



## Department of Public Safety Temporary Incapacity for Peace Officers

### History

Until 2003, a peace officer of the Department of Public Safety (DPS), covered by [the State Police Officers' Council \(SPOC\) Collective Bargaining Agreement \(CBA\)](#), sustaining an injury that was covered under Iowa Code chapter [85](#), Iowa's Workers' Compensation Law, was first required to utilize five days of personal sick leave. If, after the first five days, the officer had not returned to full unrestricted duty the officer was entitled to 60 working days of contract injury leave pursuant to Article IX, Section 7, paragraph G of the SPOC CBA. If, after the exhaustion of 60 days injury leave, the officer had not returned to unrestricted duty the officer could apply for Workers' Compensation benefits.

The 80th General Assembly amended Iowa Code section [97A.6](#) in the 2003 Legislative Session with [HF 342 \(Public Safety Peace Officers' Temporary Incapacity for Duty Act\)](#)<sup>1</sup> that provided peace officer members of the DPS who are incapacitated for duty as a proximate result of an injury sustained in the line of duty need not utilize personal sick leave for absences related to the injury. The law further provides that sick leave utilized prior to determination of the cause of an injury is to be restored if a workers' compensation physician or other approved physician finds the cause of the incapacity is duty-related. However, compensability under Iowa Code chapter 85 is not a requirement for temporary incapacity eligibility.

The impetus for the law change was a car/deer accident involving a state trooper who sustained critical head and neck injuries in the accident. The trooper desired to return to work and while continuing rehabilitation and physical therapy utilized all of his sick leave. The trooper was ultimately retired from service on an accidental disability and his sick leave restored as a result of HF 342.

The Peace Officers' Retirement (POR) Board of Trustees reviewed each application for restoration of sick leave under the law from April 9, 2003, until June 22, 2010. The General Assembly moved the language from Iowa Code chapter 97A to Iowa Code section [80.8\(4\)](#) in [HF 2518 \(Public Retirement Systems Changes Act\)](#)<sup>2</sup> of the 2010 Legislative Session, as the benefit provided is not related to the Peace Officers' Retirement, Accident, and Disability System.

Since moving the language to Iowa Code chapter [80](#), the process has been administered by the DPS. Applications for restoration of sick leave must include an injury date, nature of the injury, a Workers' Compensation first report of injury, all medical reports and determinations, dates and hours of leave used, the total number of hours requested and whether the employee has been released to full, unrestricted duty. Statements made in the application are verified by staff of the Division of Administrative Services and applications must be approved by the Commissioner, prior to restoration of any sick leave.

### Experience and Statistics

From the enactment of the statute through March 1, 2013, a total of 135 cases of temporary incapacity have been submitted for restoration of sick leave used and 134 have been approved. An estimated 10,800 hours of sick leave have been restored with an estimated total value at the time of restoration of \$443,000. In addition, approximately 14,100 hours of leave have been granted without the necessity for the applicant to use sick leave. The estimated value of those hours at the time taken is \$519,000. Contract leave granted under the SPOC CBA accounts for an additional 12,800 hours of injury leave with an estimated cost at the time taken equal to \$356,000.<sup>3</sup> Finally, workers' compensation wage benefits totaling \$255,000 were paid to 14 of the applicants for temporary incapacitation covered injuries.

### More Information

Iowa Department of Public Safety: <http://www.dps.state.ia.us>

Iowa General Assembly: <https://www.legis.iowa.gov/index.aspx>

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<sup>1</sup> 2003 Iowa Acts, Chapter 20.

<sup>2</sup> 2010 Iowa Acts, Chapter 1167.

<sup>3</sup> The value of time taken for temporary incapacity and for contract injury leave are inclusive of the state's contribution to the Peace Officers' Retirement System, but are exclusive of other benefits (insurances, deferred comp match, leave accruals, etc.).

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Of those sustaining work-related injuries, 114 were covered by the SPOC CBA at the time of the injury, 20 were supervisors, and 20 injuries were the result of vehicle collisions. Eleven of the 134 approved applicants either retired soon after the injury or at a later date as an ultimate result of the injury. The fewest number of hours requested for restoration was seven and the greatest number of hours approved for restoration was 1,270 hours. The lengthiest period of time away from duty as a result of one injury was 32 months.

The ultimate cost of restored hours to the state for each applicant will not be known until the applicant retires. Costs will increase, at a minimum, as a result of across-the-board and step/merit increases provided. Costs may also increase as a result of promotions during the officer's career. For one applicant, who was restored 418 hours of sick leave, the value at the time of restoration in FY 2006 was approximately \$13,000. The value as of June 7, 2013, is estimated at \$16,000. This particular employee is not eligible to retire until July 2020 and will likely remain employed until November 2022. Projecting wage growth at a modest 2.0% per year, the value of the sick leave restored and available for use at retirement will be nearly \$20,000 by November 2022.