

TOWN OF NEEDHAM
POLICE INJURY ON DUTY POLICY #412

The following procedures shall be followed in order to comply with the policies of the Town and relevant state statutes with regard to work-related illnesses or injury (including paid detail work). Changes in these procedures shall be subject to negotiations between the Town and the Union:

A. Initial Treatment

1. Any employee who, while working, becomes ill or injured because of his/her duties and who requires immediate medical care shall be treated first at the Town-designated medical facility (currently the Deaconess-Glover Hospital) unless emergency conditions clearly necessitate use of an alternate facility. Subsequent medical care that may be required may be obtained by the employee from a provider of his/her choice.
2. The initial treating physician or his/her designee will complete an occupational health report.
3. A copy of the initial occupational health report will be forwarded to the Chief by the injured employee or the treating physician as soon as practicable.
4. The Town shall indemnify and hold harmless from the payment of medical bills any employee who is required to receive initial treatment at a Town-designated medical facility and who is later determined not to be eligible for IOD benefits.

Reporting

1. Police Officer

- a. Whether or not medical attention is sought, each employee who suffers an alleged work-related illness or injury must complete the Injured on Duty form approved by the Town of Needham and submit it to the Chief within 24 hours of illness or injury, except in emergency situations. Subsequent reports may be made where the injury becomes more severe at a later date.
- b. It is the employee's responsibility to notify his/her supervisor of the illness or injury.
- c. An employee who files a lawsuit or claim against a third party in connection with a job-related injury must notify the Chief of Police in writing at the time the suit is filed.

2. Supervisor

It is the responsibility of the supervisor to provide the Chief with such report as the Chief may require relative to the illness or injury.

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Acceptance of Injured on Duty Cases

1. Any employee requesting Injury on Duty leave shall make a request for such benefits using a form approved by the Chief of Police and shall execute and deliver to the Chief a release for all medical and hospital records pertaining to said injury or incident on a form provided by the Town. All employee medical information will be kept strictly confidential in accordance with State law.
2. An employee requesting benefits under this section must provide medical certification from his/her treating physician documenting the nature of the injury/illness, the prognosis for further treatment and expected return to work, and the physician's opinion as to causality. Such documentation is to be requested from the physician within seven calendar days of the request for benefits.
3. An employee requesting benefits under this section may be required to submit to a physical or psychological examination by a Town-designated medical provider at the expense of the Town, prior to being placed on IOD status. Such examination will be conducted by a physician who is Board certified or is a specialist in the field which is directly related to the illness/injury for which benefits are sought. Within 14 calendar days of the request for IOD benefits, the Town will contact the physician to arrange for an appointment.
4. The employee will be placed on non-occupational sick leave pending the review of his/her entitlement to IOD benefits, if such review is necessary. If during the period in which the Town is determining eligibility for injured on duty status the employee exhausts his/her banked non-occupational sick leave, the Town will provide the employee with additional sick leave benefits up to the date of determination. In the event that the employee is granted IOD benefits, the employee's NOSL bank will be credited.
5. The Board of Selectmen or its designee, after consultation with the Chief of Police, shall make the determination as to the employee's entitlement to benefits under the Injury on Duty provisions of the collective bargaining agreement. If a physical examination is required, the determination will be made within 21 days of receipt of the physician's report.
6. An employee whose claim for benefits under the IOD provisions of the contract has been denied shall have the right to appeal the decision under the grievance and arbitration provisions of the Agreement or the applicable Massachusetts General Laws.

Reimbursement for Medical Expenses – Approved IOD Status

1. The police officer shall be responsible for obtaining all reports and bills relating to his/her examinations and treatment. Such bills should be submitted to the Chief of Police. No bills will be paid by the Town until all reports relating to the examination or treatment have been received by the Town.

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2. The Town will pay reasonable and customary charges as determined by the Board of Selectmen/designee. Failure to receive advance approval for a particular treatment regimen may result in the employee's being responsible for any balance between the billed amount and the approved payment amount.
3. The Town of Needham or its designated occupational health consultant will monitor the payment of medical expenses as part of a medical case management program. The Town will not be financially responsible for payment of bills for any medical, psychological or chiropractic personnel or facility engaged by the Police Officer unless advance approval is obtained, except for treatment received in an emergency situation.
4. In the event that an employee seeks treatment during the period in which the Town is reviewing his/her claim for IOD status, and such status is denied, the Town will indemnify and hold the employee harmless from any payment rejected by the employee's health care provider.

Termination of Injured on Duty Status

1. An employee who has been determined to be eligible for IOD benefits by the Town of Needham shall have such benefits terminated if any of the following takes place:
 - a. The Police Officer returns to duty (except that the Town will continue to pay for reasonable and customary medical expenses relating to said injury after the employee has returned to work).
 - b. The Police Officer retires or is pensioned in accordance with Mass. General Laws.
 - c. A physician designated by the Board of Selectmen determines that the Police officer is no longer incapacitated for duty.
 - d. The applicable general laws, as amended provide for other reasons for termination of IOD benefits.

Convalescence

1. A Police Officer who has been approved for IOD status shall not engage in any gainful employment without providing written permission of the employee's treating physician to the Chief of Police.
2. When so ordered, a Police Officer who has been approved for IOD benefits shall report for physical/psychological examinations, including Independent Medical Examinations (IME's) at reasonable intervals to determine whether the treatment being sought is appropriate or whether the employee is still incapacitated.

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3. A Police Officer who has been approved for IOD status shall comply with all requests for information, or other medical case management requirements, related to the illness/injury, by the Town or its designated occupational health consultant.

Applicability The provision contained herein shall apply to new cases, cases on-going as of the date of this policy and/or recurrences of old cases.

October 11, 1994