

INTERIM DISABILITY COMMITTEE AUDIT

Exit Conference Date: October 8, 2021

Release Date: January 27, 2022

Report No. 22-04

City of Orlando Office of Audit Services and Management Support

George J. McGowan, CPA
Director

Co-source Partner
CBIZ



MEMORANDUM OF TRANSMITTAL

To: Kevin Edmonds, Chief Administrative Officer
Jody Litchford, Deputy City Attorney
Chris McCullion, Chief Financial Officer



From: George J. McGowan, CPA
Director, Office of Audit Services and Management Support

Dates: Exit Conference: October 8, 2021
Release: January 27, 2022

Subject: Interim Disability Committee Audit (Report No. 22-04)

In accordance with our annual plan, the Office of Audit Services and Management Support, with assistance from our co-source partner CBIZ, performed an audit of the processes and controls of the Interim Disability Committees of the Orlando Police Department (OPD) and Orlando Fire Department (OFD). The audit objectives were to perform a process review to evaluate the adequacy of policies and procedures and evaluation of the controls surrounding IDC-related business processes and sub-processes.

Please note that the attached report includes two separate reviews, one for the IDC process used by OPD and one for the IDC process used by OFD. We include both reviews “under one cover” for the reader to be able to refer to each review as needed. As these reviews included consulting with several areas of the City beyond OPD and OFD, including human resources, payroll, and risk management, some recommendations include responses from the affected areas. Notably, in some cases, we received responses from affected managers that show some disagreement on the best approach to implement the recommendations.

We found that the processes used by both OPD and OFD are generally operating effectively. However, we also found that they differ from each other and that these differences should be reconciled, and each process consistently applied in each department. We offer both interim and long-term ideas for process improvements toward this end.

Overall, we recommend that the executive management team of the City, since these processes cross-over several departments and sections, and concern possible revisions to City Code, City Policies and Procedures and the practices of each department, should consider a comprehensive revision to the entire IDC process. As these processes touch several different operational areas, such revisions would need the cooperation of an inter-departmental team.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We appreciate the cooperation and courtesies extended by the management and staff of the Orlando Fire Department, Orlando Police Department, and the other departments we consulted during the course of this audit.

GJM

C:

The Honorable Buddy Dyer, Mayor
Orlando Rolon, Police Chief
Craig Buckley, Interim Fire Chief
Michelle McCrimmon, Deputy Chief Financial Officer
Ana Palenzuela, Human Resources Director
Carter P. Gowen, Police Captain
Christopher L. Spurlin, Fire Assistant Chief

City of Orlando
Interim Disability Committee (IDC) Process Review
Orlando Police Department

Original June 2021
Revised September 2021

September 27, 2021

George McGowan
Director, Audit Services and Management Support
City of Orlando
P.O. Box 4990
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Orlando, FL 32802-4990

Mr. McGowan:

Thank you for the opportunity to provide a review of the Interim Disability Committee (“IDC”) process of the Police Department of the City of Orlando. This report includes the scope, objectives, and methodology for the assessment, and presents our results, conclusions and recommendations based on the procedures performed.

CBIZ Risk & Advisory Services, LLC (“CBIZ”) was engaged to perform a process review to evaluate the adequacy of policies and procedures and evaluation of the controls surrounding IDC-related business processes and sub-processes.

This report and the results contained therein are confidential and intended solely for the use of the City of Orlando management, and management is ultimately responsible for the scope, procedures, and corrective actions taken as a result of these risk advisory services.

We would like to thank the management and staff of the City of Orlando for their assistance and professionalism during the course of our engagement.

Sincerely,

CBIZ Risk & Advisory Services, LLC

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Executive Summary

Engagement Overview

CBIZ Risk & Advisory Services, LLC (“CBIZ”) was engaged by the City of Orlando (“City”) to review the Interim Disability Committee (“IDC”) process over the Orlando Police Department (“OPD”), evaluating the adequacy of policies and procedures and the controls surrounding related business processes and sub-processes, including:

1. Assessment of Governance Practices
2. Regulatory Statutes
3. OPD Policies and Procedures
4. Risk Management Division’s (“Risk”) Workers’ Compensation Processes
5. Human Resources Department (“HR”) Reinstatement of Personal Time Off (“PTO”) due to Interim Disability
6. Police Collective Bargaining Agreements
7. Interim Disability Committee Policy and Procedure
8. Civil Service Board decisions on appeal or for extension

Scope Exclusions included the following:

1. Fire Department Interim Disability Process
2. General Payroll Processes
3. General IT Controls

All procedures were performed from February through May 2021. The coverage period for this review was the period from October 1, 2019, thru February 28, 2021.

Background

As described on the [City's website](#), the Orlando Police Department is a nationally recognized law enforcement agency that is focused on the safety of residents, visitors, and businesses. Its job is to protect the citizens of Orlando.

The Interim Disability Committee determines whether police officers are eligible to receive reimbursement of associated personal time used as a result of an injury that occurred while employed with the OPD.

Methodology

The IDC process review was conducted in three phases. Our primary objective during the initial stage was to gain an understanding of and document the current IDC process. This was accomplished by executing the following:

- Reviewed policies and procedures provided and/or obtained from the City of Orlando website
- Conducted interviews with applicable staff members within Risk, HR and the IDC
- Developed a flow chart of the current process
- Identified current controls and design gaps
- Determined the test procedures
- Obtained and analyzed the population of IDC requests
- Developed a flow chart for a proposed new process

In the next phase, “Testing,” we selected a sample against the population of IDC requests, reviewed associated documentation obtained, and conducted follow up interviews and meetings. Lastly, during the “Recommendations/Reporting” phase, we developed a set of observations and recommendations based upon testing results. These items are summarized, and later detailed.

Summary of Observations, Recommendations and Remediation Timeframes

Overall, the collective policies, procedures, and practices related to the IDC process are confusing. Individuals and functions involved in the process are not fully aware of the roles and responsibilities of others involved. There does not seem to be a common understanding of the overall process and there is no clear process owner. **When implemented, the OPD IDC process addresses most of the mandates expressed in Civil Service Board (CSB) Code of Rules and Regulations Rule X Leaves of Absence, Section 10.01 (CSB 10.1).**

There are multiple opportunities for improvement of policies, processes, and procedures, and the strengthening of internal controls.

IDC-related governance documents across the organization are not well cross-referenced and terminology used is inconsistent. The sequence of process steps is inconsistent as well, and sometimes not well-coordinated. These conditions make the process vulnerable to potential risks, including the following.

1. Miscalculations resulting in the accidental over-reimbursement or under-reimbursement of paid time off may occur.
2. An employee could pursue restoration of leave through both the process described in Risk Management Policy 440.3 Subject: Workers' Compensation, Section 4.C.3.c, and the IDC process, resulting in over-reimbursement of paid time off. Policy 1610.1 does not reference Policy 440.3. These systems work in silos. The risk is that a member could go through both processes simultaneously, which could be an inefficient use of Risk Management and IDC Committee resources and result in over-reimbursement of leave. No evidence of over-reimbursement of leave was found within the IDC requests sampled and tested.
3. Conflicting governance documents and lack of well-developed and well-articulated policies, processes, procedures, and other forms of communication may result in employees carrying out their responsibilities in a manner that is inconsistent with senior management's expectations or not in compliance with the City of Orlando Civil Services Board Code of Rules and Regulations or collective bargaining agreements.

Despite these operational and governance-related risks/vulnerabilities, we did not find evidence of errors or abuse within the sample population.

General recommendations include the following:

1. Clarify the CSB's intent with regard to CSB 10.1 as to whether those who incur a disability while in the line of duty are entitled to full salary for the time granted or must have sufficient accrued time to be entitled to full salary for the time granted.
 - a. Based on current practice, it appears the intent of CSB 10.1 is that all members are entitled to full salary for the time granted for a disability, whether or not they have accrued time available. This finding is based on the fact that in the eight-member sample:
 - i. The CSB approved extensions beyond 120 calendar days for two members.
 - ii. The IDC approved additional hours for a member whose hours were exhausted, with forward-looking automatic reimbursements.
 - b. If the intent is to make members whole regardless of accrual status, the IDC process may be streamlined as described in Appendix C: Proposed City of Orlando Police Department Interim Disability (IDC) Process.
2. Ensure that the IDC process addresses all mandates expressed in CSB 10.1.
3. Adopt and use consistent language across departments.
4. To the extent possible, agree on a common process for the Police and Fire departments; this will ensure greater compliance with CSB 10.1 and facilitate the efforts of the HR, Central Payroll, and Risk Management.
5. Review and revise all organizational policies, processes, and procedures associated with the

IDC process. This includes:

- a. OFD General Order 2011-24 OFD Interim Disability Committee
 - b. Risk Management 440.3 Subject: Workers' Compensation
6. Create new policies, processes, and procedures as needed based on recommendations.
 7. Ensure that all new and revised policies, processes, and procedures include a requirement for periodic review and a record of revision.
 8. Designate an overall process owner; the process owner should develop a system to monitor the process.

