

WORKERS' COMPENSATION	Document Number	GO 406
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1. PURPOSE

The purpose of this policy is to establish eligibility and procedures for the filing of Workers' Compensation claims.

2. PERSONS AFFECTED

All department personnel.

3. POLICY

It shall be the policy of the Hawai'i Police Department that all members are eligible for benefits under Workers' Compensation for those who are entitled to such benefits. (*CALEA 22.2.2*)

4. ELIGIBILITY

4.1. All members of the department are eligible for Workers' Compensation benefits.

4.2. Before a member becomes eligible to receive compensation it must be reasonably established that he suffered personal injury, disability or death by accident arising out of and in the course of his employment, or by disease proximately caused by the employment or resulting from the nature of employment.

4.3. A police officer who is injured, disabled or killed while actually engaged in the apprehension or attempted apprehension of law violators or suspected violators, or in the preservation of peace, or in the protection of the rights of property or person is deemed to be injured, disabled or killed in the performance of duty and by accident arising out of his employment.

4.4. A member need not be within his regular tour of duty nor acting under the direction of his superiors at such time and place of the accident causing such injury, disability, or death.

5. PROCEDURES

5.1. Claim for Compensation – A written claim for compensation, accompanied by substantiating proof, shall be filed with the Director of Labor and Industrial Relations within the following limits:

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- 5.1.1. Within two years after the date of injury.
- 5.1.2. In the case of death, within two years after the death.
- 5.1.3. Within five years after the date of the accident or occurrence which caused the injury.
- 5.1.4. Exceptions: The above time limits do not apply to an injury or disease caused by:
  - Compressed air.
  - Exposure to certain poisonous chemicals.
  - Exposure to X-rays and radioactive substances.

Providing the claim is filed in writing within two years after knowledge that the injury or disease was proximately caused by the employment or resulted from the nature of the employment.

- 5.2. Employees Entitled to Medical Care – Immediately after an injury sustained by an employee and during the resulting period of disability, such injured employee shall be entitled to whatever medical, surgical and hospital services and supplies as the nature of the injury may require.
- 5.3. Medical Attention
  - 5.3.1. If an injury occurs which is serious enough to warrant immediate medical attention, the injured employee shall be provided the necessary medical attention/treatment.
  - 5.3.2. If an injury does not require immediate medical attention, but subsequently requires such attention, the name and address of the physician consulted shall be reported immediately.
  - 5.3.3. If an employee wishes to change to another physician, he may do so in accordance with the rules of the Department of Labor and Industrial Relations on Workers' Compensation.
  - 5.3.4. The county physician shall have the right to examine any injured employee who is being attended by a private physician and may require examination by a specialist, if he deems it necessary.

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5.4. Reporting Procedures

- 5.4.1. Whenever a member suffers any injury arising out of his employment, fatal or otherwise, it shall be the responsibility of the district or bureau commander to investigate and submit a written report of his findings, in triplicate, to the Chief's Office.
- 5.4.2. The injured member, as soon as reasonably possible, shall also submit a written memorandum of the accident in triplicate.
- 5.4.3. Whenever a member is absent from duty due to a work-related injury, regardless of the duration of the absence, the member shall submit on the return to duty date, a Certificate of Absence Due to a Work-Related Injury form signed by his or her attending physician in addition to the Application for Leave of Absence.
- 5.4.4. The Personnel Officer shall be responsible for handling all Workers' Compensation matters pertaining to the department, for reporting all accidents to the designated agencies as required, and for transmitting all necessary data and forms. He shall be notified immediately of all accidents involving members of the department.