

Community Policing Reset
CPR

Date: 2/16/16
Submitted in PS Committee
Council File No. 16-0094
Item No. 1
Deputy Adam R. Lid

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City Controller's LAPD
Worker's Comp Audit

3

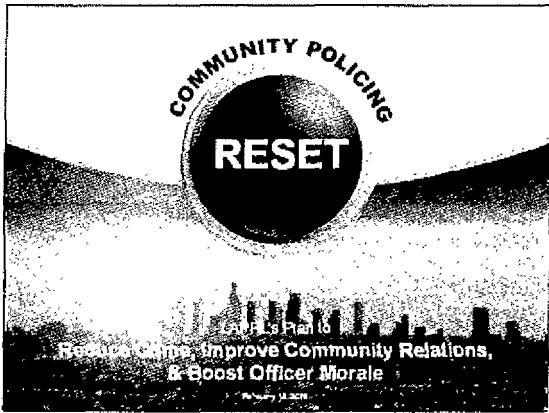
Alternative Dispute
Resolution Process

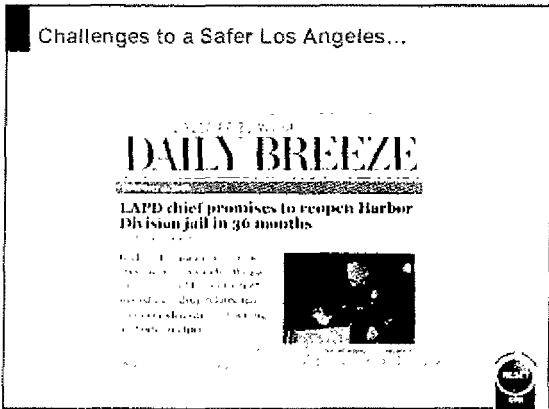
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Citizens Public Safety
Bill of Rights
2007

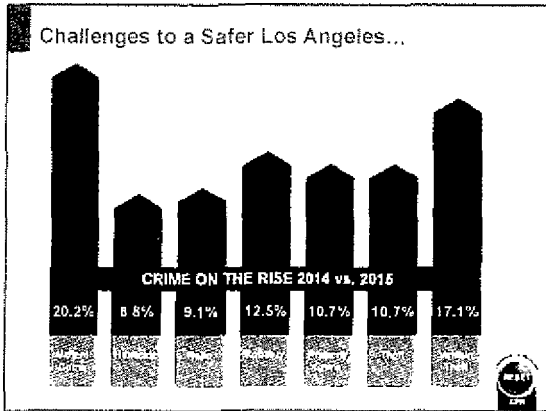
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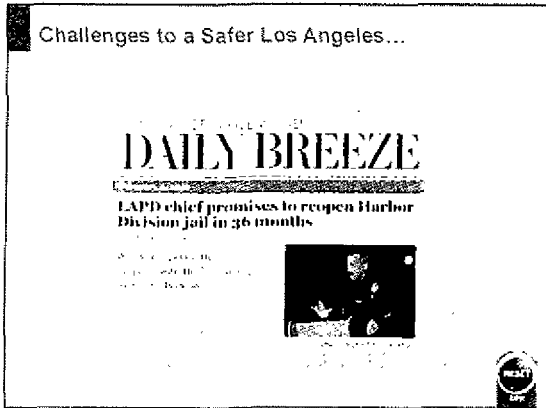
City Controller Review
of Civilianization of the
LAPD

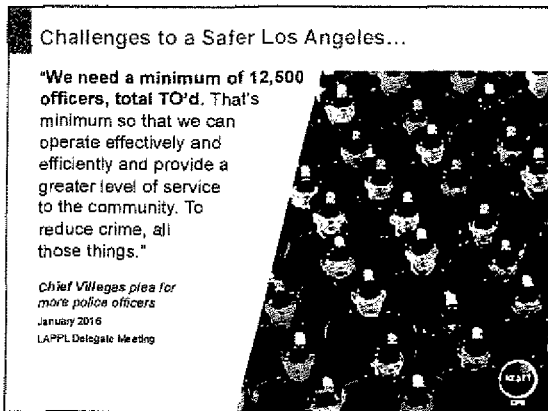













The Los Angeles Police Protective League believes we can Reduce Crime, Improve Community Relations & Boost Officer Morale is as easy as...


- A** Alternative Dispute Resolution
- B** Baseline Patrol Staffing
- C** Civilians Performing Civilian Work



A Alternative Dispute Resolution



Currently 1860 LAPD officers are not "street-ready":

1,065	463	309	23
Temporary Light Duty	Total Disability	Permanent Work Restrictions	Family Medical Leave Act




A Alternative Dispute Resolution

LAPPL'S GOAL:
Immediate treatment of officers injured in the line of duty to return them to work ASAP.

A **Alternative Dispute Resolution**
Alternative Dispute Resolution


Workers' Compensation	Denied Treatment	Delayed Return
Current workers' compensation system is adversarial.	Treatments prescribed by primary physician are too often denied.	Injured officers receive little or no treatment, delaying their return to work.



A **Alternative Dispute Resolution**
Alternative Dispute Resolution


Finding:
 LAPD spent \$26.5M on IOO pay based on nearly 600,000 IOO hours in FY12-13.

LAPD does not have an adequate return to work program and lacks performance metrics and reliable systems to evaluate its effectiveness.



A **Alternative Dispute Resolution**
Alternative Dispute Resolution

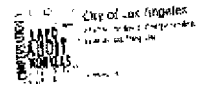
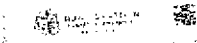

Finding:
 LAPD has not established a comprehensive, centralized injury and illness prevention program to effectively manage its growing workers' compensation expenditures.



