

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: March 21, 1994

GENERAL ORDER P-24

SUBJECT: PERSONAL INJURIES SUSTAINED BY EMPLOYEES OF THE  
BERKELEY POLICE DEPARTMENT

### PURPOSE

- 1 - The purpose of this General Order is to outline the policy and procedures to be followed when any employee of the Police Department becomes injured while on the job.
- 2 - It is the policy of the Police Department that every injury, illness or exposure to infectious disease **that is sustained** in the line of duty **shall be reported to the employee's** immediate supervisor as soon as possible, but in no case, later than the end of ones regular tour of duty.
- 3 - If medical treatment is necessary, **the employee** shall request permission to leave the job **site** to secure treatment as provided in City of Berkeley Administration Regulation 1.14. The employee must **bring** with them an "**Alta Bates Occupational Health Center Treatment Authorization form**" **when reporting for treatment.**
  - a) When it is impractical to notify a supervisor before obtaining treatment; the employee shall report for treatment and as soon as possible thereafter, inform his/her supervisor of the injury **and the actions taken.**

### PROCEDURE FOR OBTAINING-MEDICAL TREATMENT

- 4 - **The Alta Bates Occupational Health Center (AB/OHS) is designated as the medical treatment center for all Police Department employees. AB/OHS is located at 5700 Telegraph Avenue, Oakland, (510) 204-1303.**
  - a) If the injury occurs between the hours of 0800 and **1700** Monday through Friday, the employee **will** report **directly** to **AB/OHS** **after obtaining the Treatment Authorization form.**
  - b) If the injury occurs **during other than normal business hours (1700 to 0800, or on a weekend or holiday)**, the employee shall report **directly** to Alta Bates Hospital for treatment and request that **OHS** be notified **as soon as possible about the incident.**
  - c) In the case of serious injury, the employee shall be transported directly to Alta Bates Hospital by ambulance and **AB/OHS** shall be notified **as soon as possible** by the Communications Center supervisor.
- 5 - When the effects of a service connected injury or exposure to infectious disease are first noticed while in an off-duty status, the employee shall notify his/her supervisor and arrange for treatment as **described in Section 4, sub a) b) and c) above except that:**

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- a) If the injury does not require immediate medical treatment, the employee shall call **AB/OHS** and arrange for an appointment during regular office hours.
  - b) If the employee is in need of immediate medical treatment, he/she shall call an on-duty supervisor for authorization for medical treatment.
    - (1) The **on-duty** supervisor, when **notified**, must determine the nature of the employee's complaint and if a report has been previously filed.
    - (2) If no report is on file, the supervisor, must obtain sufficient information to complete the reports described in Section 13, below.
    - (3) The supervisor must then contact the **AB/OHS or AB Emergency or the** emergency medical treatment center nearest the employee's location at that time and authorize treatment.
    - (4) The **on-duty** supervisor must notify the Administrative Division **Captain** as soon as possible and complete the Treatment Authorization form and forward **it** to the emergency treatment center **where the employee sought treatment**.
- 6 - An employee injured on City business while outside the Berkeley City limits shall:
- a) Seek treatment from the **nearest** available source if **the** injury is serious or requires immediate attention. **At the earliest possible opportunity**, the employee **or** the emergency treatment center **should** notify the employee's supervisor of the injury.
  - b) **If the injury does not require immediate attention, treatment should be deferred until the employee returns to Berkeley and an appointment can be made with AB/OHS.**

### EXPOSURE TO BLOODBORNE PATHOGENS

- 7 - **Many Police Department employees can face a significant health risk as a result of occupational exposure to human blood and other potentially infectious materials because they may contain bloodborne pathogens, including the hepatitis B virus (HBV) which causes Hepatitis B, a serious liver disease, and human immunodeficiency virus (HIV), which causes Acquired Immunodeficiency Syndrome (AIDS). The City of Berkeley has developed a "Bloodbome Pathogen Exposure Control Plan" which specifically details the OSHA requirements and Management Control Plan for dealing with this problem. All employees either have or will soon receive: training on this subject and be provided with a copy of the City of Berkeley Exposure Control Plan. For the purposes of this General Order, any exposure to Bloodbome pathogens should follow the guidelines**

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established in the Exposure Control Plan. The plan details the following areas:

- a) Occupational classifications at risk from exposure to bloodborne pathogens
  - b) Work activities involving potential exposure to bloodborne pathogens
  - c) Universal precautions, engineering controls, work practice controls, personal protective equipment, Housekeeping and Decontamination and labels and signs.
  - d) Hepatitis B vaccinations
  - e) First-aid procedures and post-exposure management
- 8 - Immediately after an exposure incident, once first aid has been given:
- a) The employee shall report the exposure incident to his/her supervisor.
  - b) The supervisor shall call AB/OHS between the hours of 0800 and 1700, Monday through Friday and ask to speak to a Blood Exposure Response Team member (BERT team). If the incident occurs at a other time than those noted above, the supervisor shall call the Alta Bates Medical Center Emergency room and indicate that a potential exposure to bloodborne infectious disease has occurred.  
  
Alta Bates Occupational Health Center: (510) 204-4455  
Alta Bates Medical Center Emergency Room: (510) 204-1303
  - c) The supervisor will then insure that an "Exposure Incident Report form is completed within 24 hours of the exposure incident and that a "BPD Injury Report" form is also completed. The "Exposure Incident Report" form may be found at the back of the Exposure Control Plan Booklet, or if necessary can be reproduced.

