



# Administrative Directive

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## 1.0 **Purpose and Need**

Protection of the city's employees and volunteers as well as all other city assets is of paramount importance to the city government and its citizens. In order to ensure adequate protection and compliance with statutory requirements, uniform incident reporting procedures are necessary.

## 2.0 **Directive**

All incidents arising out of city operations which result in injury to city employees or citizens or damage to city or private property shall be promptly reported to the Department of Finance, Risk Management Division. Such reports are required to ensure proper protection of the city and its officials, employees and volunteers from financial loss due to civil claims or work-related injuries.

## 3.0 **Procedure to Accomplish Administrative Directive**

Department Directors and Administrative personnel shall make certain that all employees within their jurisdiction are instructed regarding the reporting of incidents resulting in injuries to employees or citizens or damage to city or private property. The procedures to be followed are as set forth in Section 5.0, Specific Requirements, of this Administrative Directive and are also published in the Departmental Reporting Policy and Procedures manual issued by the Department of Finance, Risk Management Division.

## 4.0 **Responsibility and Authority**

The Risk Management Administrator shall be responsible for the coordination and administration of this directive in accordance with the directions of the City Manager.

## 5.0 **Definitions**

### 5.1 **Employee Injuries (Workers' Compensation)**

When an employee is injured while performing job related duties for the city, he/she will normally be entitled to workers' compensation benefits. In order to qualify for workers' compensation benefits, the following procedures **MUST** be followed:

- (1) The employee must immediately notify his/her supervisor of the injury, explaining the nature of the injury and detailing how and when the injury was sustained. If the injury is minor, and it is not possible for the employee to immediately notify his/her supervisor, the employee shall report the injury to the supervisor prior to leaving work on the day of the injury.
- (2) At the time a supervisor is advised of an accident involving an employee, the supervisor must immediately provide the employee with the city's Workers' Compensation Physician Panel (Form No. D.F. 159.3 Rev. 2/94) and shall make certain the employee knows that he/she must select a doctor from the panel should he/she require medical attention as a result of the accident. After selecting a physician, the employee and supervisor should sign the form and

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distribute the copies as noted on the form. If no medical attention is required by the employee at the time of the accident, check the line which reads "\_\_\_\_\_ Please check if medical treatment is **NOT** desired at this time". **Bills for medical services provided by doctors not on the panel shall be paid by the employee.**

- (3) The supervisor should make certain that the employee receives medical attention when requested. Should an employee request medical attention from a physician other than Occupational Health Services, he/she **must** select a physician from the city's Workers' Compensation Panel as required in (2) above. In a serious or life threatening situation, a rescue squad should be requested and the employee should be transported to the nearest hospital emergency room. Treatment for this injury after the employee leaves the hospital must be from a panel physician selected by the employee.
- (4) Prior to sending an employee to the panel physician selected, the employee's supervisor shall issue the employee a properly completed form number D.F. 76, Authorization for Medical Treatment. The employee shall sign the certification that he/she has been offered, and has selected a doctor from the city's Workers' Compensation Physician Panel. The employee shall present this form to the attending physician, who shall complete the bottom portion of the form. The employee shall then return this form to his/her supervisor immediately after seeing the doctor. This form shall be forwarded to the Department of Finance, Risk Management Division along with all other required forms.
- (5) The supervisor shall complete form number D.F. 75, Supervisor's Accident/Loss Investigation Report. Information on, or submitted with, this report should include names, addresses and telephone numbers of any witnesses, as well as statements from all employees involved in the accident.
- (6) The employing department, division or bureau shall complete, (by typing) form number D.F. 19, Employer's First Report of Accident. This form, along with the previously cited forms, shall be forwarded to the Department of Finance, Risk Management Division within 48 hours of the accident. **NOTE:** To properly calculate an employee's average weekly wage, compute his total city compensation for the 52 weeks previous to the date of accident and divide this figure by 52.
- (7) The granting of injury leave and the employee's return to work shall be processed in accordance with the city's Injury Leave Policy.
- (8) All medical bills relative to a work-related injury shall be forwarded to the Department of Finance, Risk Management Division. Such bills shall note the employee's name and the date of the accident.
- (9) When, as a result of a work-related injury, the employee is unable to return to work for more than seven (7) calendar days, the employee will be eligible to receive compensation as prescribed in the Virginia Workers' Compensation Act. When making such payments, the Risk Management Division will forward the necessary "Memorandum of Agreement" and/or "Agreed Statement of Fact" forms to the employing department for execution by the injured employee.

