

**MEDICAL, LEAVES & BENEFITS (MLB) OFFICE  
LINE OF DUTY INJURY (LODI) UNIT — (718) 935-2729  
Q & A -- QUICK REFERENCE GUIDE**

**Where are the Most Recent Policy and Procedures Set Forth on Line of Duty Injury?**

Personnel Memorandum #4, 2002 - 2003 remains in effect for processing line of duty claims. Except for the principal (not the superintendent) being given authority to approve a claim for ten (10) days or fewer, all procedures are to be followed.

**What is a Line of Duty Injury?**

Line of Duty is defined as any accident or incident which occurs while on duty. To determine if an employee is on duty, ask if the person was being paid when the accident or incident occurred. It must also be determined that the employee did not cause the accident or incident either through his/her own actions or by being negligent.

**How are Line of Duty Injuries Classified?**

Line of duty claims are categorized as either *accidents* or *assaults*. The length of claimed time determines whether a line of duty is considered *long-term* or *short-term*. Long-term is more than 10 consecutive days, and short-term is 10 consecutive days or fewer.

**Which Employees Can Claim LODI?**

Line of duty can be claimed by licensed pedagogues in cases of accident or assault. UFT educational paraprofessionals and DC37 school aides can file claims in cases of assault. (Accident coverage for paras and aides is provided by Workers' Compensation).

**Where May LODI Occur?**

An accident or incident is considered line of duty if it occurs in the following locations or circumstances:

1. regular assigned school or office
2. sidewalk around the school up to the curb
3. schoolyard or parking lot of school
4. traveling from one worksite to another if it is part of job duties
5. traveling to a meeting if employee is being paid during travel time
6. if a supervisor instructs employee to complete a task or travel somewhere that is not part of their regular job duties.

**What Must Be Included in a Complete LODI Package?**

A completed package that is ready for submission to MLB's Medical Section contains:

1. a Comprehensive Injury Report signed and dated by the employee, the principal and the local instructional superintendent;
2. an OP198 signed and dated by the employee and the principal/supervisor; and
3. supporting medical documentation unless it is submitted separately on an OP407.

Forms may be obtained via the school secretary.

**What is the Purpose of the Comprehensive Injury Report (CIR)?**

The Comprehensive Injury Report is the form used by the employee to document and describe any accident or incident which occurs while on duty.

### **What is the Reporting Timeframe?**

When an accident or incident occurs, it must be immediately reported to a supervisor. The secretary is then responsible for ensuring that the employee is given a CIR to fill out. This form must be completed, signed by the employee and submitted to the secretary within 24 hours.

### **How and When Should an Accident or Incident be Investigated?**

It is the responsibility of the school to research the event(s) as written by the employee on the CIR. This process should take place as soon as the accident or incident is reported. The closer to the event that the investigation process begins, the more reliable the information will be.

### **How is the CIR Processed?**

When the principal/supervisor and the LIS sign the CIR, they must indicate if they are approving or disapproving it. The principal's/supervisor's signature alerts the LIS and the Medical Section that he/she has investigated the written information and has determined whether the account of these events is accurate or not. **It does not mean that he/she feels the employee should or should not receive line of duty pay for this event.**

If a LIS approves a CIR, then Medical can make a determination on a claim. If a LIS disapproves, then an administrative bar is placed on the CIR, and any line of duty claim which ensues cannot be determined until this bar has been lifted. This is done through a grievance procedure.

If no days are taken off as a result of a claimed accident or incident, the CIR should remain in the school in the employee's file.

### **What is the OP198 and How is it Processed?**

An OP198 is the form used to claim line of duty status. It is the responsibility of the school to ensure that an employee, who has submitted a CIR, be given an OP198 form. This must be done if the employee takes one or more days off and claims this time as a result of this accident or incident. A line of duty claim is requested by checking item "C" on the OP198.

The school must ensure that the OP198 is filled out completely and correctly before it is submitted to Medical. The OP198 may be used to claim LOD for one day and for up to three months. More than one OP198 may be submitted for a single accident/incident.

When the OP198 is signed by the principal/supervisor, he/she must make a recommendation. If the claim is being disapproved, a reason must be attached. This will assist the MLB physician in the review of this claim.

### **How is Medical Documentation to be Submitted?**

Supporting medical documentation must be included with each claim. It can be submitted on the OP198 itself or on the treating physician's stationery attached to the OP198. It can also be submitted on an OP407 (the Confidential Medical Form).

### **What is an OP407 and How is it Used?**

An OP407 is a two-fold form which is used to request a leave of absence and when an employee wishes to submit medical documentation confidentially. The OP407 may be used instead of putting medical documentation on an OP198. To maintain confidentiality, it can be submitted directly to Medical. It is not required that it pass through the employee's school or office.

When submitting this form in conjunction with a line of duty claim, item "B" must be checked.

### **What Happens if Information is Incomplete or Missing?**

If any information is missing from the CIR or the OP198, or the forms themselves are missing, a deficiency letter is sent by the Medical Section's line of duty counselor to the school secretary, requesting the specific information. It is necessary that the school respond as soon as possible as not to hold up a line of duty determination.

### **What is the Role of the MLB Physician in the Process?**

All long-term line of duty claims are reviewed by an MLB physician. In addition, all short-term line of duty claims, where the principal chooses not to approve without a medical evaluation, are also reviewed by a MLB physician. After the physician has reviewed a line of duty claim, and makes a determination, one of the following may occur:

1. all requested dates are approved
2. all requested dates are denied
3. some requested dates are approved and some denied. (Those denied may or may not be approved as personal illness.)

All determinations are written at the bottom of the OP198 and signed off by the physician. The physician may feel that he/she needs additional medical documentation and/or the employee to appear for an examination in order to be able to make a determination.

### **What Correspondence is Involved and How is it Handled?**

If a line of duty claim is approved, an approval letter is sent to the employee. A copy of the OP198 is sent to the personnel manager, the school and to Payroll and the W2 Unit. If it is denied, a denial letter and the OP198 are sent to the employee. Copies of both are sent to the personnel manager, the school and to Payroll.

### **What Other Processing Takes Place?**

After a line of duty decision is made, the counselor from the Medical Section will input this determination into EIS. If the dates of the claimed line of duty are not in EIS, a deficiency letter will be sent to the secretary. This letter will list the missing dates and request that they be entered. After the dates are entered, the letter is to be returned to Medical, alerting the counselor that he/she may enter the determination.

### **How are Short-Term LODIs Processed?**

If a claim is for ten days or fewer, the principal/supervisor has the option of approving only (not denying) this claim. He/she needs to sign the OP198 and check off – *approved without medical evaluation*. It is then submitted to Medical with the approved CIR. The line of duty counselor may then approve the claim without a physician's review.

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### **To Comply with Memo No. 4 What Steps Does DHR Recommend to Secretaries?**

1) Determine the number of days claimants have in their CAR or sick bank; and 2) Add a reserve of 20 days to that number, allowing for the possibility that a claimant will exhaust his/her sick days and will request to borrow days; and/or 3) To that total add up to one calendar month of absence (the grace period) as defined in the Memorandum. 4) Having calculated this outside number, the secretary should then monitor all cases that are pending a medical determination.

*Note: If the claimant exceeds the resulting total (1 + 2 + 3), then he/she must apply for and accept a leave of absence without pay for restoration of health, subject to the Medical Department's determination, or must apply for disability retirement as appropriate. See Section VII of the Memorandum.*