A **Alternative Dispute Resolution**
Findings for workers' compensation system

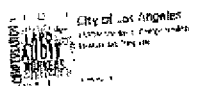
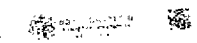

Finding:
Many injuries/illnesses could have been prevented but LAPD has not utilized or developed adequate information systems to identify causes for those injuries/illnesses.

Preventable injuries cost the City more than \$6 million per year.

A **Alternative Dispute Resolution**
Findings for workers' compensation system

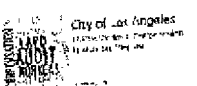
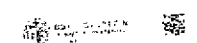

Finding:
The need for a risk management system was identified 7 years ago yet the City still does not have a system in place to identify and mitigate preventable injuries.

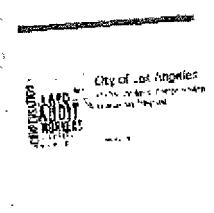
A **Alternative Dispute Resolution**
Findings for workers' compensation system

Finding:
LAPD has not prioritized preventing/minimizing workers' compensation injuries and resulting claims.


There may be excessive claims filed and an opportunity to save up to \$18.5 million, or 10% of its annual workers' compensation costs.


A **Iternative Dispute Resolution**
Fixing the Broken Process - City of Los Angeles



Finding:
LAPD has not adequately implemented a comprehensive Department-wide health and wellness program.




A **Iternative Dispute Resolution**
Fixing the Broken Process - City of Long Beach



In 2008, the City of Long Beach identified significant delays in providing medical treatment to police officers.

230 days
 Average time to resolve a claim in Long Beach

1,860 Los Angeles Police Officers are not "street ready" due to injuries and workers' compensation program delays




A **Iternative Dispute Resolution**
Fixing the Broken Process - City of Long Beach

Long Beach now uses an ADR system to treat injured officers. What happened?

After one year the average time to resolve a claim went from:

230 days > **59 days**

Officers received timely medical treatment, costs were reduced and officers were back on the streets faster.



A Alternative Dispute Resolution
 From the IACUC on the 2015 Survey

Average time in Los Angeles to resolve workers' compensation claim:

200+ days

Los Angeles

A Alternative Dispute Resolution
 From the IACUC on the 2015 Survey

Average time in Long Beach to resolve workers' compensation claim:

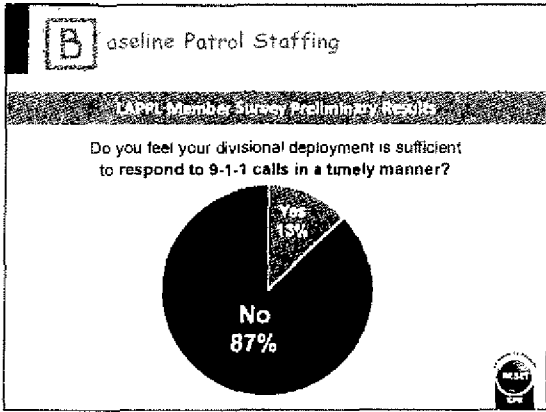
59 days

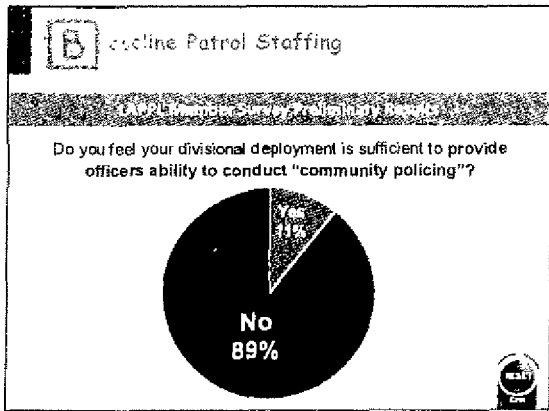
Long Beach

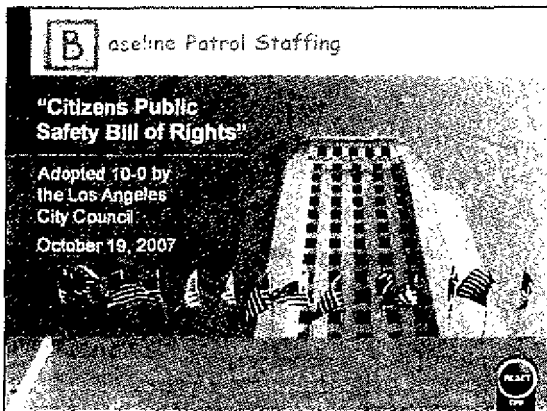
We must do better.

The Los Angeles Police Protective League believes we can Reduce Crime, Improve Community Relations & Boost Officer Morale is as easy as...

Baseline Patrol Staffing








Baseline Patrol Staffing

The 2007 Citizens Public Safety Bill of Rights sought to:

- Create a "minimum patrol deployment plan" for every division.
- Create a budget tracking mechanism so that sworn salaries and overtime are first expended for officers assigned to the minimum patrol deployment plan.
- Seek opportunities to civilianize functions to place more officers on patrol.
- Seek opportunities to consolidate functions within the LAPD to place more officers on patrol.




Baseline Patrol Staffing

To Reduce Crime, Improve Community Relations and Boost Officer Morale we propose:

2016 Citizens Public Safety Bill of Rights

- Create a "minimum patrol deployment plan" for every division.
- Create a budget tracking mechanism so that sworn salaries and overtime are first expended for officers assigned to the minimum patrol deployment plan.
- Seek opportunities to civilianize functions to place more officers on patrol.
- Seek opportunities to consolidate functions within the LAPD to place more officers on patrol.





