

RIGHT TO KNOW

Line of Duty Injuries (LODI)

- 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 on the Department of Education website at this shortened link: <http://on.nyc.gov/1WrNbMS>.

The memorandum requires that you 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 www.uft.org/our-rights/line-of-duty-injury. The UFT Victim Support Program will contact you and provide assistance. You may call the UFT Victim Support Program at 1-212-598-6853 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 or her of the situation.

- 3** The Comprehensive Injury Report must be sent to the superintendent for approval. The principal does not have the authority on his or her own to approve or disapprove a claim for line of duty status administratively. 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 24 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 10 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 you received treatment for the accident and were advised to remain out of work for the prescribed period of time.



United Federation of Teachers
A Union of Professionals

52 BROADWAY • NEW YORK, NY, 10004 • 1-212-777-7500 • WWW.UFT.ORG

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 or her 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 Self-Service Online Leave Application System, which can be accessed using your DOE email ID and password on the DOE website at <https://dhrnycaps.nycenet.edu/solas/>.

** Please note that SOLAS has rendered two important forms obsolete, namely the OP 198 and the OP 407. Previously, the OP 198 form was used to enumerate the exact days of absence and provide a space for your doctor's note and signature. The OP 407 provided for confidentiality of your medical condition. All of these requirements are now handled by SOLAS.*

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

Notice of Claim: (Intent to Sue)

- **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.

You must serve a notice of claim **within 90 days** of the occurrence. An action cannot then be filed until 30 days has elapsed from the time of service of the Notice of Claim. This period is to allow time to review your claim by the City of New York. After the 30-day period, a lawsuit may be started. The lawsuit must be started within one year and 90 days of the time of the injury.

Legal representation is recommended. Again, your union can assist in making referrals. The union has a special arrangement with a large, reputable legal firm that gives our members special attention. Their lawyers can protect your rights and interests and assert the claim on your behalf.

UFT BOROUGH OFFICES:

- Bronx: 1-718-379-6200
- Brooklyn: 1-718-852-4900
- Manhattan: 1-212-598-6800
- Queens: 1-718-275-4400
- Staten Island: 1-718-605-1400

This serves to summarize procedures you should know regarding work-related injuries for pedagogical employees.