These forms must be signed and witnessed, and returned to the Department of Finance, Risk Management Division, no later than two (2) days after receipt by the employing department.

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- (10) Supervisors shall direct all questions regarding the status of an injured employee's condition, potential return to light duty, etc. to the Risk Management Division at 427-4217. Employing departments shall not direct employees who are injured on the job to report to any specific doctor for either treatment or evaluation, and shall not contact an employee's treating physician directly. All requests for information shall be directed to the Risk Management Division.

Failure to follow the above cited procedures can result in loss of workers' compensation benefits as well as disciplinary action as may be determined by the employing department. All decisions regarding the city's liability under the Virginia Workers' Compensation Act are the responsibility of the Department of Finance, Risk Management Division, and the Virginia Workers' Compensation Commission.

**5.2 Injuries To Volunteer Fire Fighters, Rescue Squad Members and Auxiliary Police Officers**

When a volunteer fire fighter, rescue squad member or auxiliary police officer is injured, and that injury is the result of the performance of such volunteer duties, the injury shall be reported in the same manner as an injury to a city employee. As with a city employee, the volunteer **must** immediately report his injury to his supervisor, and if medical attention is required, the volunteer must utilize a physician from the city's Workers' Compensation Physician Panel. **Bills for medical services performed by doctors not on the city's Workers' Compensation Physician Panel shall be paid by the volunteer.** It shall be the responsibility of the appropriate agency (Fire, E.M.S. or Police) to advise the Department of Finance, Risk Management Division, as to the medical status of any volunteer who is injured in the line of duty. All bills for medical services should be forwarded to the Department of Finance, Risk Management Division.

**5.3 Injuries to Other City Volunteers (Not Volunteer Fire Fighters, Rescue Squad Members or Auxiliary Police Officers)**

Should a volunteer, other than a volunteer fire fighter, rescue squad member or auxiliary police officer, be injured while performing duties on behalf of the City of Virginia Beach, they cannot be compensated under the Virginia Workers' Compensation Act. Because of the city's extensive use of volunteers, the city has obtained a limited accident insurance policy which provides coverage for payment of medical bills **only** if the volunteer is not eligible for benefits from another source (i.e. CHAMPUS, veteran's benefits, other commercial insurance, etc.).

This insurance is available only for injuries which are sustained by volunteers when they are "on duty" and are performing duties on behalf of the City of Virginia Beach. Such duties must have been assigned to them by an appropriate, full time city employee, and must be consistent with duties and services required for the provision of city services. If a volunteer is injured while performing such official duties, the volunteer must immediately notify the city employee who is responsible for his/her supervision. The supervisor shall certify that the volunteer was actively performing the duties of a city volunteer at the time of the injury, and should contact the Department of Finance, Risk Management Division, to obtain specific instructions on how the volunteer can file a claim.

Please direct any questions you may have regarding this program or reporting procedures to the city's Risk Management Administrator at 427-4217.

