/illness prevents the employee's performance of full duty but the other conditions specified in section VIII B 1 above are not met. The employee must take sick leave, vacation leave, or leave without pay until a physician certifies that he or she is able to return to duty.

IX. ALTERNATIVES TO LIMITED DUTY

If an employee does not qualify for limited duty and is unable to meet the requirements of the job, the employee may apply for:

- A. Service-connected disability;
- B. Ordinary disability;

- C. Ordinary retirement;
 - D. Leave without pay;
 - E. Temporary or permanent transfer to a position for which the employee is physically qualified;
 - F. Temporary or permanent demotion (voluntary/disability) to a position for which the employee is qualified;
 - G. Regular or limited-term promotion to a position for which the employee is physically qualified (provided that the employee is eligible and within certification);
 - H. Separation from service in compliance with existing civil service rules and regulations; or
 - I. Referral to the city's program for the retention and placement of disabled employees.
- X. MILEAGE FOR TREATMENT AND/OR REHABILITATION
- A. Subsidized Personnel
 - 1. Personnel who receive subsidies for the use of their personal vehicles may draw gas and oil from departmental facilities for travel to and from required treatment and/or rehabilitation for compensable injuries.
 - a. If incapacitated for more than a calendar month, the employee shall arrange with the immediate supervisor or element commander to submit the mileage slip.
 - b. The first mileage slip submitted during the employee's incapacitation shall include a mileage verification by the physician or other authority (Section 386-1, HRS) to certify the distance from the employee's home to the treatment site. The reasons for treatment/rehabilitation shall also be indicated.

2. When allowed to draw gas, the employee cannot claim mileage reimbursement from workers' compensation.
3. If automobile allowance is temporarily suspended or terminated while an employee is on injured leave, the employee may request reimbursement for travel. The employee may not draw gas or oil from departmental facilities. Reimbursement shall be obtained as outlined in section X B below.

B. Nonsubsidized Personnel

1. Employees whose use of their personal vehicles is not subsidized may be reimbursed for travel to and from required treatment/rehabilitation for compensable injuries.
2. The employee must submit a verified list of miles driven to the Workers' Compensation Section, Department of Human Resources.
3. The verified list shall be submitted on the Statement for Reimbursement of Travel Performed for Medical Treatment of Workers' Compensation Injury, CSWC-22 form.

XI. NOTIFICATIONS REGARDING HOSPITALIZATION OR DEATH

- A. When an employee or an employee's spouse is confined to the hospital, the employee shall notify the commander immediately.

The commander shall inform the HRD commander, who will make the proper notifications.

- B. When an employee or officer is injured, either on or off duty, the supervising investigator shall ensure that:
1. If hospital confinement is anticipated, the supervisor notifies the spouse or whoever is designated by the employee to be notified in such emergencies.

2. In case of death, the following persons are notified immediately:
 - a. HRD commander, and
 - b. Police chaplain.
- C. When an employee is confined to the hospital for critical injuries or when death occurs as a result of injuries received while an employee is on duty, the HRD commander shall notify the following:
 1. Occupational Safety and Health Division of the Department of Labor and Industrial Relations;
 2. Workers' Compensation Division of the Department of Labor and Industrial Relations; and
 3. Safety Division of the Department of Human Resources.

XII. WORKERS' COMPENSATION COVERAGE

A. Injured Leave and Compensation Claims

Any employee injured in the line of duty shall be placed on appropriate leave by the Finance Division. When so authorized, the employee's commander shall indicate "injured leave" on the Payroll Time and Attendance, HPD-25 form.

1. Officers
 - a. Every officer injured in the line of duty shall be placed on injured leave as provided by Section 79-15, HRS, when certification for benefits is received from the Department of Human Resources.
 - b. If the Department of Human Resources denies the certification for benefits, a hearing will be scheduled by the Department of Labor and Industrial Relations. The employee will be notified of the hearing so that he or she can appear and explain the claim.

- c. Fifteen days prior to expending the last of the 120 calendar days of workers' compensation coverage provided by Section 79-9, HRS, the employee shall complete the Election of Compensation for Industrial Injury, CSWC-14 form. This form is available at the Human Resources Division.

2. Civilian Employees

A civilian employee injured in the line of duty may go on injured leave and claim compensation benefits as provided by Section 79-9, HRS. The employee must submit civil service form CSWC-14, which is available at the Human Resources Division.

B. Duration of Compensation Payments

1. Compensation payments under section XII A 1 above will be provided only during periods of temporary, total disability.
2. A licensed physician must certify the employee as "incapacitated from work or duty" during the period of temporary, total disability. Any other certification by the physician, such as "under my professional care" or "under my treatment," may result in forfeiture of temporary, total disability compensation.
3. When the physician indicates that the employee is able to return to duty (full or limited), the compensation payments will cease.

C. Settlement of Claims Against a Third Person

1. Employees are cautioned against settling any personal claims for injuries or property damage caused by a third person in any accident or injury that occurred while the employee was on duty.