Overall, the City should evaluate the recommendations detailed in Appendix B and Appendix C of this report, and based upon available resources and the risk appetite set by the City leadership, the City should work towards improving the efficiency and certainty of the IDC process. The City should prioritize the remediation of findings and related control weaknesses that pose the highest risk to the organization; and recommendations should be addressed and corrective actions should be implemented, where possible and feasible, in accordance with the recommended remediation timeframe.

Results: Department Observations and Recommendations

Misalignment of Wording

- The Agreement Between the City of Orlando and Orlando Lodge #25, FOP, Inc. Oct 1, 2019 through September 20, 2002 states: “For the purposes of leave restoration, the Interim Disability Committee’s function shall be to determine whether a bargaining unit employee was injured in the line of duty and to submit these findings to the Chief of Police in accordance with the provided guidelines and current Policies and Procedures.”
- The Agreement Between the City of Orlando and Florida State Lodge FOP Lieutenants, October 1, 2019 through September 30, 2022 states: “For the purposes of leave restoration, the Interim Disability Committee’s function shall be to determine whether a bargaining unit employee was injured in the line of duty and to submit these findings to the Chief of Police in accordance with the provided guidelines and current Policies and Procedures.”
- Policy 1610.1 Interim Disability Committee states:
 - “... the Interim Disability Committee handle all claims for reimbursement of sick leave or personal leave in an expeditious manner and to require that members of the Department make timely submissions of all required documents.”
 - “The Committee shall recommend by resolution that the disability occurred in line of duty or not in line of duty.”

The agreements limit the IDC’s determinations on reimbursement contingent upon an injury in the line of duty. Policy 1610.1 states that the IDC handle **all** (emphasis added) claims for reimbursement of sick leave or personal leave. The risk is that the IDC’s responsibilities are not clear and that members’ expectations on what the IDC can and cannot determine will be misaligned.

Recommendation

We recommend a better alignment of wording between Policy 1610.1 and the Agreements. Because the Agreements are legal documents, it is suggested that the language of Policy 1610.1 be amended to read “all claims for reimbursement of sick or personal leave related to an injury in the line of duty”

Appendix A, Row 3, Recommendation

Management Response

IDC Response:

The IDC has no objection to the suggested wording; it may be possible to omit “sick” leave as this is no longer something an employee of the PD earns. There may still be members of the department with sick leave as they were grandfathered in years ago. Whether or not members still have sick leave will need to be explored.

Conflicting Assignment of Responsibilities

- City of Orlando Civil Services Board Code of Rules and Regulations section 10.01.A states: Any disability incurred as a result of an injury to a member of the Police or Fire Department arising out of, or occurring under, job related circumstances and/or in line of duty, **shall be immediately referred by the Chief of the Department concerned to the Interim Disability Committee** (emphasis added). The Interim Disability Committee will investigate and review the circumstances, all reports and documents pertaining to the disability and make findings and recommendation to the Chief of the Department. **Appendix A, Row 1, CSB 10.1 Mandate**
- Risk Management 440.3 Subject: Workers' Compensation. Section 4.C.3.b states: ...after the first seven (7) calendar days of the disability, the employee may elect to use accrued leave to supplement Workers' Compensation benefits provided that when such leave is added to Workers' Compensation, the total will not exceed 100% of the gross pay the employee would have received if present for a normal work week. Accrued leave will not automatically be applied. In order to initiate this election, **it is the responsibility of the employee's Office/Department designee** (emphasis added) **to contact the employee prior to the end of the first seven days of disability and verify if the employee has elected to take advantage of this provision. If so, the designee must immediately notify Risk Management by phone and confirm it with written documentation of the election.** **Appendix A, Row 6, CSB 10.1 Mandate**
- Orlando Police Department Policy and Procedure 1610.1, Interim Disability Committee states: **Any member** requesting reimbursement of sick leave or personal leave due to an in-line-of duty injury/illness **shall submit all required paperwork, via the chain of command, to the Interim Disability Committee**(emphasis added) no later than six months from the beginning date such leave was first used.

Based on our review, currently:

- The chief of police is not making referrals to the IDC. **Appendix A, Row 1, Observation**
- The department designee is not verifying the employee's election of the provision and notifying risk management. **Appendix A, Row 6, Observation**

Recommendations

- We recommend that the Chief of Police delegate authority for immediate referrals to a designated Health and Safety Officer. **Appendix A, Row 1, Recommendation**
- We recommend that Risk Management 440.3 policy language in bold text above be reviewed. If language is correct, assess compliance with language. If language is not correct, revise the policy language as appropriate to clarify responsibilities. **Appendix A, Row 6, Recommendation**

Management Response

IDC Response:

By the employee submitting the packet of information "via their chain of command" I believe this satisfies the requirement of the chief making a referral to the IDC. After each member of the chain of command signs the packet or "endorses it" it is routed to the IDC chairperson. The police department does not have a health and safety officer currently. The responsibility referred to currently falls on the employees immediate supervisor. The IDC agrees with the review of the bolded language.

Risk Management Response:

Partially Concur. Risk Management or the third-party administrator of the worker's compensation claim is not impacted by an employee's decision to use or not use their personal leave. That decision is outside of the decision making of the TPA, nor does the decision affect the worker's compensation indemnity benefit owed per state statute.

Potential Over-reimbursement

Risk Management Policy 440.3 Subject: Workers' Compensation, Section 4.C.3.c provides for a restoration of accrued leave—by the member repaying the City. This risk management policy does not reference Policy 1610.1 Interim Disability Committee; likewise, Policy 1610.1 does not reference Policy 440.3. These systems work in silos. The risk is that a member could go through both processes simultaneously, which could be an inefficient use of Risk Management and IDC Committee resources, and result in over-reimbursement of leave. No evidence of over-reimbursement of leave was found within the IDC requests sampled and tested.

Appendix A, Row 5, Observation

Recommendation

We recommend that policies 440.3 and 1610.1 be reviewed and updated. Each policy should disallow concurrent restoration of leave provided for in the other policy. **Appendix A, Row 5, Recommendation**

Management Response

IDC Response:

The IDC agrees with this assessment, however the reason there has not historically been an overcompensation issue is because the number of hours reimbursed to the employee is corrected by Central Payroll after the deduction of percentage of workers compensation. **To further clarify this process portion, the IDC would recommend neither the employee nor the IDC get involved in the calculation of hours. Rather, the employee submit a request for a specific date range and the IDC approve or disapprove the date range and allow central payroll to calculate the actual number of hours.**

Risk Management Response:

Partially Concur. By definition, if an employee is repaying the City in exchange for replenishment of their time, the possibility of overpayment is moot.

Central Payroll Response:

Central Payroll agrees with the IDC, that the IDC approval should be for a period of time and any personal leave hours used during that period are restored to the employee's leave balance.

Human Resources Response:

HR recommends using the same approach as OFD for calculation of hours, which is handled by an administrative staff member at the Department's Fiscal Section. OPD could replicate this from either OPD Fiscal or OPD's Professional Standards Division. Both areas combine to do similar administrative roles as the OFD Fiscal Section.

Inconsistent Terminology

- Agreements and policies reviewed did not contain consistent terminology to describe the condition warranting reimbursement of personal leave. The following terms are used:
 1. Job-connected temporary disability
 2. Job-connected temporary physical disability
 3. Job connected disability
 4. in-line-of-duty injury/illness.
 5. injured in the line of duty
 6. work related injury or illness
 7. work related injury/illness
 8. on-the-job injury/illness
 9. work-related illness

10. work-related injury

There is the risk of confusion and misinterpretation among those responsible for implementing HR, Risk Management, Central Payroll, and IDC procedures, leading to erroneous decisions and inefficiencies in the process. **Appendix A, Row 3, Observation**

Recommendation

Consider aligning terminology in all relevant departmental policies to terminology contained in the Civil Service Board Code of Rules and Regulations. **Appendix A, Row 3, Recommendation**

Management Response

IDC Response:

The IDC does not object to this recommendation.

Central Payroll Response:

Central Payroll agrees with this recommendation, terminology should be consistent.

