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 on the DoE website, nycenet.edu).

   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. (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.

* 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.

4. All LODI leaves must be requested on SOLAS. Indicate the days you will be absent and upload your doctor’s notes, including a diagnosis, prognosis and return to work date. You should also include any imaging reports and other relevant documentation, like an ambulance report or ER report if such exists. 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. Sometimes it might be better to remove a LODI application from SOLAS completely and then start over using more accurate dates.

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.

6. If you are considering suing the Department of Education, you should call your UFT Borough Office as soon as possible. A lawsuit will only be successful if you can prove that the city was “grossly negligent” in some way. A Notice-of-Claim (intent to sue) must be filed by an attorney within 90 calendar days of the date of the accident.

7. In the past, the DoE required an examination of all employees with LODIs of longer than 10 days. This is no longer the case and it is not necessary for you to call the DoE to set up an appointment. They will contact you if such is required. It is important that your case be decided quickly 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.

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. Use form OP505. 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 on LODI may not leave the NYC area without prior approval by the DoE Medical Bureau. The exact limits of the “NYC area” are not defined, but it is generally accepted to mean within reasonable driving distance.

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.

Best wishes for a speedy and healthy recovery.

Fraternally,

Thomas Bennett
Special Representative
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. **OP-198:** Obsolete form. Replaced by SOLAS.

3. **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.
• 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