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## 5.0 **Specific Requirements (continued)**

### 5.4 **Injuries to Citizens**

When an accident results in an injury to a citizen, the department responsible for the employee, operations or equipment which was the cause of the injury, or occupying the building area where the injury occurred shall call the Risk Management Division (427-4217) immediately, during normal office hours (8:30 am to 5:00 pm Monday through Friday), or if the accident occurs at night or on weekends, on the morning of the first workday following the injury, and report the name, address and telephone number of the injured person, the nature of the injury, and the event which caused the injury. If the injury is the result of a vehicular accident involving a city vehicle, the reports cited in the "Vehicular Accidents" section of this manual must be completed by the operator of the city vehicle, and forwarded to the Department of Finance, Risk Management Division, within 48 hours after the accident. For any citizen injury, the investigating supervisor shall fill out a form number D.F. 75, Supervisor's Accident/Loss Investigation Report, and submit the report, along with statements from any employees involved in the incident, to the Department of Finance, Risk Management Division, within 48 hours after the accident. This report should include all pertinent information about the accident, including names, addresses and telephone numbers of any witnesses, and technical information about vehicles, equipment or city operations that may have been involved or related to the accident. Copies of all additional correspondence relating to the accident should be sent to the Department of Finance, Risk Management Division.

Employees involved in or investigating accidents shall **NEVER** tell a citizen that the city is at fault, and/or that the city will pay medical or repair bills. Decisions regarding the city's liability and payment or non-payment of claims are the responsibility of the Risk Management Division or our insurers. All questions, calls or correspondence from insurance companies or citizens regarding claims or possible claims against the city or its employees shall be directed to the Risk Management Division.

If you have been made aware that a citizen has retained the services of an attorney, you **must not** contact the citizen or their attorney directly. All contacts will be made by the Risk Management Division.

Employees receiving or served with suit papers, subpoenas or claim papers/letters should immediately forward such papers to the Risk Management Division for processing and when necessary, submit to the City Attorney and excess insurers (see Section 5.9 - **CLAIMS AGAINST THE CITY, ITS EMPLOYEES OR VOLUNTEERS**).

**Supervisors shall regularly remind employees that they are NOT to discuss the details of any accident with anyone unless such discussions are approved in advance by personnel in the Risk Management Division or City Attorney's Office.**

### 5.5 **Vehicular Accidents**

Any accident arising out of the operation of a city-owned or insured vehicle **MUST** be reported to the Police Department before the vehicle is moved. The employee involved in the accident should ask if anyone involved in the accident requires medical attention, and shall advise the Police Department if medical attention is required. The employee shall then advise his/her supervisor of the accident.

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The following forms and reports shall be completed, signed and forwarded to the Department of Finance, Risk Management Division, with 48 hours after the accident.

1. Form number D.F. 75, Supervisor's Accident/Loss Investigation Report
2. Form number D.F. 74-4, Accident Summary and Recommendation Form
3. Statements from all city employees involved in the accident.
4. Any pictures of the accident scene.

The Supervisor's Accident/Loss Investigation Report shall include the names, addresses and telephone numbers of any witnesses to the accident, along with any technical information about the vehicles (i.e. old damage, bad brakes, etc.) involved in the accident and/or other conditions that may have contributed to the accident (i.e., intoxication of drivers, etc.).

If the accident is serious in nature, or results in injuries to a citizen, the investigating supervisor shall immediately call the Risk Management Division, 427-4217, Monday through Friday, 8:30 am to 5:00 pm. If the accident occurs at night or on weekends, the supervisor shall contact the Risk Management Division on the morning of the first working day after the accident, and report the name, address and telephone number of the injured party, the nature of the injury, and all information regarding how the accident occurred.

Employees involved in or investigating accidents shall **NEVER** tell a citizen that the city is at fault, and/or that the city will pay any medical or repair bills. Decisions regarding the city's liability and payment or non-payment of claims are the responsibility of the Risk Management Division or our insurers. All questions, calls or correspondence from citizens or insurance companies regarding claims or possible claims against the city or its employees shall be directed to the Risk Management Division.

Employees receiving or served with suit papers, subpoenas or claims papers/letters should immediately forward such papers to the Risk Management Division for processing and when necessary, submit to the City Attorney and excess insurers (see Section 5.9 **CLAIMS AGAINST THE CITY, ITS EMPLOYEES OR VOLUNTEERS**).