Timing

- OPD Policy and Procedure 1610.1, Interim Disability Committee states that “Any member requesting reimbursement of sick leave or personal leave due to an in-line-of-duty injury/illness shall submit all required paperwork, via the chain of command to the Interim Disability Committee no later than six months from the beginning date such leave was first used.” Consider:
 - In practice, packets are submitted anytime during the disability process, or after the return to work. When packets are submitted early in the process, there is risk of over- or under-reimbursement not due to Workers’ Compensation payments not making it to Central Payroll for adjustment before IDC’s determination of hours to be reimbursed. Workers’ Compensation updates with Central Payroll every two weeks.
 - OPD Fiscal pulls information from Workday without verifying that Workers’ Compensation has been adjusted.
 - Workers’ Compensation notices may be received by HR before or after IDC meetings making determinations for reimbursement.
 - There can be significant adjustments to Workers’ Compensation.
 - In 2020, a change in the handling of Police Department payroll (transition from OPD to City Hall), along with the retirement of a key employee, led to confusion regarding reimbursement.
 - Confusion may exist when reinstatements of PTO back to Workday and Workers’ Compensation adjustments are not synchronized.

These conditions appear to have led to inefficiencies in the process resulting from different departments working in silos. In addition, over- or under-reimbursements may result due to timing of Workers’ Compensation adjustments.

Recommendation

- Document an overall process and procedures with clear step-action tables, timelines and/or other details that clearly identify who does what, when. IDC stakeholders include:
 - The employee/supervisor
 - The Interim Disability Committee
 - The Civil Service Board
 - Risk Management
 - Central Payroll

- OPD Fiscal
- HR

Note: Adoption of the proposed process (Appendix C) would address these timing issues.

Management Response

IDC Response:

The IDC agrees with this recommendation, however, feels there should be an individual identified who has oversight of all processes and access to all systems as the “owner”. Perhaps someone in HR or central payroll is most appropriate.

Central Payroll response:

Central Payroll agrees with this recommendation and the IDC suggestion that an individual (position) be designated to provide oversight. Since the intended result of this process is to adjust an employee’s leave balance to restore any leave time used for this absence, Human Resources would be the best choice to provide the oversight. Human Resources is the area responsible for the adjustment of leave balances

Human Resources Response:

HR strongly discourages an individual owner. HR’s role is to adjust accruals only. OPD Fiscal already has the access that the above statement notes. Please also note the following: Civil Service Code recognizes the Fire Chief and the Police Chief as having the authority over their Departments (see Civil Service Code 10.01 A).

Implementation of untested, significant changes to a process that includes sensitive information and situations could introduce delays and miscommunication.

To complete this process outside the department, the Employee Records Supervisor would have to be pulled from their regular duties that encompass the entire City to focus on one multifaceted process that other City departments would have maintained ownership. The Employee Records Supervisor is not in a position to accept tasks that were designed to be maintained within individual departments. The Police Department has support staff that were budgeted for these roles.

Every City department has the potential for employees to be out due to work related injury. Their respective supervisors are responsible for the communication with the employee, Payroll and Risk Management without HR involvement.

Results: Civil Service Board Code of Rules and Regulations

Observations and recommendations directly related to CSB 10.01 are captured in Appendix A.

Appendix A: Observations and Recommendations by Civil Service Board (CSB) Mandate

Row	Section Reference	CSB 10.1 Mandates	Observations	Recommendations	Potential Evidence of Implemented Recommendation
1	10.01.A	Job-Connected Temporary Physical Disability – Any disability incurred as a result of any injury to a member of the Police or Fire Department arising out of, or occurring under, job related circumstances and/or in line of duty, shall be immediately referred by the Chief of the Department concerned to the Interim Disability Committee of the Department concerned.	<p>The Police Chief currently does not immediately refer job-connected temporary physical disabilities to the IDC.</p> <p>Mandate is not met.</p>	<p>It may be impractical to expect the Chief of Police to immediately refer job-connected physical disabilities to the IDC. The Chief of Police should consider delegating authority to the party responsible for DWC-1 forms, and to use the DWC-1 form as a trigger for the IDC process. For example, require that the responsible party send all completed DWC-1 forms to the IDC chairperson and HR, copying the Chief of Police. This will allow the IDC to anticipate case load and result in more timely restoration of sick or vacation time to the member. For members with little or no accrued sick or personal leave time, earlier IDC approval may minimize economic hardship. When members do not have sufficient leave time available, hours would technically be awarded rather than restored. Any delegation of responsibility should be codified in Policy 1610.1 Interim Disability Committee.</p>	<p>Completed DWC-1 forms and timely notifications from the party responsible for DWC-1 forms to the IDC Chairperson, HR and Chief of Police.</p>

Row	Section Reference	CSB 10.1 Mandates	Observations	Recommendations	Potential Evidence of Implemented Recommendation
2	10.01.A	The Interim Disability Committee will investigate and review the circumstances, all reports and documents pertaining to the disability and make findings and a recommendation to the Chief of the Department.	<p>The Police Department IDC currently investigates and reviews the circumstances, all reports and documents pertaining to the disability and makes findings and a recommendation to the Chief of the Department.</p> <p>Mandate is addressed but there are opportunities for improvement.</p>	<p>See Appendix C: Proposed OPD IDC Process Flow Diagram for potential improvements.</p> <p>Consider whether a checklist such as the Informational Worksheet used by the OFD IDC would be helpful.</p>	<p>IDC review/ recommendation documents such as the</p> <ul style="list-style-type: none"> • IDC Sick Leave Memo, • Reimbursement Application Form, • Time sheets, • DWC-1 forms, • DWC-25 forms, • ESO (Patient Care) Reports, • Meeting minutes, Statements of facts, • IDC Informational Worksheet, • Application Status Worksheet, • Chief Approval memo to Employee Records Supervisor. • Any new documents developed based on the results of this review.

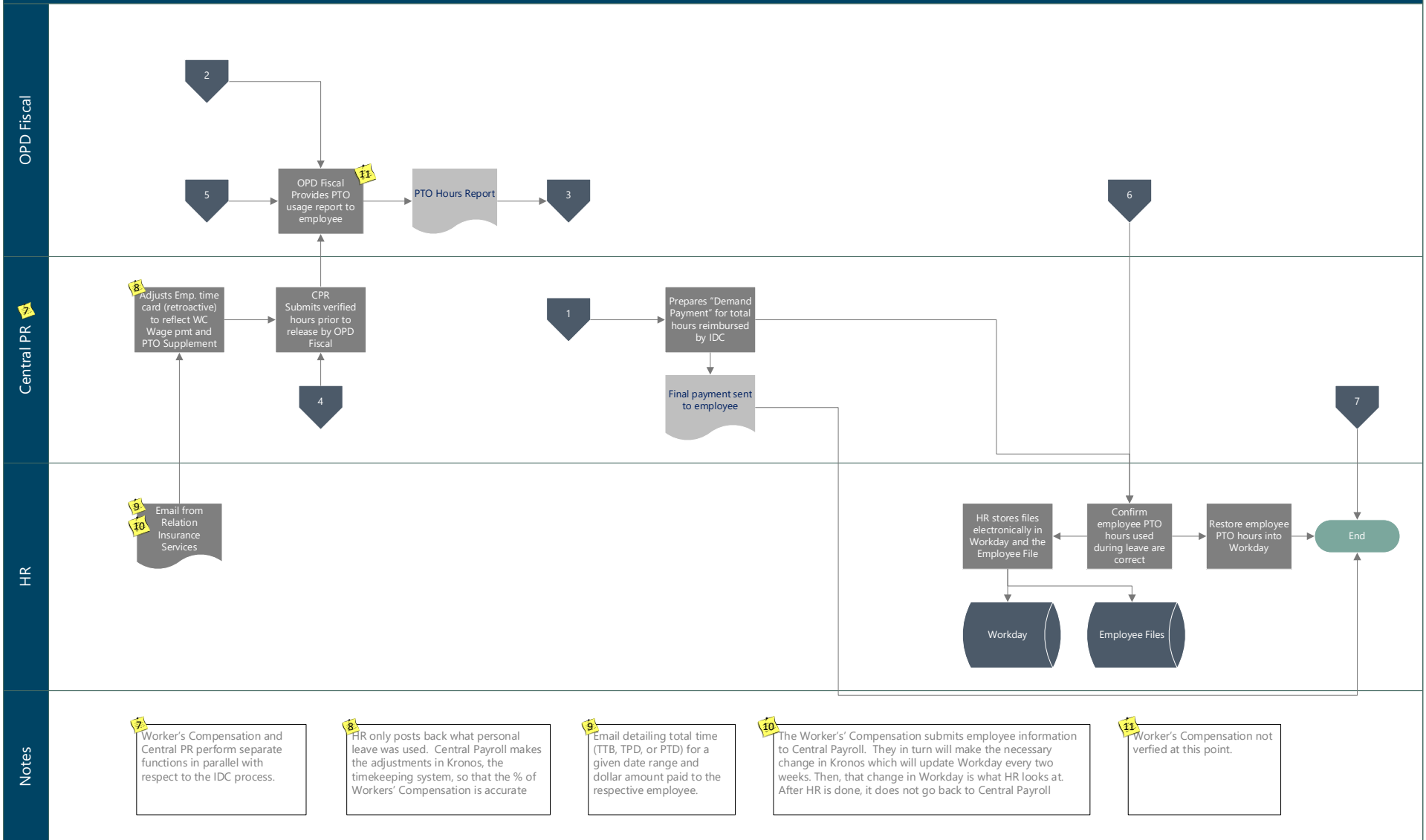
Row	Section Reference	CSB 10.1 Mandates	Observations	Recommendations	Potential Evidence of Implemented Recommendation
3	10.01.A.1	Interim Disability Committee – An Interim Disability Committee will be established by the Chiefs of the respective Departments by appropriate departmental order or directive. The Committee shall be at the discretion of the Department Chief, but shall consist of five or seven persons who shall be representatives of the Department. Supplemental guidelines and instructions may be issued, provided they are not in conflict with the provisions of this Code.	<p>Policy 1610.1: Interim Disability Committee codifies the establishment, structure, and responsibilities of the OPD IDC. Policy 1610.1 was last revised in 12/2018.</p> <p>Mandate is addressed by Policy 1610.1 but there are opportunities for improvement.</p>	<p>Review and revise Policy 1610.1 in accordance with any recommendations adopted resulting from this review.</p> <p>General recommendations: Use language consistent with CSB 10.01 (for example, use the term “job-connected temporary disability” rather than “on-duty injury” and “restore” rather than “reimburse.”) Guidelines should include policies that describe what must be done or what is prohibited; processes that describe what happens, how something works, and who does what; and procedures that describe what to do and how to make decisions and take action.</p> <p>Use language consistent with collective bargaining agreements.</p> <p>Specific recommendations: Clarify how to treat COVID-19 cases. Include a requirement for periodic review and a record of revision. Consider a requirement to track and report the total hours/pay awarded on a periodic basis. This will help the OFD, collective bargaining unit, City of Orlando, and CSB to trend, understand the value of, and budget the cost of the benefit.</p>	<p>Revised Policy 1610.1: Interim Disability Committee</p> <p>Additional created or revised or created sub-processes and procedures for all responsible parties involved in the process (e.g., HR, Health & Safety professionals, OPD Fiscal)</p>
4	10.01.A.2	Findings – The Committee shall recommend by resolution that the disability occurred in line of duty or not in line of duty.	<p>The OPD IDC currently recommends by resolution to the Chief of Police via a Recommendation Memo to the Chief of Police. The memo includes a narrative summary of the injury and reasons for approval or disapproval.</p> <p>Mandate is addressed but there are opportunities for improvement.</p>	<p>Consider incorporating an Application Status Worksheet (currently in use by the OFD) into the Recommendation Memo.</p>	<p>Completed Recommendation Memo and/or Application Status Worksheet</p>

