

LOS ANGELES POLICE COMMISSION

**ANALYSIS OF
EMPLOYEES CURRENTLY ON
INJURED-ON-DUTY LEAVE**



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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I. INTRODUCTION

The policing which the Los Angeles Police Department (LAPD or Department) provides is inherently dangerous, resulting in employee injury and death. In 2014, the Department opened 3,602 workers' compensation claims for employees injured on duty (IOD). Through March 31, 2015, the IOD salary continuation payments for these 3,602 claims totaled \$13.4 million.¹

While workers' compensation provides essential protection for injured employees, there are also documented incidents of fraudulent workers' compensation claims. In 2014, the Department terminated one employee and another employee resigned for misconduct related to workers' compensation fraud. Additionally, in 2014 the Los Angeles County District Attorney's Office filed criminal charges against another Department employee. And, in a September 2014 article, the Los Angeles Times highlighted cases of apparently questionable injury claims by LAPD officers.²

The Los Angeles City Controller in March 2015 published a 154-page audit of the Department's workers' compensation programs.³ The report's cover letter questioned whether the Department is plagued by a "culture of claims" and noted that in a recent three-year period, "60% of all police officers" filed at least one claim.⁴

In an effort to avoid duplication of the Controller's audit, the Office of the Inspector General (OIG) planned a limited audit of Department management of the claims. The OIG intended to first identify each sworn and civilian employee currently on IOD leave. Then, for each IOD employee, the OIG wanted to determine: (1) the number of days that the employee has been continuously on IOD leave for the current injury, and (2) the aggregate number of days that the employee has been on IOD leave in the last 10 years for their current and prior injuries. The OIG could then identify those employees that have been on IOD leave for the most days and analyze for patterns regarding, among other things, divisions, assignments, body parts injured, injury types, causes of injury, and physicians used. The goal of the analysis would be to identify risk management issues.

¹ For these 3,602 claims, there has also been \$7.2 million of medical payments and \$1.2 million of permanent disability payments.

² Jack Dolan, *Special Report: L.A. Pays Millions As Police And Firefighter Injury Claims Rise*, L.A. Times, Sept. 28, 2014, available at <http://www.latimes.com/local/cityhall/la-me-sworn-injury-leave-20140928-story.html#page=1>.

³ LAPD's Workers' Compensation Prevention Program (City of Los Angeles, Controller's Office, March 2015), available at <http://controller.lacity.org/Audits-and-Reports/index.htm>. To avoid duplication of effort with this detailed audit, the OIG had intended to limit its scope to analysis of employees currently on IOD leave.

⁴ *Ibid*, cover letter.

II. ANALYSIS

The OIG learned that the Department could not identify how many employees are IOD on a given day. There is no central Department master database of all sworn and civilian employees currently on IOD leave. Instead, the Department has bifurcated IOD management into two portions. The 82 Division Sick/IOD Coordinators are responsible for tracking and monitoring short-term IOD employees who are on leave less than six months and still assigned to the divisions.⁵ The Return to Work Section (RTWS) of Personnel Division is responsible for tracking and monitoring long-term IOD employees that are on leave more than six months and officially transferred to RTWS.⁶

Regarding the short-term IOD employees, seven divisions provided to the OIG their current tracking schedule.⁷ These schedules generally appeared to be up-to-date and useful, showing for each employee currently on IOD leave: (1) date first off duty, (2) date Sick/IOD Coordinator last contacted employee, (3) date of next scheduled doctor's appointment, (4) estimated return date, (5) notes/circumstances of injury, and (6) other employee identification and contact information.

Regarding the long-term IOD employees, RTWS maintains a database of employees who have at some point in recent years been on a leave of absence for injury, sickness, or family/military for more than six months. The database captures the: (1) date of injury or sickness, (2) date first off duty, (3) expected return date, (4) workers' compensation claim number (if applicable), (5) medical work restrictions (if any), and (6) other employee identification and contact information. However, the database does not identify each sworn and civilian employee *currently* on long-term IOD leave or indicate the number of days that the employee has been continuously absent.

Because of these database limitations, RTWS attempted to manually prepare for the OIG a report of all employees currently on long-term IOD leave. The OIG concluded that this report was not usable for its current employee IOD review as it contained: (1) employees who had already returned to work months ago, (2) employees who were on long-term sick leave (not IOD), and (3) retirees, some of whom are deceased.

The OIG also received from the City of Los Angeles Personnel Department access to the City's workers' compensation database (iVOS), which captures detailed injury and payment data for each LAPD and other City employee who has filed a workers' compensation claim at some point

⁵ Generally, an employee's time off is first classified as sick time. However, if/when the City's third party administrator (Tristar Risk Management) determines that the employee received a work-related injury, the time off is reclassified to IOD time.

⁶ The Sick/IOD Coordinators advised the OIG that they would not normally interact with RTWS until an employee on IOD leave is approaching the six-month threshold.

⁷ The seven divisions selected had some of the largest cumulative IOD salary continuation payments for claims filed in 2014.

in recent years.⁸ However, like the RTWS database, iVOS also does not identify each employee *currently* on IOD leave (short-term or long-term) or indicate the number of days that the employee has been continuously absent.⁹

Because the OIG could not obtain accurate data identifying, for any given day, the number of IOD employees, the OIG ended efforts to conduct the audit and instead identified recommendations.

III. RECOMMENDATIONS

Based on the inability to identify all employees currently on IOD leave, the OIG recommends the following:

1. In order to have one central location to store and track data regarding IOD leaves, the Department should develop a master database: (1) identifying all sworn and civilian employees currently on either short-term or long-term IOD leave, and (2) showing for each employee the total days of IOD leave for the current and prior injuries. This database would likely afford the Department an enhanced ability to manage IOD leaves, claims, and risk, with the goal of reducing IOD days and expediting employees' return to work.
2. The Department should periodically report summarized information from this database to its command staff and the Board of Police Commissioners.

⁸ Some employees have had multiple workers' compensation claims filed in recent years – some resulting in short-term IOD leaves and others resulting in long-term IOD leaves. Many of the employees listed on iVOS had already returned to work.

⁹ Because the iVOS database does not identify employees currently on IOD leave, the OIG could not reconcile the iVOS database to the aforementioned RTWS database report. Hence, the OIG could not verify that the RTWS database report indeed included all employees on long-term IOD leave.