**Supervisors shall regularly remind employees that they are NOT to discuss the details of any accident with anyone unless such discussions are approved in advance by personnel in the Risk Management Division or City Attorney's Office.**

## 5.6 **Damage to Private Property**

When it is claimed that, as the result of city operations, private property has been damaged, the department responsible for the employees, equipment or operations allegedly causing such damage shall submit a form number D.F. 75, Supervisor's Accident/Loss Investigation Report, to the Department of Finance, Risk Management Division, within 48 hours after becoming aware of the damage. This report shall include the name, address and telephone number of the property owner and indicate the nature of the damage. Statements from any involved employees should be submitted along with the form number D.F. 75.

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Employees involved in the operation allegedly causing the damage, or involved in investigation of the incident shall **NEVER** tell a citizen that the city is at fault, and/or that the city will pay for the damage. Decisions regarding the city's liability and payment or non-payment of claims are the responsibility of the Risk Management Division or our insurers. All questions, calls or correspondence from citizens, attorneys or insurance companies regarding a claim or a possible claim shall be directed to the Department of Finance, Risk Management Division.

Employees receiving or served with suit papers, subpoenas or claim papers/letters should immediately forward such papers to the Risk Management Division for processing and when necessary, submit to the City Attorney and excess insurers (see Section 5.9, **CLAIMS AGAINST THE CITY, ITS EMPLOYEES OR VOLUNTEERS**).

**Supervisors shall regularly remind employees that they are NOT to discuss the details of any accident with anyone unless such discussions are approved in advance by personnel in the Risk Management Division or City Attorney's Office.**

**5.7 Loss or Damage to City of Virginia Beach Property**

When, for any reason, City of Virginia Beach property is damaged, lost or destroyed, and the amount of such loss is valued at \$1,000 or more, the loss shall be reported to the Department of Finance, Risk Management Division within 48 hours after its discovery. City property requiring reports, shall include all items shown on the city's Capital Asset Inventory, as well as buildings or parts thereof, trees, shrubs, traffic control signs, office furnishings and equipment, tools, vehicles, etc. **NOTE:** All motor vehicle accidents **MUST** be reported regardless of the amount of damage.

The department, division or bureau responsible for using and/or maintaining the damaged, lost or destroyed property shall submit a form number D.F. 75, Supervisor's Accident Summary Investigation Report and form number D.F. 74-4, Accident Summary and Recommendation Form to the Risk Management Division within 48 hours after the loss is discovered. These reports shall include a description of the city property involved, the city property identification number (Capital Asset Inventory Number) if the item is on the city's Capital Asset Inventory, the location of the property at the time of damage or loss, the names of any employees involved, the names, addresses and telephone numbers of any witnesses, and a description of the events resulting in the damage or loss.

If someone other than a city employee is responsible for causing the damage or loss to city property, the Risk Management Division will, upon receipt of the repair or replacement bills, take the action necessary to collect the amount of damage from the negligent party. It shall be the responsibility of the department operating or maintaining the damaged or lost property to submit the proper repair bills to the Risk Management Division. The Risk Management Division will advise the appropriate city department regarding recovery of monies from negligent parties.

All questions, calls or correspondence from insurance companies or citizens regarding claims the city may have against a negligent party should be directed to the Risk Management Division.

**Supervisors shall regularly remind employees that they are NOT to discuss the details of any accident with anyone unless such discussions are approved, in advance, by personnel in the Risk Management Division or City Attorney's Office.**

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**5.8 Theft or Mysterious Disappearance of Money, Securities, Valuable Papers or Other City Property**

Whenever money, securities, valuable papers or other city property is discovered missing, the department responsible for such property, money, etc. shall immediately report such disappearance to the Police Department and the Department of Management and Budget, Internal Audit Division. If there is evidence of a break-in, or if the loss is the result of a robbery or holdup, all care should be taken not to disturb the "crime scene".

The department responsible for the missing money, property, etc. shall submit a form number D.F. 75, Supervisor's Accident/Loss investigation Report, along with statements from employees and copies of any reports received from the investigating police officers, to the Department of Finance, Risk Management Division, within 48 hours after the discovery of the missing item(s). These reports should include a listing of the item(s) missing, including description(s), values and all other pertinent information. It shall be the responsibility of the department reporting the disappearance to advise the Risk Management Division of all developments in the matter, including reports on the progress of police investigations, and the result of any court action that may take place.