Baseline Patrol Staffing

Los Angeles Daily News

**Of Fed To Fill Up Cop Cars:
Set Minimum Basic Patrol Levels
Councilman Urges**

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Baseline Patrol Staffing

Los Angeles Daily News

OT Eyed To Fill Up Cop Cars; Set Minimum Basic Patrol Levels, Councilman Urges

By [Name]

Mayor Eric Garcetti's office...
 Councilman [Name]...
 The city...
 The councilman...
 The city...
 The councilman...



Baseline Patrol Staffing

Los Angeles Daily News

OT Eyed To Fill Up Cop Cars; Set Minimum Basic Patrol Levels, Councilman Urges

By [Name]

LOS ANGELES (AP) — Mayor Eric Garcetti's office...
 Councilman [Name]...
 The city...
 The councilman...
 The city...
 The councilman...



Baseline Patrol Staffing

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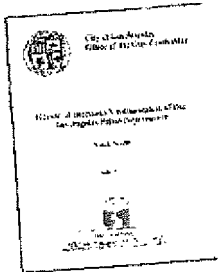
C ivilians Performing Civilian Work



- 2008 City Controller report identified **565 potential positions** for civilians
- Currently **72 police officers** assigned to jails
- Current job posting for 14 P3's for social media-- #back2basics




C ivilians Performing Civilian Work

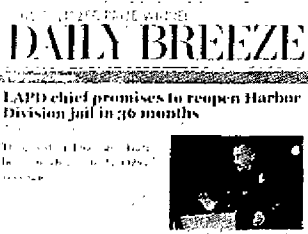



Recommendation #11:
Determine the positions/functions in which permanent limited duty sworn officers are currently assigned, and whether these sworn officers are performing positions/functions that have been identified in this study as candidates for civilianization.


Recommendation #12:
Develop a long-term implementation plan to civilianize the 565 positions/functions identified in this study. This plan should include a robust civilian training program and measurable short, mid, and long-term goals.



C ivilians Performing Civilian Work

C ivilians Performing Civilian Work



LOS ANGELES POLICE PROTECTIVE LEAGUE

WSPF

Let's put more police officers in Los Angeles neighborhoods, increase officer safety and allow patrol officers to conduct community policing, it's as easy as...

A lternative Dispute Resolution

B aseline Patrol Staffing

C ivilians Doing Civilian Work

WSPF



A U D I T

COMPENSATION
ACCOUNTABILITY
ACCIDENT
TREATMENT
LAPD
AUDIT
WORKERS
PREVENTION
SAFETY
RISK
TRAINING
WELLNESS
HEALTH

CLAIMS
MEDICAL
DISABILITY
EMPLOYEE
FINANCIAL
COMPLIANCE
EXPENDITURES
SETTLEMENT

City of Los Angeles

LAPD's Workers' Compensation Prevention Program

March 26, 2015



RON | GALPERIN

Los Angeles City Controller

controller.lacity.org



with IOD monitoring, reporting and facilitating employees' return to work.

Health and Wellness Programs

- LAPD management should implement a comprehensive Department-wide health and wellness program:
 - Evaluate existing and new health and wellness programs for outcomes, comparing program costs against workers' compensation costs by reviewing impact on claims and examining industry studies to determine whether to expand existing or add new programs;
 - Work with the Los Angeles Police Protective League to establish a program for police officers (below Captain) that is similar to "BlueLife" to promote health and wellness throughout LAPD.
- LAPD management should evaluate how the Department can promote healthy lifestyle, physical fitness and healthy weight, including the consideration of Department-wide physical fitness qualification tests and incentives.
- LAPD management should work with the City Administrative Officer to negotiate with the appropriate employee representative bargaining units to implement a fitness incentive, similar to San Francisco that will reinforce and encourage fitness for sworn employees.
- The City should evaluate its policy of approved sports activities for sworn personnel that are covered by workers' compensation.

IV. Review of the Report

On January 20, 2015, we discussed a draft report with LAPD management. We provided the final draft report to them on February 12, 2015 and considered their comments as we finalized this report.

employees filed at least one workers' compensation claim and 42% of those employees filed two or more claims. We determined that

- LAPD lacks sufficient and reliable data to help manage its workers' compensation risk.
- Safety Committees were not operational at all divisions to help address workplace conditions.
- LAPD did not implement effective procedures for monitoring an employee's return to work after a workers' compensation injury.
- The culture at LAPD has led to employees filing more claims and the City spending more on those claims per budgeted employee than four of five surveyed police agencies, which may be a result of other agencies identifying preventable injuries and having stricter policies.

While police officers have dangerous jobs, many injuries/illnesses covered may have been prevented. In a sample, we found potentially preventable claims amounted to 40% of the sample's costs. If LAPD implements our recommendations and can prevent a significant number of injuries/illnesses resulting in claims, they can realize significant cost savings, as discussed further in this report.

II. Key Points

Effective Management of Workers' Compensation

LAPD has not established a comprehensive, centralized injury and illness prevention program to effectively manage its growing workers' compensation expenditures.

Over our audit period, 9,377 new claims were filed, costing \$140M.

The Department has not adequately established or operationalized its Injury and Illness Prevention Program. The impact of injury prevention on workers' compensation claims and costs are not clearly defined as priority objectives, and there is not a clearly stated Department-wide focus on reducing workers' compensation injuries or costs. As a result, the Department's culture is not focused on reducing workers' compensation claims.

