

## United Federation of Teachers

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Dear UFT Member:

This letter summarizes procedures you should know regarding work-related injuries for pedagogical employees.

- 1. Injury on the job is referred to as “injury in the line of duty” or “LODI,” and is covered by New York City Department of Education Personnel Memorandum No. 4, 2002-2003 entitled “Policy and Procedures on Line of Duty Injuries for Pedagogical Employees.” (The memo may be accessed at <http://www.uft.org/files/attachments/personnel-memo-4-2002-03.pdf>).

The memorandum requires that you must notify the administration of any accident or injury within 24 hours. At the time of the injury, a **Comprehensive Injury Report** should be filed with the administration. If you cannot write the report, a colleague may assist. You should try to fill out the report before you leave school that day. In the report, the specific cause of the injury should be cited and the circumstances surrounding the injury clearly stated.

You should ask for a copy of the report. If you leave school without notifying the administration, and are absent the next day, when you call the school to report your absence you must tell them that you are absent as the result of an accident you had in school. Ideally, you should talk directly to the principal. You should also ask that a **Comprehensive Injury Report** be sent to you so that you can fill it out and return it as soon as possible.

If you were injured as the result of an assault or reckless behavior of another individual, a **UFT Incident Report**, should be filed online, at [uft.org](http://uft.org). (Scroll to the bottom of the web page for the link). The UFT Victim Support Program will contact you and provide assistance. You may call the UFT Victim Support Program at (212) 598-6853 to check on the status of your case.

- 2. Notify your UFT chapter leader of your injury. Your chapter leader should call the UFT District Representative to alert him/her to the situation.
- 3. The Comprehensive Injury Report must be sent to the Superintendent for approval. The principal does not have the authority on his/her own to administratively approve or disapprove a claim for line of duty status. Only the superintendent has that authority. Your chapter leader should make sure that the

Comprehensive Injury Report is sent to the Superintendent by the principal within twenty-four hours of the accident being reported.

The Superintendent must administratively approve or disapprove the Comprehensive Injury Report within five days of receiving the report. If the accident is **disapproved** by the Superintendent's office, please contact your UFT District Representative as soon as possible, since a grievance may be appropriate. If approved, the Comprehensive Injury Report must then be returned to the school by the Superintendent's office.

Requests for leaves for injury in the line of duty that are for ten days or less (excluding the day of the accident/incident) may be approved both administratively and medically by the Superintendent provided that the following conditions are met:

1. A note from the member's physician has been submitted stating that the staff member received treatment for the accident and was advised to remain out of work for the prescribed period of time.
2. The Superintendent is satisfied that the criteria for determination of line of duty injury status, as set forth in Personnel Memorandum No.4, 2002-2003, have been met.
3. The Principal, his designee, or responsible supervisor has been notified of the accident or incident.
4. The injured employee has submitted an application for LODI on SOLAS\*, the online leave application system which can be accessed using your email ID and password at the DoE website.

*\* Please note that SOLAS has rendered two important forms obsolete, namely the OP198 and the OP 407. Previously, the OP198 form was used to enumerate the exact days of absence, and provide a space for your doctor's note and signature. The OP407 provided for confidentiality of your medical condition. All of these requirements are handled now by SOLAS.*

The ten days that can be approved by the Superintendent do not have to be consecutive days. If he/she disapproves the line of duty medically, the documentation will be submitted to the Medical Bureau for review and a final medical determination will be made.

Requests for leaves for injury in the line of duty that are for more than ten days must be approved **administratively by the superintendent** and **medically by the Department of Education's Medical Bureau.**

- 4. Leaves longer than 10 days will be similarly requested on SOLAS. Indicate the days you will be absent and upload (or fax) your doctor's notes. If your absence may be an extended one, you may have to go onto SOLAS and request an

extension of the original LODI. Unfortunately, SOLAS will not allow you to extend your LODI until the initial request has been approved.

- 5. If you are claiming injury in the line of duty status, you will be asked to complete an OP200 form. This is a waiver form (which must be notarized) which assures the Department of Education that if you file suit against the city, and win a judgment, you will reimburse the city for any salary you earned during the period of your absence. **The Department of Education will not process a line of duty claim unless this waiver is completed.** This form also should be returned to the school, which will retain it.

Neither the Superintendent nor the Medical Bureau will give final approval to your claim until **all** the appropriate forms have been submitted. It is advisable that you obtain for your records a copy of the injury report that has been approved by the Superintendent.