Row	Section Reference	CSB 10.1 Mandates	Observations	Recommendations	Potential Evidence of Implemented Recommendation
5	10.01.A.3	<p>Finding of “in the line of duty” – All normal working hours during the first seven calendar days of a job-connected disability after date of disability, shall be charged to the member’s sick or personal leave. The date of disability shall be paid as if the member were present on the job for the full working day. At the end of the first seven calendar days of job-connected disability, if the member is unable to resume work, per direction of an authorized physician, the member shall begin receipt of benefits under Worker’s Compensation. If the member is out more than fourteen calendar days with a job-connected disability, the sick or personal leave taken during the first week of disability equivalent to the member’s weekly Worker’s Compensation benefit, shall be restored to the member’s account; in that case, the City shall be reimbursed by Worker’s Compensation for the monies paid to the member during the first week of disability in an amount equivalent to 66-2/3% of the member’s weekly salary, not to exceed the maximum weekly rate allowable by Worker’s Compensation. “The member may elect, after the first week of disability, to use his accrued sick or personal leave to supplement his Worker’s Compensation, such that, when such leave is added to the Worker’s Compensation the total will not exceed the gross amount payable to the member if he were present at work. In no case shall the member’s sick or personal leave added to the Worker’s Compensation exceed that amount payable if the member were present for a normal work week. When a disability is incurred while in line of duty, such injuries shall be reported as provided for in City Policy and Procedures governing Worker’s Compensation.</p>	<p>Currently, the OPD IDC typically does not directly interact with the Risk Management. CSB 10.01.A3 states that the member may use his accrued (emphasis added) sick or personal time to supplement his Workers’ Compensation. CSB 10.01 is silent regarding what to do when the member does not have sufficient accrued sick or personal time to supplement Workers’ Compensation. CSB 10.01.A.4 does not specify that accrued time be reinstated, implying that both members with and without accrued time may be made whole.</p> <p>Mandate is addressed but there are opportunities for improvement.</p>	<p>The IDC has no direct input into the WC process. Consider adding a general statement in the OPD IDC guidelines, such as: “Before applying to the IDC for restoration of hours, the job-connected temporary physical disability must be reported as provided for in City Policy and Procedures governing Workers’ Compensation.”</p> <p>When revising GO Policy 1610.1 and/or supporting guidelines, clarify whether time is restored regardless of accrued time available. OPD currently restores time whether or not such time was accrued. The CSB should revise the wording of CSB 10.01 accordingly.</p> <p>Consider adding the following steps to the process: After HR receives a FNOI from the OPD (see page 9), it sends the member a memo stating that after the first week of disability, sick or personal leave (accrued or not) may be used to supplement Workers’ Compensation and that the member may request for such leave to be awarded by filing an application with the IDC; provide directions accordingly. See Appendix C.</p> <p>Risk Management Policy 440.3 should be reviewed and updated. Each policy should disallow concurrent restoration of leave provided for in the other policy.</p>	<p>Revised Policy 1610.1 Interim Disability Committee and other revised guidelines as applicable (additional sub-processes and procedures for other responsible parties involved in the process (e.g., HR, Health & Safety, OPD Fiscal).</p>

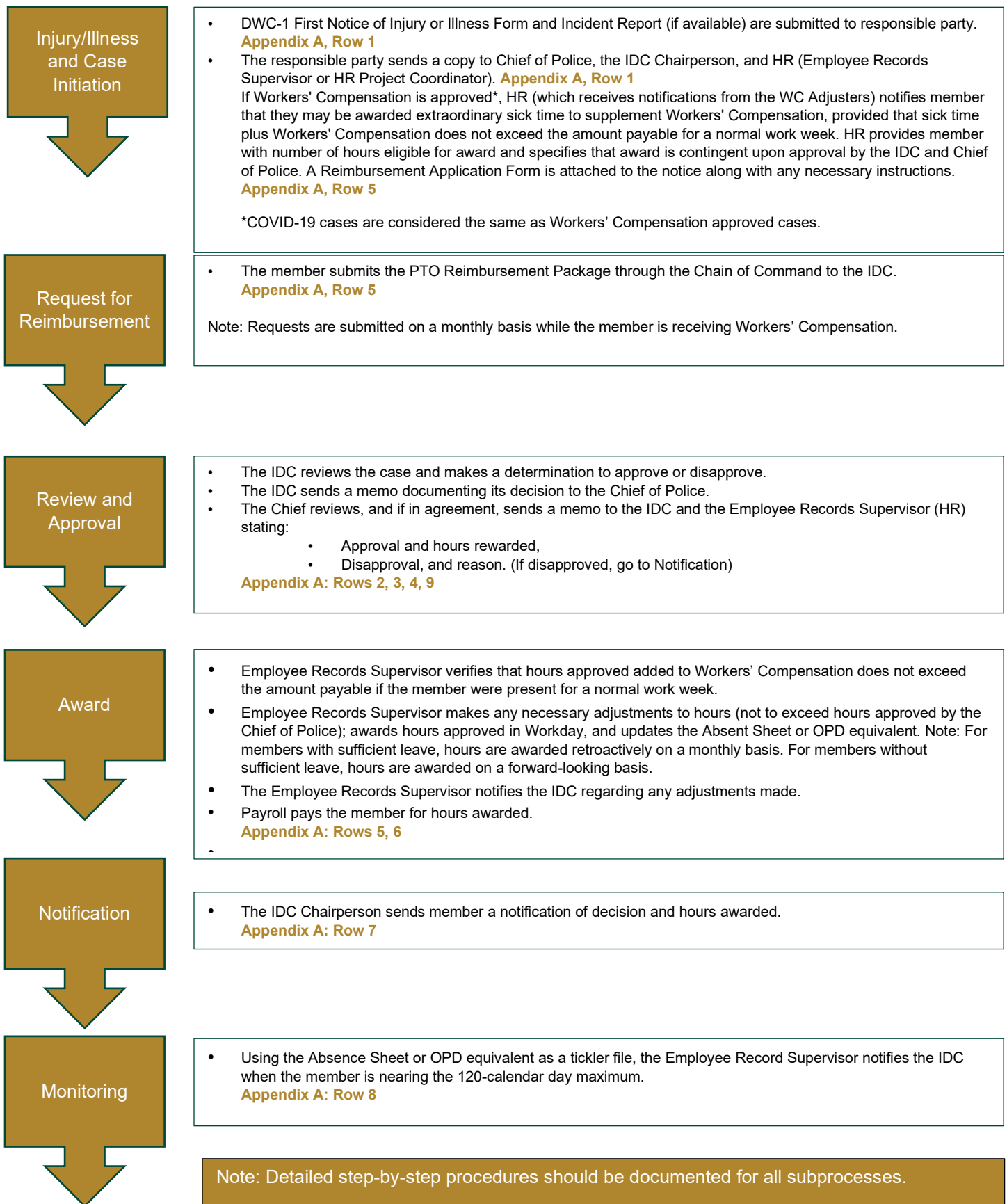
Row	Section Reference	CSB 10.1 Mandates	Observations	Recommendations	Potential Evidence of Implemented Recommendation
6	10.01.A.3 continued	When a disability is incurred while in line of duty, such injuries shall be reported as provided for in City Policy and Procedures governing Worker's Compensation.	<p>Risk Management 440.3 Section 4.C.3.b states: ...after the first seven (7) calendar days of the disability, the employee may elect to use accrued leave to supplement Workers' Compensation benefits provided that when such leave is added to Workers' Compensation, the total will not exceed 100% of the gross pay the employee would have received if present for a normal work week. Accrued leave will not automatically be applied. In order to initiate this election, it is the responsibility of the employee's Office/Department designee to contact the employee prior to the end of the first seven days of disability and verify if the employee has elected to take advantage of this provision. If so, the designee must immediately notify Risk Management by phone and confirm it with written documentation of the election (emphasis added). Current practice does not align with this guidance.</p> <p>Risk Management 440.3 has not been revised since 2007.</p> <p>Mandate is not met.</p>	<p>Review and revise 440.3 in accordance with any recommendations adopted resulting from this review.</p> <p>We recommend that policy language in bold text to the left be reviewed. If language is correct, implement plans for compliance. If language is not correct, revise the policy language as appropriate to clarify responsibilities.</p>	Revised Risk Management Policy 440.3