During our audit period there were more than 3,006 new claims filed each year and, through October 2014, the costs for those claims filed during the three-year period totaled nearly \$140

LAPD management has not an environment that encourages reducing workers' compensation injuries and resulting claims.

million, including IOD costs (claim costs may continue for several years).

There is no LAPD organizational unit or program that is focused on identifying and addressing workers' compensation risks with the objective of preventing and reducing work-related injuries and the resulting claims and costs. While the Department thoroughly investigates, evaluates and reports on some injury causes, such as use of force incidents or traffic collisions, these practices do not extend to other injury types.

LAPD has not prioritized preventing / minimizing workers' compensation injuries and resulting claims.

Injury prevention and its impact on workers' compensation claims and costs are not clearly defined as priority objectives by management and there is not a clearly stated Department-wide focus on workers' compensation or injury prevention. As a result, the Department's culture is not focused on reducing workers' compensation claims.

There may be excessive claims filed and an opportunity to save up to \$18.5 million, or 19% of its annual workers' compensation costs.

Benchmarking LAPD's claims filed per budgeted employees identified an opportunity to reduce costs up to \$18.5 million per year, if the Department could reduce its claims rate to another agency's experience level. This is further supported by a high proportion of sworn personnel, 45% of our survey respondents, who believe that officers file excessive claims.

Management has not set clear expectations and adequately prioritized workers' compensation and injury prevention related to safety and wellness programs; based on our evaluation of goals and strategies, communications, structure and systems employed by the Department.

Assessing and Managing Workers' Compensation Risk

LAPD has not adequately implemented a risk management plan focusing on workers' compensation risk to address the causes of preventable injuries/illnesses.

During the audit period, the Department's Risk Management Plan related to workers' compensation did not adequately meet leading practices for managing risks. Although the Department established a risk management function and had completed its risk identification and assessment, no further risk control and mitigation efforts occurred related to workers' compensation. If the Department had implemented its initial 2012 risk management plan to reduce the number of new claims filed by 2% of each year, a potential \$1 million in workers' compensation costs could have been avoided. A high percentage of sworn personnel surveyed believed excessive workers' compensation claims are filed by officers.

Many injuries/illnesses could have been prevented, but LAPD has not utilized or developed adequate information systems to identify causes for those injuries/illnesses.

LAPD Management is unable to identify preventable injuries or illnesses. In reviewing a sample of claims opened in 2013, we identified 36% of sample claims *may* have been preventable.

Preventable injuries cost the City more than \$6 million per year.

The Department lacks an adequate information system and data to identify the underlying cause of injuries in order to determine whether those injuries were preventable. During the audit period, LAPD relied on the City's claims management system, LINX, which was replaced by iVOS in May 2014, for workers' compensation information. Despite having data fields noting body part injured, injury type (e.g., concussion, burn, stroke, etc.) and injury source (e.g., overexertion, twisting, trip/fall, etc.), both systems do not provide sufficient information necessary for risk management data analytics, such as identifying whether the injury was *preventable* based on the cause of the injury.

The need for a risk management system was identified 7 years ago; yet the City still does not have a system in place to identify and

mitigate preventable injuries.

The first phase of iVOS implementation used data fields duplicated from the LINX system. The Personnel Department had not considered LAPD's risk management data needs as they implemented the new claims management system. The Personnel Department indicated that iVOS was not intended to include risk management reporting. We identified missing data elements that could be used to identify and mitigate the risk of preventable injuries, leading to excessive workers' compensation claims (see Appendix VI for the Proposed Risk Management Data Needed by Departments).

Based on our review, we found that 40% of the costs related to injuries that could possibly have been prevented. While LAPD scrutinizes certain types of injuries, 33% of the workers' compensation claims costs in our sample resulted from causes not systematically reviewed by the Department. The potential savings that could be realized if these types of claims were prevented could amount to \$6 million per year.

The Department's efforts to track and manage various aspects of workers' compensation do not provide a standardized way of capturing and reporting the data.

LAPD has been inefficient in its monitoring efforts, wasting resources with redundant entries and systems that do not provide meaningful reporting. The Department has limited information about their claims experience that could be used to prevent future injuries resulting in workers' compensation claims.

We found that the Department's processes for capturing data relevant to workers' compensation, such as monitoring employees on leave due to a work-related injury/illness, were inconsistent resulting in unreliable data, inhibiting its ability to manage workers' compensation risk.

LAPD sworn personnel filed more than 3,000 claims each year of our audit, some of which may have been preventable; however, LAPD has no standardized process for ensuring investigative reports are completed and conclude as to whether the injury was preventable.

Without consistent completion of claims documents, the Department loses the opportunity to identify risk and implement strategies that could prevent workplace injuries/illnesses.

In order to determine whether an injury/illness is preventable, the Department must be able to identify the cause of the injury/illness. As part of the City's workers' compensation reporting process, after an employee sustains a work-related injury, a Supervisor's Accident Investigation (SAI) Form, Employee's Report of Injury Form and Accident Witness Statement must be completed. On the SAI form, the supervisor must indicate whether the injury was preventable due to the employee's non-compliance with a safety rule, improper equipment or other causes and whether corrective action or training was provided to the employee to mitigate the issue. LAPD also utilizes other investigative reports and processes for use of force incidents and traffic collisions, which may infer whether an employee's injury that was sustained during the incident/accident was preventable. However, as these other investigation forms were not designed for workers' compensation purposes, they lack a clearly documented discussion or conclusion regarding the prevention of an employee's injury.

Safety Committees and Training

Safety Committees were not fully operational at all divisions.