### OTHER PROCEDURES

- 9 - In cases of damage to teeth, the employees shall report to **AB/OHS** for initial treatment and referral to a dentist.
- 10 - Employees who wish to consult their own doctors for a service connected injury may do so from the date of injury if they have previously filed a pre-selection of physician form in accordance with Labor Code Section 4600 with the Administrative Division. Medical costs will then be paid by the City of Berkeley **medical insurance carrier** via the Claims Administrator.

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- 11 - If advance **notice of pre-selected physician** is not on file, **AB/OHS will determine the appropriate medical provider** for at least 30 days after the date of injury.
- 12 - If during the first **30 days of treatment** following an injury, the employee wishes to change physicians, **the employee** must notify the City Risk Manager. The Risk Manger will select another physician. At the end of the initial **30 days after injury**, the employee may elect to stay with the City's physician or select his/her own **doctor**. The City Risk Manager must be notified of any changes in physician prior to any treatment by the new **doctor**.
- 13 - All injuries, illnesses and exposures to infectious disease sustained in the line of duty **require the completion of two reports that are forwarded to** the Administrative Division: **The "Injury Report form" and the "City of Berkeley - Employee's Report of Job Injury"**.
- 14 - **The Injury Report form is one page and requires that a cost number be established to track the injury. The form is essentially self-explanatory and describes** the date, time location, cause and nature of the injury. If treatment is rendered, the report **should** also include the name and address of the attending physician. If disability prevents the injured **employee** from preparing **the** report, the Communications Center supervisor shall assign an investigator for **the purpose of completing the required reports**. The original **injury report** shall be forwarded to the Administrative Division on the date of **reported** injury in order that **appropriate** compensation insurance reports may be filed within the time limits set **by law**.
- 15 - **In addition to the BPD Injury Report Form, the injured employee or assigned investigator must complete a "City of Berkeley Employee's Report of Job Injury". The top portion of this form is to be completed by the employee and the bottom portion by the immediate supervisor of the employee. This form needs to be routed to the Administrative Division on the date of reported injury by the assigned employee.**
- 16 - In addition, reports shall be prepared and forwarded to the Administrative Division:
  - a) Upon return to duty from an absence caused by an injury.
  - b) Upon entry to and after release from a hospital.
  - c) Upon a change of duty status due to disability.
  - d) When the employee sustains any re-injury.
- 17 - Supervisors shall not allow an employee to return to work without a physician's release designating duty status and limitations, if any.

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- 18 - The Administrative Division will ensure the preparation of the State of California Employer's Report of Occupational Injury or Illness whenever:
- a) An employee leaves work as a result of an injury; or
  - b) An employee is treated for any job related injury or illness.
  - c) The form shall be routed as follows:
    - 1) Original and two copies to the City's Risk Manager.
    - 2) One copy to the auditor.
    - 3) One copy to the Record Bureau.
    - 4) One copy to the Administrative Division.

19 - A record of all service connected injuries shall, be maintained by the Administrative Division.

20 - Any employee participating in a physical fitness program other than that specifically prescribed under provisions of the Berkeley Police Physical Fitness Training Program and any employee taking part in any competitive sports event, without prior written approval of the Chief of Police, at any location may not be covered by Worker's Compensation benefits. Employees are also advised that California Labor Code Section 3600 provides in part:

"Liability for ... compensation exists against an employee ... in those cases where the following conditions exist:

"(h) Where the injury does not arise out of voluntary participation in any off-duty recreational, social or athletic activity not constituting part of the employee's work-related duties, except where such activities are a reasonable expectancy of, or are expressly or impliedly required by the employment".

"The Administrative Director shall promulgate reasonable rules and regulations requiring employers to post and keep posted in a conspicuous place or places a notice advising employees of the provisions of this subdivision."

Employees are also advised that the Administrative Director of Industrial Accidents enacted Rule 9883 which provides:

"Every employer or its insurance carrier may not be liable for the payment of Worker's Compensation benefits for any injury which arises out of an employee's voluntary participation in any off duty recreational, social or athletic activity which is not apart of the employee's work related, duties."

NOTE: The Risk Manager has stated, and it is concurred in by the City Manager

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that: "A basketball workout is non-compensable. Basketball is not required for employment and is not condoned as part of a physical fitness program, or required to maintain top physical conditioning for your job performance.

- 21 -** A Departmental Safety Committee composed of at least five (5) employees representing a cross-section of the department and chaired by a member of the Administrative Division shall be established to investigate and determine the cause and avoidability of on duty injuries.
- 22 -** The Safety Committee shall meet at least once a month or more frequently whenever deemed appropriate by the chairperson as determined by the number of accidents.
- 23 -** It shall be the duty of the Committee to review all injuries involving employees of the Department other than those which result from automobile collisions. Injuries sustained as a result of automobile collisions shall be reviewed as provided in General Orders E-3 and R-3.
- 24 -** The Committee shall submit its finding in writing to the Chief of Police and shall make recommendations to correct defective conditions or procedures or to improve the Departmental Safety Program. The Chief of Police shall review the findings of the committee and shall take whatever action is deemed to be appropriate.
- 25 -** Immediately following a hearing before the Committee and disposition by the Chief of Police the Administrative Division shall prepare a summary of the investigation, including disposition.

### PERSONAL LIABILITY

- 26 -** An employee of the Police Department who sustains a personal injury in the line of duty for which a second party may be civilly liable shall not enter into any agreement concerning the settlement without the prior written approval of the City Attorney or Risk Manager.
- 27 -** The Administrative Division shall maintain close liaison with the office of the City Attorney and the Risk Manager in all matters of civil litigation arising out of injuries covered by this Order.