Row	Section Reference	CSB 10.1 Mandates	Observations	Recommendations	Potential Evidence of Implemented Recommendation
7	10.01.A.3 Continued	Any action taken or decision made by the Chief of the Department will be transmitted in writing to the member involved. The member shall have ten calendar days after receipt of the Chief's letter to request an appearance before the Board for review of the Committee's decision as set forth in Rule 12.01 of this Code. The Chief of the Department concerned will make recommendations concerning the disability to the Board on any case.	<p>The current OPD IDC process includes notification to the member by the IDC Chair. The language at the left (second sentence) suggests that the notification should come from the Chief.</p> <p>Mandate is addressed but there are opportunities for improvement.</p>	<p>It may be impractical for the Chief of Police to send letters to each applicant. The Police Chief should consider delegating authority to the IDC Chairperson. Such delegation should be codified in the Policy 1610.1.</p> <p>For applicants who are declined, the communication should advise that the member has ten calendar days to request an appearance before the board.</p>	Revised Policy 1610.1 Interim Disability Committee
8	10.01.A.4	Restoration of Sick or Personal Leave: If the member's disability occurred in line of duty, the member shall be entitled to full salary for the time granted for the disability for a maximum of 120 calendar days under the conditions set forth below. Upon return of a case from the Interim Disability Committee finding in line of duty, the Committee may recommend that the Chief of the Department concerned grant up to, but not exceed, 120 calendar days extraordinary leave. This extraordinary leave will be awarded by reinstating line of duty personal/sick leave usage up to the maximum of 120 calendar days. It will not normally be necessary to forward the case to the Civil Service Board. The amount of personal/sick leave restoration may be extended beyond 120 days if justified and at the request of the Chief of the Department and only with Board approval.	<p>Policy 1610.1 currently addresses the 120-day maximum The OPD IDC tracks the 120-day limit.</p> <p>Mandate is addressed in current guidelines.</p> <p>Note: This review assumed that the intent of the CSB is to make members whole for 120 days. Because members' normal hours vary, the number of hours reimbursed in 120 days for any member will vary.</p>	Consider identifying the 120-day mark when the case is opened and setting up alerts so that the IDC has time to forward the case to the board when the 120-day limit is imminent, minimizing potential negative financial impact to the police officer. Consider whether the IDC or HR is best positioned to manage such alerts. See Appendix C.	Revised Policy 1610.1 Interim Disability Committee and other revised guidelines as applicable (additional sub-processes and procedures for other responsible parties involved in the process (e.g., HR, Health & Safety, OPD Fiscal).
9	10.01.A.5	Finding of "not in the line of duty": A finding of not in line of duty will not afford the member any special benefit and earned ordinary sick or personal leave shall be used.	Mandate is met.	None	Completed Recommendation Memo and/or Application Status Worksheet, Notification of disapproval to member.

City of Orlando Interim Disability Committee (IDC) Process



Appendix C: Proposed City of Orlando Police Department Interim Disability (IDC) Process



City of Orlando
Interim Disability Committee (IDC) Process Review
Orlando Fire Department

September 2021





September 27, 2021

George McGowan
Director, Audit Services and Management Support
City of Orlando
P.O. Box 4990
400 South Orange Avenue
Orlando, FL 32802-4990

Mr. McGowan:

Thank you for the opportunity to provide a review of the Interim Disability Committee (“IDC”) process of the Fire Department of the City of Orlando. This report includes the scope, objectives, and methodology for the assessment, and presents our results, conclusions and recommendations based on the procedures performed.

CBIZ Risk & Advisory Services, LLC (“CBIZ”) was engaged to perform a process review to evaluate the adequacy of policies and procedures and evaluation of the controls surrounding IDC-related business processes and sub-processes.

This report and the results contained therein are confidential and intended solely for the use of the City of Orlando management, and management is ultimately responsible for the scope, procedures, and corrective actions taken as a result of these risk advisory services.

We would like to thank the management and staff of the City of Orlando for their assistance and professionalism during the course of our engagement.

Sincerely,

CBIZ Risk & Advisory Services, LLC

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Executive Summary

Engagement Overview

CBIZ Risk & Advisory Services, LLC (“CBIZ”) was engaged by the City of Orlando (“City”) to review the Interim Disability Committee (“IDC”) process over the Orlando Police Department (“OPD”) and the Orlando Fire Department (“OFD”), evaluating the adequacy of policies and procedures and the controls surrounding related business processes and sub-processes, including:

1. Assessment of Governance Practices
2. Regulatory Statutes
3. OFD Policies and Procedures
4. Risk Management Division’s (“Risk”) Workers’ Compensation Processes
5. Human Resources Department (“HR”) Reinstatement of Personal Time Off (“PTO”) due to Interim Disability
6. Fire Collective Bargaining Agreement
7. Interim Disability Committee Policy and Procedure
8. Civil Service Board decisions on appeal or for extension

Scope Exclusions included the following:

1. Police Department Interim Disability Process
2. General Payroll Processes
3. General IT Controls

All procedures were performed from February through May 2021 for the OPD and from July 2021 through August 2021. The coverage period for this review was the period from January 1, 2020, thru June 30, 2021. A separate report was prepared covering the results of the OPD IDC review. This report covers the results of the OFD IDC review.

Background

As described on the [City's website](#), the mission of the Orlando Fire Department is to protect the lives and property of Orlando citizens.

The Interim Disability Committee determines whether firefighters are eligible to receive reimbursement of personal time and/or vacation time used as a result of an injury that occurred while employed with the Orlando Fire Department.

Methodology

The IDC process review was conducted in three phases. Our primary objective during the initial stage was to gain an understanding of and document the current IDC process for the Fire Department; we leveraged documentation obtained and knowledge gained during our review of the IDC process for the Police Department. Additionally, we executed the following:

- Reviewed policies and procedures provided and/or obtained from the City of Orlando website
- Conducted interviews with applicable staff members within Risk, HR and the IDC
- Developed a flow chart of the current process
- Identified current controls and design gaps
- Determined the test procedures
- Obtained and analyzed the population of IDC requests
- Developed a flow chart for a proposed new process

In the next phase, "Testing," we selected a sample against the population of IDC requests, reviewed associated documentation obtained, and conducted follow up interviews and meetings. Lastly, during the "Recommendations/Reporting" phase, we developed a set of observations and recommendations based upon testing results. These items are summarized, and later detailed.

Summary of Observations, Recommendations and Remediation Timeframes

Overall, the Fire Department has a streamlined IDC process that meets most of the mandates expressed in Civil Service Board Code of Rules and Regulations Rule X Leaves of Absence, Section 10.01 (CSB 10.1). There are multiple opportunities for improvement of policies, processes, and procedures, and the strengthening of internal controls.