**5.9 Claims Against the City, its Employees or Volunteers**

Should any city department, employee or volunteer receive claims forms, letters, court papers or other correspondence or telephone calls regarding a claim against the city, its employees or volunteers, and such notice indicates a claim is being made because of official city operations or activities, the papers received or a report of the telephone conversation should be forwarded immediately to the Department of Finance, Risk Management Division. The individual served with suit papers should write the date the papers were served on the first page of such papers. The Risk Management Division, will request the necessary investigative reports from the appropriate city department when applicable. The Risk Management Division shall also confer with the City Attorney to ensure that compliance with Chapter 9, Section 9.04 of the City Charter has been met.

Should claims result in civil suits against the city, its employees or volunteers, the Risk Management Division may coordinate all activities between the City Attorney and any city employees or volunteers involved in the matter.

**Supervisors shall regularly remind employees that they are NOT to discuss the details of any accident with anyone unless such discussions are approved, in advance, by personnel in the Risk Management Division or City Attorney's Office.**

**5.10 Claims Against the City Resulting From Operation of Independent Contractors**

Frequently, the city will engage the services of independent contractors for the construction of capital improvements or the provision of services on behalf of the city. Occasionally, claims are placed against the city because of injuries to citizens or damage to their property caused by the negligent performance of one of these contractors. When such claims are made, it shall be the responsibility of the city department responsible for the supervision of the contractor or the administration of the contract to investigate the complaint and fill out form number D.F. 75, Supervisor's Accident/Loss Investigation Report. This report along with appropriate supporting documentation shall be submitted to the Department of Finance, Risk Management Division, within 48 hours after receiving notice of the claim. Appropriate supporting documentation shall include, but shall not be limited to, copies of portions of the contract including the title page identifying the contractor and the project/services, the insurance requirements and a current certificate of insurance for the contractor; the address and

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telephone number of the contractor along with the name of a contact person; and copies of any special requirements or provisions in the contract which establish performance requirements for the contractor and relate to the cause of the claims.

Claims against the city which arise out of the performance of independent contractors may be submitted either directly to the Department of Finance, Risk Management Division. If a department is notified of a claim for which it is not responsible, they should immediately forward such notice to the Department of Finance, Risk Management Division. Any notices of claims submitted to the Department of Finance, Risk Management Division, will be immediately forwarded to the department responsible for supervision or administration of the independent contractor.

Employees who investigate claims involving independent contractors shall **NEVER** tell a citizen that the city **OR** the independent contractor involved is at fault or will pay any medical or repair bills. Decisions regarding the city's and/or independent contractor's liability and payment or non-payment of claims are the responsibility of the Risk Management Division, the independent contractor or appropriate insurers. All questions, calls or correspondence from insurance companies, claimant attorneys or citizens regarding claims or possible claims shall be directed to the Risk Management Division.

**Supervisors shall regularly remind employees that they are NOT to discuss the details of any accident with anyone unless such discussions are approved, in advance, by personnel in the Risk Management Division or City Attorney's Office.**

**5.11 Departmental Requests for Insurance Coverage**

Any department desiring insurance coverage for special equipment or operations shall direct such requests, in writing, to the Department of Finance, Risk Management Division. Also, any questions regarding the city's insurance or self-insurance programs should be directed to the Risk Management Division (427-4217).

The staff of the Risk Management Division is available, at any time, to assist city departments in answering questions, training personnel or providing other services in the areas of accident investigation, claims processing or related matters. Any requests for such services should be directed to the Administrator, Risk Management Division, Department of Finance.

Approved as to Content: Robert W. Esenberg 11/07/94  
Risk Management Administrator Date

Approved as to Legal Sufficiency: Richard J. Beaver 11/07/94  
City Attorney's Office Date

Approved: James K. Spore 11/17/94  
City Manager Date