LAPD has a customized Injury and Illness Prevention Program (IIPP) with the required elements, including

1. Safety Responsibilities
2. Safety Communication
3. Employee Compliance with Safe Work Practices
4. Hazard Assessment and Inspection
5. Accident/Exposure Investigation

6. Hazard Correction
7. Training and Instruction
8. Record Keeping

However, management does not ensure that safety committees are identified and operate as envisioned by LAPD's IIPP.

In addition, injuries that were not the result of a use of force incident or traffic collision were not subject to thorough investigations which could have identified the need for additional training, different equipment, a change in practice, etc. We noted claims for preventable injuries that should have been addressed by the Division Safety Committees; for example, injuries caused by exercising, lifting "war bags", loose wires, and patrol car windows that shattered.

The Department has not developed a data-driven safety training program that specifically addresses injury prevention for the most common injury types.

Department training of LAPD employees includes a safety curriculum; however, there was no coordinated effort to identify training needs based on the Department's experience with workers' compensation injuries, unless caused by traffic collisions or use of force incidents. The Department has not developed a safety training program that specifically addresses safety and injury prevention for the most common type of injuries that occur, such as strains and sprains.

While training may prepare officers in general, the lack of specificity or customization to actual experience may be a reason that IOD usage per claim increases with employees' age and years of service. Exhibits #7 - #11 illustrates new claims opened and IOD usage by age and years of service.

Based on a review of training curriculum, we observed that the Department may identify relevant safety trainings through well-known

guidance as determined by POST or other studies. However, because there is no coordinated collection of data and analyses of actual injury causes, training may not be optimized to address preventable causes of injury.

Monitoring Injured on Duty (IOD) Leave and Return to Work

LAPD spent \$26.5M on IOD pay based on nearly 600,000 IOD hours in FY12-13.

LAPD does not have an adequate return to work program and lacks performance metrics and reliable systems to evaluate its effectiveness.

The Department lacks standardized or detailed procedures for divisions' monitoring of IOD leave.

LAPD may not be minimizing IOD usage and getting employees back to work as soon as possible. LAPD does not have an adequate return to work program since it lacks a framework to enable management to measure its effectiveness in getting employees back to work as soon as possible. There is no overall goal related to the return to work program, such as establishing criteria for returning employees to work within set timeframes, or establishing a goal for contacting employees or collecting the necessary information on a claim.

Sick/IOD monitoring is not monitored and managed in a consistent manner which could impact employees on IOD due to work-related injuries/illnesses. Injured/ill employees may experience lower morale and not be eager to return to full duty as quickly as possible.

LAPD does not have standardized and documented detailed procedures for monitoring officers out on sick or IOD leave. We noted a lack of detailed procedures both in the divisions and in LAPD's Personnel Division, and confusion over staff's understanding of Departmental policies related to the roles and responsibilities related to sick/IOD monitoring. Without consistent monitoring, employees may continue on leave and not work towards recovery. Further, management data may not be reliable if the sick/IOD monitoring and reporting is inconsistent.

Health and Wellness Programs

LAPD has not adequately implemented a comprehensive Department-wide health and wellness program; some roles are not defined, and participation has been limited. 15% of survey respondents were unaware of any health and wellness programs.

Costs of new claims related to heart issues averaged \$2.5M per year.

LAPD's Health and Wellness Program offerings are comprehensive in its components, covering all areas cited in studies; however, during our audit period it had a poor participation rate and lack of funding had limited employee participation.

In assessing the Department's Health and Wellness Programs, we found that LAPD has offered a variety of significant health programs to sworn employees and has incorporated many areas cited by studies as positive ways to prevent officer injuries and illnesses. However, the Department can do more in this area to prevent injuries and illnesses and ensure that officers are aware of the programs available to them. In our survey, 15% of respondents were unaware of any health and wellness programs, even those offered through their medical insurance plan.

However, studies have shown successful health and wellness programs are proven to increase job performance and reduce absenteeism and health claims. Organizations that offer medical screenings have in some cases detected symptom-free cases of heart disease that required immediate medical interventions. These types of screenings could potentially save lives and workers' compensation costs since heart trouble is a defined presumptive illness for sworn police personnel according to the Labor Code.

LAPD does not have mandatory fitness standards for officers beyond the Police Academy, other than for those in specialized

Studies have shown that an officer's physical fitness and a healthy weight affect the number of missed work days; officers with a healthy weight missed at least 25% fewer days than those who were obese.⁴ Therefore, improving employees'

⁴ Reducing Officer Injuries by The International Association of Chiefs of Police, 2012.

units in the Metro Division (e.g. SWAT).

Studies cite significant cost savings when officers maintain a healthy weight.

LAPD has not clearly defined policies for Department-sponsored athletic activities and events approved for workers' compensation coverage. Based on sampling, sports injuries account for 3.5% of costs, which amounts to \$600K per year.

Four of five benchmarked police agencies prohibit team sports while on duty.

physical fitness has the potential to reduce time off for work-related injuries/illnesses.

The Department has not adequately focused on workers' compensation prevention, ensuring that all officers remain as physically fit as possible throughout their careers. Maintaining physical fitness can have a positive impact and potentially minimize the costs attributable to obesity as a contributing factor to injuries and illnesses.

LAPD has not ensured there is consistent guidance that is updated annually defining approved athletic/sports events that are eligible for workers' compensation coverage. Also, LAPD's practice for Department-sponsored activities is not consistent with the policies for the Los Angeles Fire Department and four of the five police agencies benchmarked. As a result, the City's claims administrator does not have clear guidance from LAPD to identify which sports events qualify as "on duty" for determining whether an injury is compensable. Both the claims administrator and LAPD had three incongruent "on duty" or work-related sports lists, with some sports listed as approved for workers' compensation on one list, but not on another list.