IDC-related governance documents across the organization are not well cross-referenced and terminology used is inconsistent. These conditions make the process vulnerable to potential risks, including the following.

1. Miscalculations resulting in the accidental over-reimbursement or under-reimbursement of paid time off may occur.
2. An employee could pursue restoration of leave through both the process described in Risk Management Policy 440.3 Subject: Workers' Compensation, Section 4.C.3.c, and the IDC process, resulting in over-reimbursement of paid time off. General Order 2011-24 OFD Interim Disability Committee does not reference Policy 440.3.
3. Conflicting governance documents and lack of well-developed and well-articulated policies, processes, procedures, and other forms of communication may result in employees carrying out their responsibilities in a manner that is inconsistent with senior management's expectations or not in compliance with the City of Orlando Civil Services Board Code of Rules and Regulations.

Despite these operational and governance-related risks/vulnerabilities, we did not find evidence of errors or abuse within our sample population.

General recommendations include:

1. Clarify the CSB's intent with regard to with the CSB 10.1 as to whether those who incur a disability while in the line of duty are entitled to full salary for the time granted or must have sufficient accrued time to be entitled to full salary for the time granted.
 - a. Based on current practice, it appears the intent of CSB 10.1 is that all members are entitled to full salary for the time granted for a disability, whether or not they have accrued time available. This determination is based on our testing of the OPD IDC process where we noted:
 - i. The CSB approved extensions beyond 120 calendar days for two members.
 - ii. The IDC approved additional hours for a member whose hours were exhausted, with forward-looking automatic reimbursements.This was not noted in testing of the OFD IDC process.
 - b. If the intent is to make members whole regardless of accrual status, the IDC process may be streamlined as described in Appendix C: Proposed City of Orlando Fire Department Interim Disability (IDC) Process.
2. Ensure that the IDC process addresses all mandates expressed in CSB 10.1.
3. Adopt and use consistent language across departments.
4. To the extent possible, agree on a common process for the Police and Fire departments; this will ensure greater compliance with CSB 10.1 and facilitate the efforts of the HR, Fiscal, Central Payroll, and Risk Management.

5. Review and revise all organizational policies, processes, and procedures associated with the IDC process. This includes:
 - a. OFD General Order 2011-24 OFD Interim Disability Committee
 - b. Risk Management 440.3 Subject: Workers' Compensation
6. Create new policies, processes, and procedures as needed based on recommendations.
7. Ensure that all new and revised policies, processes, and procedures include a requirement for periodic review and a record of revision.
8. Designate an overall process owner; the process owner should develop a system to monitor the process.

Overall, the City should evaluate the recommendations detailed in Appendix A and Appendix B of this report, and based upon available resources and the risk appetite set by the City leadership, the City should work towards improving the efficiency and certainty of the IDC process. The City should prioritize the remediation of findings and related control weaknesses that pose the highest risk to the organization; and recommendations should be addressed and corrective actions should be implemented, where possible and feasible, in accordance with the recommended remediation timeframe.

Results: Observations and Recommendations

Conflicting Assignment of Responsibilities

- City of Orlando Civil Services Board Code of Rules and Regulations section 10.01.A states: Any disability incurred as a result of an injury to a member of the Police or Fire Department arising out of, or occurring under, job related circumstances and/or in line of duty, **shall be immediately referred by the Chief of the Department concerned to the Interim Disability Committee** (emphasis added). The Interim Disability Committee will investigate and review the circumstances, all reports and documents pertaining to the disability and make findings and recommendation to the Chief of the Department.

Appendix A, Row 1, CSB 10.1 Mandate

- Risk Management 440.3 Subject: Workers' Compensation. Section 4.C.3.b states: ...after the first seven (7) calendar days of the disability, the employee may elect to use accrued leave to supplement Workers' Compensation benefits provided that when such leave is added to Workers' Compensation, the total will not exceed 100% of the gross pay the employee would have received if present for a normal work week. Accrued leave will not automatically be applied. In order to initiate this election, **it is the responsibility of the employee's Office/Department designee** (emphasis added) **to contact the employee prior to the end of the first seven days of disability and verify if the employee has elected to take advantage of this provision. If so, the designee must immediately notify Risk Management by phone and confirm it with written documentation of the election.** Appendix A, Row 6, CSB 10.1 Mandate
- Orlando Fire Department General Order 2011-24 OFD Interim Disability Committee, states: Request for reimbursement of sick leave and/or vacation used a sick leave must be made on the "Interim Disability Committee Form." Application must be submitted within sixty (60) days to the date of the employees return to full duty with no restrictions.

Based on our review, currently:

- The Fire Chief is not making referrals to the IDC. Appendix A, Row 1, Observation
- The department designee is not verifying the employee's election of the provision and notifying risk management. Appendix A, Row 6, Observation

Recommendations

- We recommend that the Fire Chief delegate authority for immediate referrals to the Health and Safety Officer. Appendix A, Row 1, Recommendation
- We recommend that Risk Management 440.3 policy language in bold text above be reviewed. If language is correct, assess compliance with language. If language is not correct, revise the policy language as appropriate to clarify responsibilities. Appendix A, Row 6, Recommendation

Management Response

IDC Response:

Currently the Health and Safety Officer does send out notification communicating when employee is on Restricted Duty, No Duty, or Return to Full Duty Status.

Risk Management Response:

Partially Concur. Risk Management or the third-party administrator of the worker's compensation claim is not impacted by an employee's decision to use or not use their personal leave. That decision is outside of the decision making of the TPA, nor does the decision affect the worker's compensation indemnity benefit owed per state statute.

Potential Over-reimbursement

Risk Management Policy 440.3 Subject: Workers' Compensation, Section 4.C.3.c provides for a restoration of accrued leave—by the member repaying the City. This risk management policy does not reference General Order 2011-24 OFD Interim Disability Committee; likewise, General Order 2011-24 OFD Interim Disability Committee does not reference Policy 440.3. These systems work in silos. The risk is that a member could go through both processes simultaneously, which could be an inefficient use of Risk Management and IDC Committee resources, and result in over-reimbursement of leave. No evidence of over-reimbursement of leave was found within the IDC requests sampled and tested.

Appendix A, Row 5, Observation

Recommendation

We recommend that policies Risk Management Policy 440.3 Subject: Workers' Compensation and General Order 2011-24 OFD Interim Disability Committee be reviewed and updated. Each policy should disallow concurrent restoration of leave provided for in the other policy.

Appendix A, Row 5, Recommendation

Management Response

IDC Response:

GO24 can be updated to disallow concurrent restoration with reference to Policy 440.3 being added to the language. However, it should be noted no over-reimbursement was found.

Risk Management Response:

Partially Concur. By definition, if an employee is repaying the City in exchange for replenishment of their time, the possibility of overpayment is moot.

Human Resources Response:

The comprehensiveness of OFD's current process is supported by no evidence of over-reimbursement. HR does not recommend significant changes to a method that is working.

Inconsistent Terminology

Agreements and policies reviewed did not contain consistent terminology to describe the condition warranting reimbursement of personal leave. Some policies have not been reviewed or revised in a timely manner. The following terms are used:

- Job-connected temporary disability
- Job-connected temporary physical disability
- Job connected disability
- In-line-of-duty injury/illness
- Injured in the line of duty
- Work related injury or illness
- Work related injury/illness
- On-the-job injury/illness
- Work-related illness
- Work-related injury
- On-duty injuries

There is the risk of confusion and misinterpretation among those responsible for implementing HR, Risk Management, Central Payroll, and IDC procedures, leading to erroneous decisions and inefficiencies in the process.

Appendix A, Row 3, Observation

Recommendation

Consider aligning terminology in all relevant departmental policies to terminology contained in the Civil Service Board Code of Rules and Regulations.

Appendix A, Row 3, Recommendation

Management Response

Fire Department,/IDC Response:

There is a need to clean up and use universal language between the internal stakeholders to minimize confusion. With the establishment of the Policy Work Group revisions should be made to include agreed on universal terminology.

Central Payroll Response:

Central Payroll agrees with this recommendation. All terminology should be consistent.

In addition to the above recommendations, Central Payroll would like to see the IDC recommendation/approval for restoration of sick or vacation hours be made for a period of time, not the number of hours. The hours will be based on the actual time reflected during that period on the employee's time card.

Human Resources Response:

HR is open to aligning any language within its' purview at the lead of the Fire Chief and Fire IDC as recommended.

HR strongly discourages significant changes to a process that is currently being completed by OFD Fiscal with minimal oversight. Please note the following: Civil Service Code recognizes Fire Chief and Police Chief as having the authority over their Departments (Ref Civil Service Code 10.01 A).