- 6. If you are considering suing the Department of Education, you should call your UFT Borough Office as soon as possible. A Notice-of-Claim (intent to sue) must be filed by an attorney within 90 calendar days of the date of the accident.
- 7. If you are absent for more than ten (10) days, the Department of Education's Personnel Memorandum No. 4 of October 21, 2002 requires (in Section II) that you contact the Medical Bureau (718-935-2731) to schedule an appointment for an examination. It is usually in your interest to be examined as soon as possible since the quicker the Medical Bureau makes a determination on your line of duty claim, the better. It is advisable to bring with you copies of your administrative paperwork to submit to the Medical Division. You should also bring additional medical documentation that will support your claim that your absences are a direct result of your injury. Should the Medical Bureau request that you provide them with additional medical information, you should do this as quickly as possible. This is because, **until the Department of Education grants line of duty status, days absent come out of your sick bank (CAR).**

**If you run out of days in your sick bank before the Department of Education approves your LODI, you may be in jeopardy of loss of salary or other problems related to the exhaustion of your sick bank. In this case you will need to take the necessary steps in order to maintain a status. If you are appointed, some examples of maintaining a status include borrowing up to twenty (20) sick days (that must be re-paid to the Department of Education), applying for a grace period and a leave of absence without pay for restoration to health, and applying for a restoration of health sabbatical (if eligible). For additional information on these options, and for options available to members who are not appointed, please contact your UFT Borough Office.**

- 8. If line of duty status is denied by the Medical Bureau, medical arbitration may be appropriate and must be applied for within ten school days of being notified of

the denial. Therefore, contact your UFT District Representative immediately. S/he will be able to advise you as to how you should proceed. **According to Article 21H4C of the Collective Bargaining Agreement, “The arbitrator’s decision ... shall be accepted as final and binding by the Board and the teacher.”** In addition, you can also request that the Medical Division review their decision, either with or without new medical supporting documentation.

- 9. Your medical expenses will be covered in the normal way by your insurance. However, the contract provides that reasonable medical expenses not covered by insurance may be reimbursed by the Department of Education in line of duty cases to a maximum of \$750. This limit may be waived, at the discretion of the Department of Education, in assault cases. Claim forms (OP505, and 505a in cases of assault) are available from the Department of Education’s Claims Unit at 65 Court Street and you should include all appropriate documentation. Claims for loss or damage to personal property, up to \$100 per person, per year, may be filed using form OP504.
- 10. You are encouraged to obtain and keep copies of all documents submitted to the Department of Education regarding your line of duty claim.
- 11. There are restrictions on an employee who is absent as the result of an injury in the line of duty. Without the express written approval of the Division of Human Resources, remunerative employment during leave for injury in the line of duty is prohibited. Should an employee violate this prohibition, the Executive Director of Human Resources may terminate the leave as of the date on which the violation began.

Employees absent due to injury in the line of duty may not leave the NYC area for treatment or for any other purpose affecting their mental or physical health, without prior approval by the Chancellor or Medical Bureau.

If you have any additional questions or concerns, please contact me at 212-598-7711 from 10:00 AM to 6 PM daily. I can also be reached by e-mail at [tbennett@uft.org](mailto:tbennett@uft.org).

Best wishes for a speedy and healthy recovery.

Fraternally,

Thomas Bennett  
Special Representative

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## **Necessary Procedures for Injury in the Line of Duty**

### **Summary Checklist**

If you are injured in school, there are procedures that you must follow.

#### **1. \*Comprehensive Injury Report:**

- Required – to be filed within 24 hours of your accident.
- Principal forwards it to Superintendent who approves or disapproves it and returns it to the school payroll secretary.
- Must be sent from school to Superintendent within 24 hours of receipt by Principal.
- Superintendent must approve and return within 5 working days.
- For problems contact your UFT Chapter Leader or UFT District Representative. If time frames are not followed it is grievable.
- Submitted on : \_\_\_\_\_

#### **2. \*SOLAS Application:**

- Required – as soon as your doctor provides you with medical documentation and date of probable return to work.
- Submitted online – Medical Bureau will not grant LODI status without it.
- For problems contact your payroll secretary, Boro VSP, District Rep.
- Submitted on: \_\_\_\_\_

**3. \*OP200 Legal Form:**

- Required – As quickly as possible.
- Submitted to the payroll secretary at your school.
- Notarized – then submit as soon as possible since Medical Bureau will not grant LODI status without it.
- For problems contact your UFT District Representative.
- Submitted on: \_\_\_\_\_

**4. UFT Incident Report:**

- If the victim of an assault or reckless endangerment submit as quickly as possible.
- Submitted online at [uft.org](http://uft.org).
- Give copy or inform your Chapter Leader
- Contact UFT Victim Support Unit at 212-598-6853.
- Submitted on : \_\_\_\_\_

**5. OP407 Obsolete form:**

- No longer required
- All documents submitted on SOLAS are confidential

**Remember to do the following:**

- 1. Obtain from the payroll secretary all signed, approved/disapproved copies of submitted forms.**
- 2. Call Isy Booker, Supervisor of Scheduling, at the Medical Bureau (718-935-2731) or contact her via e-mail at [ibooker@schools.nyc.gov](mailto:ibooker@schools.nyc.gov) to arrange an appointment.**
- 3. If you are not being paid, call your UFT District Representative immediately.**

**\*The Medical Bureau must receive all of these forms before acting on your claim for LODI status.**