Because policies have been inconsistent and confusing, claims may have been accepted as compensable only due to conflicting criteria; had the criteria been consistently updated, the Department may not have deemed some injuries as work-related. Therefore, the City may be incurring unnecessary workers' compensation costs for injuries caused by participating in athletic/sports activities.

While LAPD and other agencies recognize the value and participate in intramural sports teams and the Police and Fire Olympics, four out of five California

Police Departments we surveyed do not allow "on-duty" sports activities.

III. Significant Recommendations

LAPD and all City Departments should be accountable for mitigating workers' compensation risks, and have the data and tools to implement effective injury/illness prevention programs to reverse the trend of increasing costs. City policymakers should consider allocating or charging back workers' compensation costs to Departments' budgets, to provide a strong incentive to Departmental management to monitor, control and reduce their workers' compensation costs.

By implementing the recommendations in the audit, LAPD should identify common workplace injuries/illnesses, identify and mitigate preventable injuries/illnesses, prevent excessive claims filings, and incorporate best practices concerning officer safety and health and wellness programs. These actions will in turn reduce workers' compensation costs and help to keep officers safe and healthy.

Effective Management of Workers' Compensation

- Address the Departmental culture that may encourage excessive claims filing by communicating illness/injury prevention efforts and holding employees and management accountable for workplace safety and workers' compensation fraud.
- LAPD Management should establish and implement an operational injury and illness prevention program with dedicated resources (funding and staffing) and measurable Department-wide goals and objectives to minimize its workers' compensation claims and related costs.
- LAPD management should manage workers' compensation prevention by regularly reporting to Mayor and City Council on workers' compensation statistics, Departmental prevention efforts, and results of corrective actions. Consider whether existing strategies used for mitigating use of force and traffic collision incidents can be expanded to all injury risk exposures.

- LAPD Management should address the Departmental culture by communicating illness/injury prevention efforts and holding employees and management accountable.

Assessing and Managing Workers' Compensation Risk

- LAPD management should prioritize the implementation of the Risk Management Plan related to workers' compensation. The plan should identify the trends for Department-specific injuries and determine preventable causes; develop measures to prevent similar types of injuries; and implement strategies to achieve the Risk Management Plan goal to reduce the number of new workers' compensation claims filed each year.
- LAPD management should ensure appropriate data and information needs are met to facilitate workers' compensation prevention efforts by collecting necessary data.
- LAPD management should improve tracking and management of workers' compensation by working with the Personnel Department by creating an interface of internal systems with iVOS to ensure LAPD's claims information needs are met through standardized system access/reporting. This should include enabling divisions to monitor IOD usage, light (restricted) duty and return to work dates and status, and to provide information for risk management purposes.

Safety Committees and Training

- LAPD management should ensure that Safety Committees are operational at all divisions and ensure they perform the responsibilities outlined in the IIPP.
- LAPD management should design training programs, as needed, which are data-driven from claims analysis and input from staff review for common causes of injury that could be prevented, had the officers been better trained in that area. Consider if training should be designed based on an evaluation of injuries/illnesses by age or years of service.

Monitoring Injured on Duty (IOD) Leave and Return to Work

- LAPD management should enhance the Return to Work program by clearly defining roles and responsibilities for all LAPD staff involved

The Alternative Dispute Resolution (ADR) Process for Workers' Compensation

ADAMS, FERRONE & FERRONE
A Professional Law Corporation

Workers' Comp Dynamics

- The Statutory System-
 - Track 1-Denied cases:
 - 14 days delay then 90 days to deny the claim
 - After 90 days, the parties will need to obtain a formal medical-legal evaluation
 - PQME- Panel Qualified Medical Examiner
 - State DIR Medical Unit issues the panel of 3 QMEs after filing request forms
 - AME- Agreed Medical Examiner
 - Represented parties agree on the specific medical evaluator
 - Time Lines: On average medical exams will take 2-4 months to set and 60-75 day return on reports.
 - Depositions can take several more months to set
 - Denied case often take up to 9-12 months to have the issue of injury resolved thereby triggering benefits.

Work Comp Dynamics

- The Statutory System (cont'd):
 - Track 2-Admitted cases:
 - Injured Worker is being paid IOD/4850 pay and seeking medical treatment.
 - Medical treatment recommendations are subject to UR (Utilization Review).
 - 3rd party vendor that reviews- the primary treating physician's (PTP) treatment recommendations-No face to face examination takes place.
 - UR process can take between 5-14 days. If UR denies or modifies the treatment, PTP may engage in peer-to peer to overturn denial. If UR decision remains denied, only remedy is IMR
 - IMR- Independent Medical Review
 - All treatment disputes must go through IMR. The parties cannot use a medical evaluation from a QME or AME to appeal the denial.
 - WCAB review limited only if the UR decision/review was untimely. It does not matter that the IMR is untimely.
 - Trends showing up to 90% of treatment requests were denied by IMR.
 - Once IMR has issued a final decision on the medical treatment the injured officer has no remedy to overturn the decision. There would need to be a significant change of circumstances to warrant a new UR.
 - The impact in some cases leaves the injured officer receiving little or no medical treatment.