2. When it appears that an employee's injuries were caused by a third party, the city automatically has a lien against any settlement the employee may receive from the third party. As a result, any settlement must have the approval of the city to be valid.
3. Therefore, before an employee enters into any settlement with a third party, the Claims Section, Department of the Corporation Counsel, shall be notified through proper channels.
4. Failure to obtain written approval from the corporation counsel prior to settlement of a claim against a third party may result in the forfeiture of workers' compensation benefits for the injury or its future recurrence. It may also result in the employee having to refund payments made under workers' compensation.

XIII. RELATED BENEFITS

- A. Automobile allowance for police officers is continued during any authorized leave of absence with pay, including injured leave, for a period not to exceed six continuous months.
- B. Payroll deductions made according to law or at the employee's request may be affected by the change in the employee's salary under workers' compensation.
 1. The city is prohibited from deducting anything from that part of the injured employee's salary that is paid by workers' compensation. Deductions (e.g., for the retirement system) can only be made from that part of the employee's salary paid from sick/vacation leave while the employee is covered under Section 79-9, HRS.
 2. The employee should evaluate his or her own situation and decide on adjustments to be made in payments to the retirement system, Honolulu Police Relief Association, credit union, unions, etc.

- C. The employee may be eligible for benefits for injuries sustained during travel to and from work when all of the following conditions are met:
1. The employee receives an automobile allowance or is authorized to take home a marked police vehicle (such as a motorcycle);
 2. The employee is in uniform with a mounted blue light on the vehicle;
 3. The travel to or from work was by a direct route;
 4. The injury was not caused by the employee's negligence or desire to cause self-injury; and
 5. The injury was not the result of the employee's use of alcohol or drugs.

Whether the injury is compensable is determined by the city's Industrial Safety and Workers' Compensation Division, Department of Human Resources. Decisions on compensability may be appealed under the Hawaii Workers' Compensation Law (Chapter 386, HRS).


LOUIS M. KEALOHA
Chief of Police

Attachments

Post on bulletin
board for one week

Policy first issued
March 29, 2002

CONTACT INFORMATION FOR REPORTING MAJOR INCIDENTS

Occupational Safety and Health Division of the state's Department of Labor and Industrial Relations:

The report shall be made within eight hours of the incident by telephone to 586-9102.

Industrial Safety and Workers' Compensation Division of the city's Department of Human Resources:

The report shall be made by telephone to 768-8579 or 768-8560. Incidents occurring between 0600 and 1700 hours on regular work days shall be reported from the scene as soon as possible. Incidents occurring at other times shall be reported at the start of the first regular work day after the occurrence.

Appropriate employee union:

The report shall be made by the start of the first regular work day after the occurrence.

Hawaii Government Employees
Association: 543-0000

State of Hawaii Organization
Of Police Officers: 847-4676

United Public Workers: 847-2631

LIST OF SIGNIFICANT INJURIES/ILLNESSES

1. Amputation
2. Asphyxiation (smoke inhalation)
3. Avulsion (of eye)
4. Cancer
5. Cardiac arrest
6. Cardiac symptoms
7. Convulsion/seizure, unspecified (including petit mal)
8. Convulsion/seizure, systemic (including grand mal)
9. Diabetic coma
10. Diabetic shock
11. Difficulty breathing/shortness of breath
12. Dizziness/fainting/weakness
13. Eye (avulsion of) trauma, out of socket
14. Fracture, closed
15. Fracture, open
16. Gunshot, projectile wound
17. Hemorrhaging, bleeding
18. Hypersensitivity, including allergic reaction to medicines
19. Impairment similar to that caused by alcohol
20. Mental disorder
21. Paralysis
22. Puncture/wound, penetrating (including gunshot wounds)
23. Projectile wound, high velocity (including gunshot wounds)
24. Respiratory arrest
25. Shock, anaphylactic
26. Stabbing puncture wound
27. Stroke
28. Unconscious
29. Other long-term illness

Note: Due to extenuating and/or mitigating circumstances, the above list should be considered illustrative, not exhaustive. If there is uncertainty whether an illness/injury merits being considered "significant," contact the commander of the Human Resources Division.

ADDITIONAL REFERENCES

Section 52-5, HRS	Coverage for personal injuries sustained by off-duty police officers
Section 79-9, HRS	Sick leave credit for wage loss replacement benefits
Section 79-15, HRS	Coverage of employees under workers' compensation
Section 386-181, HRS	Benefits for reserve police officers
Public Law 90-291: Federal Employees' Compensation Act (5 USC 8101 as extended)	Workers' compensation benefits for nonfederal law enforcement officers
Civil Service Circular 920 (9-20-73)	Reimbursement
Civil Service Circular 1239 (3-24-80)	Retention, rehabilitation, and placement
Civil Service Personnel Manual	Modified duty for temporary, nonindustrial injury/illness
Civil Service Personnel Manual	Retention, rehabilitation, and placement of industrially injured employees
Policy 3.16, PHYSICAL EXAMINATION AND MEDICAL DISQUALIFICATION	Medical disqualification
Policy 2.04, SAFETY PROGRAM	Occupational Safety and Health Administration; injury and illness recordkeeping