

CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE

POLICY MEMORANDUM NO. 115

July 13, 2009

TO: All Departments, Boards, Agencies and Commissions

FROM: Brenda G. Hatfield, Ph.D., Chief Administrative Officer

SUBJECT: **DISABILITY RETIREMENT HEALTHCARE BENEFITS FOR PUBLIC SAFETY
PERSONNEL INJURED IN THE LINE OF DUTY WITH LESS THAN 10 YEARS OF
CONSECUTIVE SERVICE**

I. PURPOSE

The purpose of this memorandum is to establish a policy and procedure to provide disability retirement healthcare benefits for public safety personnel injured in the line of duty with less than (10) ten years of consecutive service as defined in **Civil Service Rule I, No. 20**.

II. STATEMENT OF POLICY

It is the intent of this policy to implement the procedure and benefits assigned to public safety personnel who have been permanently and totally disabled by a catastrophic injury sustained in the line of duty while serving on behalf of the City of New Orleans and who have earned less than (10) years of consecutive service with the City of New Orleans. Nothing in this policy should be construed to limit an eligible employee's coverage under Worker's Compensation.

III. ELIGIBLE EMPLOYEES

Please see **Attachment I** which specifies the classifications considered eligible under this policy.

IV. DEFINITIONS

A. Public Safety - Involves the prevention of and protection from events that could endanger the safety of the general public from significant danger, injury/harm, or damage, such as crimes or disasters (natural or man-made). Core emergency service agencies which provide frontline protection include:

1. New Orleans Police Department
2. New Orleans Fire Department
3. New Orleans Emergency Medical Services

B. In Line of Duty - Actively engaged in assigned, defined or designated job duties on behalf of the City of New Orleans.

C. **Catastrophic Injury** - Injury which is devastating and usually permanent in nature that causes life-altering consequences. These injuries have a severe physical impact on the individual's life. These injuries usually occur abruptly with no warning. Any injury or condition that causes impairment of at least one vital bodily function and a permanent loss of earning capacity from the City of New Orleans is considered catastrophic. ***Examples of catastrophic injuries include, but are not limited to:***

1. Brain Injury
2. Loss of vision or hearing
3. Significant back and/or neck injuries
4. Severe burns
5. Spinal cord injury
6. Other neurological or mental disorders
7. Loss or damage of a major organ, i.e., Lung, Spleen or Stomach

V. **APPLICATION OF DISABILITY RETIREMENT BENEFITS**

This policy does not supersede any requirements or procedures which are necessary in applying for disability retirement benefits through each agency's respective retirement board.

VI. **GENERAL REQUIREMENTS**

1. The Appointing Authority of the disabled employee must provide a signed statement on department letterhead providing the following information:

- a. The name, title and position of injured employee
- b. Date and location of injury
- c. Nature of injury and the cause
- d. Departmental Investigation Report
- e. Toxicology Report
- f. A statement indicating if there is a position in the department in which the applicant can be placed which would entitle him/her to earn the same salary/rate of pay

2. A medical report from the injured employee's attending physician or specialist. The attending physician must be licensed and board certified by a state or territory of the United States. The report should address the following:

- a. The nature of the employee's injuries
- b. Physical and/or mental disabilities resulting from the injury
- c. History of pre-existing physical or mental conditions
- d. Description of treatments, including medical rehabilitative treatments that have been implemented for the employee's line-of-duty injury and the current status

- e. The stage of the employee's healing process
- f. The employee's current level of ambulatory skills and whether any assistive devices are required
- g. The employee's prognosis and the basis for medical decision
- h. The employee's residual functional capacity or level of disability
- i. The likelihood of the employee performing any type of employment within their respective agency

VII. MEDICAL DETERMINATION AND REVIEW

The City of New Orleans' Medical Reviewer will render a final decision of total disability for an injured employee. The decision will be based on review of medical information provided by the employee's medical provider and the City of New Orleans' appointed medical provider. If the employee or City disagrees with the decision rendered, either party reserves the right to seek the opinion of an independent medical reviewer to render a decision. **All expenses will be the responsibility of the requesting party.**

VIII. HEALTHCARE BENEFITS

For purposes of this policy, employees are considered active until certified permanently disabled by the City of New Orleans. If an employee exhausts all paid leave while waiting for a determination, he/she will be responsible for paying healthcare insurance premiums to the City of New Orleans. **Payments must be delivered or mailed to the Chief Administrative Office, Hospitalization Division, City of New Orleans, 1300 Perdido Street, RM. 9E06, New Orleans, LA 70112. All payments should be payable to the City of New Orleans.**

IX. INCLUSION

Classified and unclassified employees who are deemed essential during an official state of emergency as declared by the Mayor of the City of New Orleans and who sustain catastrophic injuries while performing their assigned duties during an official state of emergency shall be covered under this policy. **Refer to Policy Memorandum No. 112, Emergency Leave and Pay Policies to see definition of official state of emergency.**

X. INQUIRIES.

Questions regarding this memorandum may be addressed to the Chief Administrative Office Hospitalization Division at (504) 658-8615.

Refer to: Policy Memorandum No. 112, Emergency Leave and Pay Policies

Attachment

BGH, Ph.D./PMRC/rth