Long Beach... A Case Study

- In February 2006, the Long Beach Police Officers' and Firefighters' Associations along with the City Attorney's Office and Human Resources Department identified that injured officers were experiencing significant delays in receiving medical treatment and the resolution of the claim.
- In November 2006, the City filed an application with the State for permission to negotiate. In 2007, the POA and the Fire Fighter's Association negotiated a supplemental MOU creating a Labor-Management Agreement for worker's compensation benefits.
- In January 2008 the Long Beach ADR program was launched for police and fire.
- The City retained Deloitte Consulting to study the previous five years of claims to determine an average time length of the claims. Deloitte found the average claim took nearly 230 days. The City agreed to negotiate an Alternative Dispute Resolution (ADR) system where the goal was to reduce the time to resolve the disputes.

The ADR Components

- Labor Code Section 3201.7 enumerates the specific areas a Labor-Management agreement may include. Those areas include arbitration, mediation, an agreed list of medical treatment providers, an agreed list of medical evaluators, a return to work program, a joint safety committee, and an agreed list of vocational rehabilitation vendors.
- In the Long Beach ADR program, the City and the Police and Fire Associations agreed to a list of medical evaluators, which was referred to as IME's. The IME's agreed to set medical evaluations within 30 days and issue the reports 30 days after.
- A Supplemental MOU was designed to deal with all disputes that arose in the work comp system. The disputed issue, such as whether an injury arose out of work or whether the treatment should be authorized, would be referred to an IME to resolve the dispute.
- The ADR program circumvents IMR and the massive delays in resolving medical treatment disputes.

Independent Medical Examiners (IME)

- Physicians chosen based on availability to be impartial, straight forward, and fair
- Physician list negotiated by City Management and labor associations representatives
- Good report writing and understanding of the issues
- 30 day exams with a 30 day turn around for reports
- Physician list encompasses all medical specialties from acupuncture to psychiatry
- Physician appointments are distributed evenly between the IME's.

The Impact of the ADR System

- Provides employees with a fast track system to resolve workers' compensation claims-30 day medical exam and 30 days later report is issued.
- Efficiently gets the injured worker the help they need.
- Reduces overtime wages.
- Reduces sick leave for an injured worker.
- Reduces litigation expenses.
- Improves employee morale and staffing shortages.
- Resolves claims in under 90 days vs anywhere from 180 days to over a year

The Results

- After one year, Deloitte determined the Long Beach ADR Program was successful in resolving disputes on average within 59 days. The old system took on average 230 days.
- The City of Long Beach agreed to extend the Labor-Management agreement and is still currently in place to this day.
- OCFA examined the Long Beach findings and instituted the process of negotiating an ADR.
 - 54 cases have gone through the ADR Program with a resolution of issues under 75 days.
 - OCFA issued a report after 1 year showing savings of \$1.5 million.
- ADR Programs have been launched in City of Huntington Beach Police and Fire, County of Kern Fire and Sheriffs, City of Madera Police, City of Bakersfield Police and Fire, City of Glendale Police, City of Rialto Police and Fire, City of Porterville and LA County Fire.

Next Steps

- Union will need to file the Petition for Permission to Negotiate a Labor-Management Agreement for Workers' Compensation.
- DIR will grant permission for one-year then extend.
- Set meetings with management
- Discuss the scope and specifics of the ADR program

MOTION

JAN 19 2007

"Citizens Public Safety Bill of Rights"

Every citizen has the right to have officers patrolling their neighborhoods to quickly respond to any incident. Citywide the Police Department is divided into 168 Basic Car areas. Under the "Basic Car Plan" a patrol car is assigned to each of those areas at all times. The Los Angeles Police Department (LAPD) has utilized the Basic Car Plan for about 30 years. The Basic Car Plan establishes a minimum staffing level for each of the 19 Police divisions, and was implemented based on the guiding philosophy of "Community Policing." That is, by being assigned to the same area, the officers would develop a familiarity with the neighborhood and its residents and become committed to and be able to better serve the community.


The minimum staffing level, however, is not consistently deployed for various reasons, including: (1) the LAPD does not have a "constant staffing" policy which would allow overtime for officers to cover other patrol officers who are unable to report for work; (2) Basic Car officers, on occasion, are loaned to other assignments in the Department; and (3) the LAPD has had insufficient resources due to difficulty meeting its police officer recruit hiring goals. Nonetheless, adhering to the intent of the Basic Car Plan and ensuring the deployment of at least the minimum staffing of police officers in patrol areas is critical to meeting our residents' expectations that their neighborhoods are regularly patrolled and that their public safety concerns are met.

Our goal must be to meet or exceed the Basic Car Plan of providing a minimum of 10 Basic Car officers assigned to cover a 24 hour period in each area. The Basic Car officers are responsible for the range of law enforcement-related service delivery activities including patrol, footbeat, and community outreach to establish effective communications with the community.

I THEREFORE MOVE that the LAPD, Chief Legislative Analyst, City Administrative Officer and the Los Angeles Police Protective League report to Council on a comprehensive program for establishing a "minimum deployment plan" and how that can be achieved. The report should address at least the following:

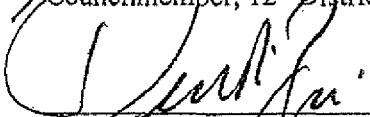
- Mechanism for designating accounts in the LAPD Budget so that funding for sworn salaries and overtime are first expended for officers assigned to the minimum deployment program.
- Evaluation of the current minimum of 10 Basic Car officers to cover a 24 hour period and whether that minimum deployment level should be increased.
- If the minimum number of Basic Car officers is increased, a plan to ensure that resources are allocated to maintain constant staffing and the new minimum deployment threshold.
- Opportunities for civilianization to allow more sworn personnel to be deployed to patrol.
- Opportunities for consolidating certain functions within the LAPD to promote efficiencies, thereby allowing more officers to be deployed to patrol.