Implementation of untested, significant changes to a process that includes sensitive information and situations could introduce delays and miscommunication.

To complete this process outside the department, the Employee Records Supervisor would have to be pulled from their regular duties that encompass the entire City to focus on one multifaceted process that other City Departments would have maintained ownership. The Employee Records Supervisor is not in a position to accept tasks the were designed to be maintained within individual departments. The Fire Department has support staff that were budgeted for these roles.

Every City department has the potential for employees to be out due to work related injury. Their respective supervisors are responsible for the communication with the employee, Payroll and Risk Management without HR involvement.

Appendix A: OFD IDC Observations and Recommendations by Civil Service Board (CSB) Mandate

Row	Section Reference	CSB 10.1 Mandates	Observations	Recommendations	Potential Evidence of Implemented Recommendation
1	10.01.A	Job-Connected Temporary Physical Disability - Any disability incurred as a result of any injury to a member of the Police or Fire Department arising out of, or occurring under, job related circumstances and/or in line of duty, shall be immediately referred by the Chief of the Department concerned to the Interim Disability Committee of the Department concerned.	<p>The Fire Chief currently does not immediately refer job-connected temporary physical disabilities to the IDC.</p> <p>Mandate is not met.</p>	<p>It may be impractical to expect the Fire Chief to immediately refer job-connected physical disabilities to the IDC. The Fire Chief should consider delegating authority to the Health & Safety Officer and to use the DWC-1 form as a trigger for the IDC process. For example, require that the Health & Safety Officer send all completed DWC-1 forms to the IDC chairperson and HR, copying the Fire Chief. This will allow the IDC to anticipate case load and result in more timely restoration of sick or vacation time to the member. For members with little or no accrued sick or personal leave time, earlier IDC approval may minimize economic hardship. When firefighters do not have sufficient leave time available hours would technically be awarded rather than restored. Any delegation of responsibility should be codified in the General Order.</p>	<p>Completed DWC-1 forms and timely notifications from the Health & Safety Officer to the IDC Chairperson, HR and Fire Chief.</p>

Row	Section Reference	CSB 10.1 Mandates	Observations	Recommendations	Potential Evidence of Implemented Recommendation
2	10.01.A	The Interim Disability Committee will investigate and review the circumstances, all reports and documents pertaining to the disability and make findings and a recommendation to the Chief of the Department.	<p>The Fire Department IDC currently investigates and reviews the circumstances, all reports and documents pertaining to the disability and makes findings and a recommendation to the Chief of the Department.</p> <p>Mandate is addressed but there are opportunities for improvement.</p>	See Appendix B: Proposed OFD IDC Process Flow Diagram for potential improvements.	<p>IDC review/recommendation documents such as the</p> <ul style="list-style-type: none"> • IDC Sick Leave Memo, • Reimbursement Application Form, • Time sheets, • DWC-1 forms, • DWC-25 forms, • ESO (Patient Care) Reports, • Meeting minutes, • Statements of facts, • IDC Informational Worksheet, • Application Status Worksheet, • Chief Approval memo to Employee Records Supervisor. • Any new documents developed based on the results of this review.

Row	Section Reference	CSB 10.1 Mandates	Observations	Recommendations	Potential Evidence of Implemented Recommendation
3	10.01.A.1	<p>Interim Disability Committee - An Interim Disability Committee will be established by the Chiefs of the respective Departments by appropriate departmental order or directive. The Committee shall be at the discretion of the Department Chief, but shall consist of five or seven persons who shall be representatives of the Department. Supplemental guidelines and instructions may be issued, provided they are not in conflict with the provisions of this Code.</p>	<p>General Order (GO) 2011-24 codifies the establishment, structure, and responsibilities of the OFD IDC. GO 2011-24 has not been reviewed or revised in ten years.</p> <p>Mandate is addressed by GO 2011-24 but there are opportunities for improvement.</p>	<p>Review and revise GO 2011-24 in accordance with any recommendations adopted resulting from this review.</p> <p>General recommendations: Use language consistent with CSB 10.01 (for example, use the term "job-connected temporary disability" rather than "on-duty injury" and "restore" rather than "reimburse.") Guidelines should include policies that describe what must be done or what is prohibited; processes that describe what happens, how something works, and who does what; and procedures that describe what to do and how to make decisions and take action.</p> <p>Specific recommendations: Clarify how to treat COVID-19 cases. Clarify how long the appointed IDC Chairperson may serve. Include a requirement for periodic review and a record of revision. Consider a requirement to track and report the total hours/pay awarded on a periodic basis. This will help the OFD, collective bargaining unit, City of Orlando, and CSB to trend, understand the value of, and budget the cost of the benefit.</p>	<p>Revised GO: OFD Interim Disability Committee</p> <p>Additional created or revised or created sub-processes and procedures for all responsible parties involved in the process (e.g., HR, Health & Safety, OFD Fiscal)</p>

Row	Section Reference	CSB 10.1 Mandates	Observations	Recommendations	Potential Evidence of Implemented Recommendation
4	10.01.A.2	Findings - The Committee shall recommend by resolution that the disability occurred in line of duty or not in line of duty.	<p>The OFD IDC currently recommends by resolution via either the Application Status Worksheet or Interim Disability Committee Informational Worksheet. The Interim Disability Committee Informational Worksheet serves as a checklist for decision making and is reflective of best practices. The Application Status Worksheet was requested by a CSB member.</p> <p>Mandate is addressed but there are opportunities for improvement.</p>	<p>Consider reserving the Informational Worksheet for the work of the committee during review.</p> <p>Consider adding a narrative summary of the injury and reasons for approval or disapproval to the Application Status Worksheet to serve as the resolution.</p>	Completed Application Status Worksheets, Interim Disability Committee Informational Worksheets, or new combined worksheets.