PRESENTED BY:



GREG SMITH
Councilmember, 12th District

SECONDED BY:





JAN 19 2007

EG

07-0139

Council File: 07-0139

constant staffing and the new minimum deployment threshold. * Opportunities for civilianization to allow more sworn personnel to be deployed to patrol. * Opportunities for consolidating certain functions within the LAPD to promote efficiencies, thereby allowing more officers to be deployed to patrol.

Date Received / Introduced

01/19/2007

Last Changed Date

11/14/2007

Mover

GREIG SMITH

SecondWENDY GREUEL
DENNIS ZINE**File History**

1-19-07 - This day's Council session
 1-19-07 - Ref to Public Safety Committee
 1-19-07 - File to Public Safety Committee Clerk
 10-2-07 - For ref - Communication from the Chief Legislative Analyst 07-09-1839, dated October 2, 2007, relative to the transfer of \$125,000 from the General City Purposes Fund, LAPD Overtime Study, to Fund 100/28, Account No. 3040 (Contractual Services) for an analysis of the feasibility of establishing a constant staffing model for patrol officers.
 10-3-07 - Ref to Public Safety Committee - to Committee Clerk
 10-19-07 - Council Action - Motion ADOPTED to APPROVE Public Safety Committee report recommendation SUBJECT TO THE APPROVAL OF THE MAYOR to: TRANSFER \$125,000 from the General City Purposes Fund, LAPD Overtime Study, to Fund 100/28 (Council), Account 3040 (Contractual Services) to contract with the firm Police Management Advisors to analyze the feasibility of establishing a constant staffing model for Police Department patrol cars.
 10-23-07 - File to Mayor
 11-1-07 - Mayor's message concurred in Council Action of October 19, 2007
 11-1-07 - File to Council and Legislative Processing Clerk
 11-13-07 - File to Public Safety Committee Clerk OK
 11-14-07 - File in files

Online Documents (Doc)

Title	Doc Date
Council Action	10/19/2007
Report from Chief Legislative Analyst	10/02/2007
Motion	01/19/2007

Council Vote Information

Meeting Date:	10/19/2007	
Meeting Type:	Regular	
Vote Action:	Adopted	
Vote Given:	(10 - 0 - 5)	
Member Name	CD	Vote
RICHARD ALARCON	7	YES
TONY CARDENAS	6	YES
ERIC GARCETTI	13	YES
WENDY GREUEL	2	YES
JANICE HAHN	15	ABSENT
JOSE HUIZAR	14	YES
TOM LABONGE	4	YES
BERNARD C PARKS	8	YES
JAN PERRY	9	YES
ED REYES	1	YES
BILL ROSENDAHL	11	ABSENT
GREIG SMITH	12	ABSENT
JACK WEISS	5	ABSENT
HERB WESSON	10	ABSENT
DENNIS ZINE	3	YES

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Office of the City Clerk, City of Los Angeles

This report was generated by the Council File Management System on 12/28/2015

Council File Number
07-0139

Title
CITIZENS PUBLIC SAFETY BILL OF RIGHTS

Subject
Motion - Every citizen has the right to have officers patrolling their neighborhoods to quickly respond to any incident. Citywide the Police Department is divided into 168 Basic Car areas. Under the "Basic Car Plan" a patrol car is assigned to each of those areas at all times. The Los Angeles Police Department (LAPD) has utilized the Basic Car Plan for about 30 years. The Basic Car Plan establishes a minimum staffing level for each of the 19 Police divisions, and was implemented based on the guiding philosophy of "Community Policing." That is, by being assigned to the same area, the officers would develop a familiarity with the neighborhood and its residents and become committed to and be able to better serve the community. The minimum staffing level, however, is not consistently deployed for various reasons, including: (1) the LAPD does not have a "constant staffing" policy which would allow overtime for officers to cover other patrol officers who are unable to report for work; (2) Basic Car Officers, on occasion, are loaned to other assignments in the Department; and (3) the LAPD has had insufficient resources due to difficulty meeting its police officer recruit hiring goals. Nonetheless, adhering to the intent of the Basic Car Plan and ensuring the deployment of at least the minimum staffing of police officers in patrol areas is critical to meeting our residents' expectations that their neighborhoods are regularly patrolled and that their public safety concerns are met. Our goal must be to meet or exceed the Basic Car Plan of providing a minimum of 10 Basic Car officers assigned to cover a 24 hour period in each area. The Basic Car officers are responsible for the range of law enforcement-related service delivery activities including patrol, footbeat, and community outreach to establish effective communications with the community. THEREFORE MOVE that the LAPD, Chief Legislative Analyst, City Administrative Officer and the Los Angeles Police Protective League report to Council on a comprehensive program for establishing a "minimum deployment plan" and how that can be achieved. The report should address at least the following: * Mechanism for designating accounts in the LAPD Budget so that funding for sworn salaries and overtime are first expended for officers assigned to the minimum deployment program. * Evaluation of the current minimum of 10 Basic Car officers to cover a 24 hour period and whether that minimum deployment level should be increased. * If the minimum number of Basic Car officers is increased, a plan to ensure that resources are allocated to maintain constant staffing and the new minimum deployment threshold. * Opportunities for civilianization to allow more sworn personnel to be deployed to patrol. * Opportunities for consolidating certain functions within the LAPD to promote efficiencies, thereby allowing more officers to be deployed to patrol.

Last Change Date
11/14/2007

Mover
GREIG SMITH

Second
WENDY GREUEL
DENNIS ZINE

Archive History

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