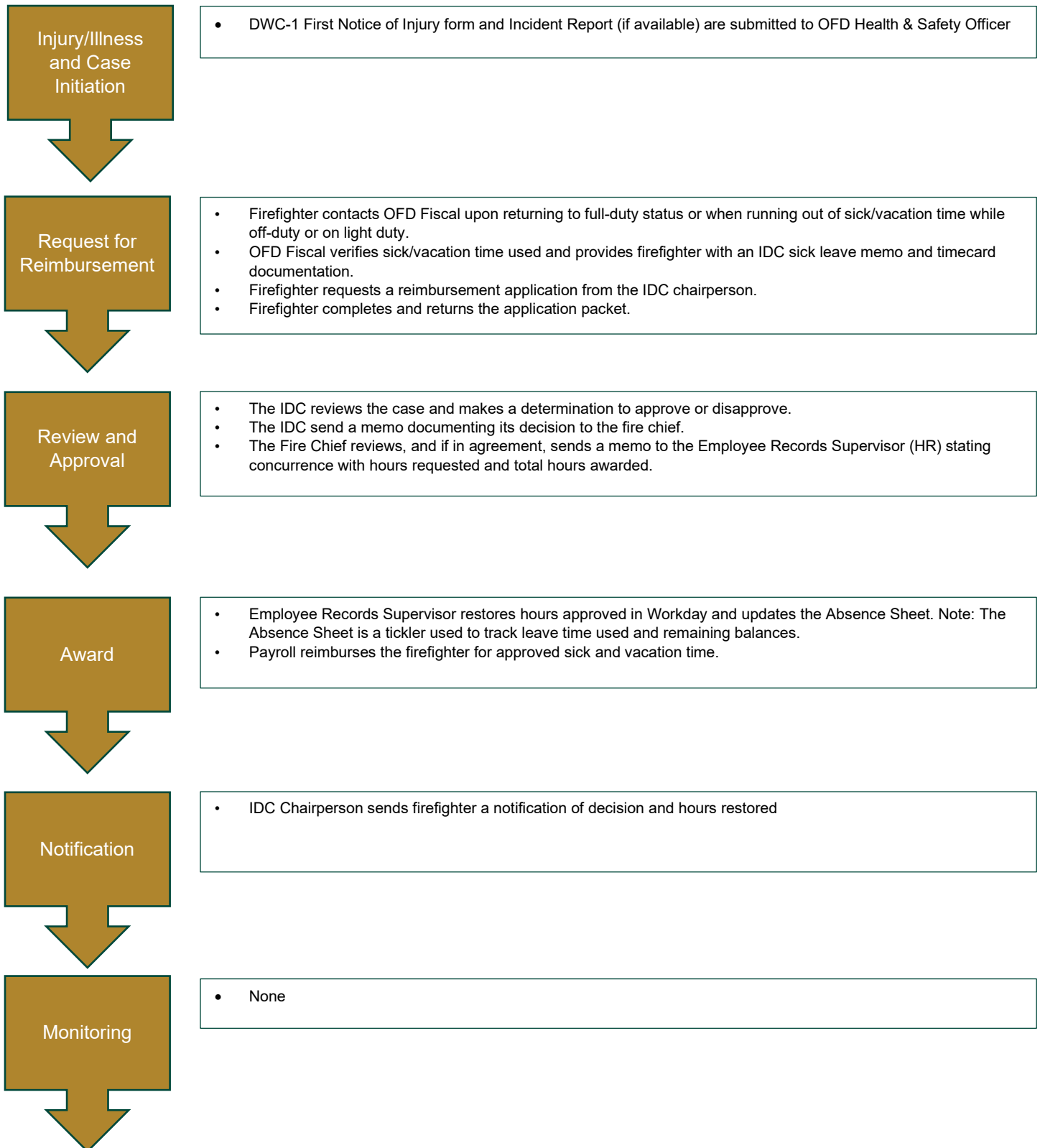
Row	Section Reference	CSB 10.1 Mandates	Observations	Recommendations	Potential Evidence of Implemented Recommendation
5	10.01.A.3	<p>Finding of "in the line of duty" - All normal working hours during the first seven calendar days of a job-connected disability after date of disability, shall be charged to the member's sick or personal leave. The date of disability shall be paid as if the member were present on the job for the full working day. At the end of the first seven calendar days of job-connected disability, if the member is unable to resume work, per direction of an authorized physician, the member shall begin receipt of benefits under Worker's Compensation. If the member is out more than fourteen calendar days with a job-connected disability, the sick or personal leave taken during the first week of disability equivalent to the member's weekly Worker's Compensation benefit, shall be restored to the member's account; in that case, the City shall be reimbursed by Worker's Compensation for the monies paid to the member during the first week of disability in an amount equivalent to 66-2/3% of the member's weekly salary, not to exceed the maximum weekly rate allowable by Worker's Compensation. "The member may elect, after the first week of disability, to use his accrued sick or personal leave to supplement his Worker's Compensation, such that, when such leave is added to the Worker's Compensation the total will not exceed the gross amount payable to the member if he were present at work. In no case shall the member's sick or personal leave added to the Worker's Compensation exceed that amount payable if the member were present for a normal work week. When a disability is incurred while in line of duty, such injuries shall be reported as provided for in City Policy and Procedures governing Worker's Compensation.</p>	<p>Currently, the OFD IDC does not directly interact with the Risk Management. However, applicants are required to submit DWC-1 (First Notice of Injury or Illness) and DWC-25 (Uniform Medical Treatment/Status Reporting) forms. CorVel (Workers' Compensation Adjuster) makes the decision on the DWC-1). CSB 10.01.A3 states that the member may use his accrued (emphasis added) sick or personal time to supplement his Workers' Compensation. CSB 10.01 is silent regarding what to do when the member does not have sufficient accrued sick or personal time to supplement Workers' Compensation. CSB 10.01.A.4 does not specify that accrued time be reinstated, suggesting that both members with and without accrued time may be made whole.</p> <p>Mandate is addressed but there are opportunities for improvement.</p>	<p>The IDC has no direct input into the WC process. Consider adding a general statement in the OFD IDC guidelines, such as: "Before applying to the IDC for restoration of hours, the job-connected temporary physical disability must be reported as provided for in City Policy and Procedures governing Workers' Compensation."</p> <p>When revising GO 2011-24 and/or supporting guidelines, clarify whether time is restored regardless of accrued time available. OFD currently restores time whether or not such time was accrued. The CSB should revise the wording of CSB 10.01 accordingly.</p> <p>Consider adding the following step to the process: After HR receives the FNOI from the Health & Safety Officer, it sends the firefighter a memo stating that after the first week of disability, sick or personal leave (accrued or not) may be used to supplement Workers' Compensation and that the firefighter may request for such leave to be awarded by filing an application with the IDC; provide directions accordingly. See Appendix B.</p> <p>GO 2011-24 and Risk Management Policy 440.3 should be reviewed and updated. Each policy should disallow concurrent restoration of leave provided for in the other policy.</p>	<p>Revised G 2011-24O: OFD Interim Disability Committee and other revised guidelines as applicable (additional sub-processes and procedures for other responsible parties involved in the process (e.g., HR, Health & Safety, OFD Fiscal).</p>

Row	Section Reference	CSB 10.1 Mandates	Observations	Recommendations	Potential Evidence of Implemented Recommendation
6	10.01.A.3 continued	When a disability is incurred while in line of duty, such injuries shall be reported as provided for in City Policy and Procedures governing Worker's Compensation.	<p>Risk Management 440.3 Section 4.C.3.b states: ...after the first seven (7) calendar days of the disability, the employee may elect to use accrued leave to supplement Workers' Compensation benefits provided that when such leave is added to Workers' Compensation, the total will not exceed 100% of the gross pay the employee would have received if present for a normal work week. Accrued leave will not automatically be applied. In order to initiate this election, it is the responsibility of the employee's Office/Department designee to contact the employee prior to the end of the first seven days of disability and verify if the employee has elected to take advantage of this provision. If so, the designee must immediately notify Risk Management by phone and confirm it with written documentation of the election (emphasis added). Current practice does not align with this guidance.</p> <p>Risk Management 440.3 has not been revised since 2007.</p> <p>Mandate is not met.</p>	<p>Review and revise 440.3 in accordance with any recommendations adopted resulting from this review.</p> <p>We recommend that policy language in bold text to the left be reviewed. If language is correct, implement plans for compliance. If language is not correct, revise the policy language as appropriate to clarify responsibilities.</p>	Revised Risk Management Policy 440.3

Row	Section Reference	CSB 10.1 Mandates	Observations	Recommendations	Potential Evidence of Implemented Recommendation
7	10.01.A.3 Continued	Any action taken or decision made by the Chief of the Department will be transmitted in writing to the member involved. The member shall have ten calendar days after receipt of the Chief's letter to request an appearance before the Board for review of the Committee's decision as set forth in Rule 12.01 of this Code. The Chief of the Department concerned will make recommendations concerning the disability to the Board on any case.	<p>The current OFD IDC process includes notification to the member by the IDC Chair. The language at the left (second sentence) suggests that the notification should come from the Chief.</p> <p>Notifications to members in the sample included group communications with information on decisions about multiple firefighters' applications.</p> <p>Mandate is addressed but there are opportunities for improvement.</p>	<p>It may be impractical for the Fire Chief to send letters to each applicant. The Fire Chief should consider delegating authority to the IDC Chairperson. Such delegation should be codified in the GO.</p> <p>For applicants who are declined, the communication should advise that the member has ten calendar days to request an appearance before the board.</p> <p>Consider whether group communications are consistent with OFD privacy policies. This matter is beyond the scope of this audit.</p>	Revised GO: OFD Interim Disability Committee
8	10.01.A.4	Restoration of Sick or Personal Leave: If the member's disability occurred in line of duty, the member shall be entitled to full salary for the time granted for the disability for a maximum of 120 calendar days under the conditions set forth below. Upon return of a case from the Interim Disability Committee finding in line of duty, the Committee may recommend that the Chief of the Department concerned grant up to, but not exceed, 120 calendar days extraordinary leave. This extraordinary leave will be awarded by reinstating line of duty personal/sick leave usage up to the maximum of 120 calendar days. It will not normally be necessary to forward the case to the Civil Service Board. The amount of personal/sick leave restoration may be extended beyond 120 days if justified and at the request of the Chief of the Department and only with Board approval.	<p>GO 2011-24 does not address the 120-day maximum. The OFD IDC currently does not track the 120-day limit.</p> <p>Mandate is not addressed in current guidelines.</p> <p>Note: This review assumed that the intent of the CSB is to make members whole for 120 days. Because members' normal hours vary, the number of hours reimbursed in 120 days for any member will vary.</p>	Consider identifying the 120-day mark when the case is opened and setting up alerts so that the IDC has time to forward the case to the board when the 120-day limit is imminent, minimizing potential negative financial impact to the firefighter. Consider whether the IDC or HR is best positioned to manage such alerts. See Appendix B.	Revised GO: OFD Interim Disability Committee and other revised guidelines as applicable (additional sub-processes and procedures for other responsible parties involved in the process (e.g., HR, Health & Safety, OFD Fiscal).

Row	Section Reference	CSB 10.1 Mandates	Observations	Recommendations	Potential Evidence of Implemented Recommendation
9	10.01.A.5	Finding of "not in the line of duty": A finding of not in line of duty will not afford the member any special benefit and earned ordinary sick or personal leave shall be used.	Mandate is met.	None	Application Status Worksheet or Interim Disability Committee Informational Worksheet, Notification of disapproval to member.

Appendix B: City of Orlando Fire Department Interim Disability (IDC) Process (Current)



Appendix C: Proposed City of Orlando Fire Department Interim Disability (IDC) Process

