

**Performance Audit of the  
San Francisco Sheriff's Department's  
Workers Compensation  
and Overtime**

**Prepared for the**

**Board of Supervisors  
of the City and County of San Francisco**

**by the**

**San Francisco Budget and Legislative Analyst**

**June 15, 2015**

**BOARD OF SUPERVISORS**  
**BUDGET AND LEGISLATIVE ANALYST**

1390 Market Street, Suite 1150, San Francisco, CA 94102 (415) 552-9292  
FAX (415) 252-0461

June 15, 2015

Supervisor Norman Yee, Chair, Government Audit and Oversight Committee  
and Members of the San Francisco Board of Supervisors  
Room 244, City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Dear Supervisor Yee and Members of the Board of Supervisors:

The Budget and Legislative Analyst is pleased to submit this *Performance Audit of the San Francisco Sheriff's Department's Workers Compensation and Overtime*. In response to a resolution adopted by the Board of Supervisors in September 2014 (Resolution 376-14), the Budget and Legislative Analyst conducted this performance audit pursuant to the Board of Supervisors powers of inquiry as defined in Charter Section 16.114 and in accordance with U.S. Government Accountability Office (GAO) standards, as detailed in the Introduction to the report.

The purpose of the performance audit was to evaluate the impact of workers compensation on the Sheriff's Department's overtime use.

The performance audit contains three findings and five recommendations directed to the Sheriff. The Executive Summary, which follows this transmittal letter, summarizes the Budget and Legislative Analyst's findings and recommendations.

The Sheriff has provided a written response to our performance audit, responding to the report's recommendations and summarizing the Department's accomplishments in FY 2014-15, which is attached to this report. The Sheriff agreed or partially agreed to all five recommendations.

Board of Supervisors  
Budget and Legislative Analyst

Supervisor Norman Yee, Chair, Government Audit and Oversight Committee,  
and Members of the Board of Supervisors  
Performance Audit of the Sheriff's Department Workers Compensation  
and Overtime  
June 15, 2015  
Page 2 of 2

We would like to thank the Sheriff and his staff for their cooperation during this performance audit.

Respectfully submitted,



Severin Campbell, Director  
Budget and Legislative Analyst's Office

cc: President Breed	Mayor Lee
Supervisor Avalos	City Administrator
Supervisor Campos	Clerk of the Board
Supervisor Christensen	Sheriff
Supervisor Cohen	Jon Givner
Supervisor Farrell	Kate Howard
Supervisor Kim	Controller
Supervisor Mar	
Supervisor Tang	
Supervisor Wiener	
Supervisor Yee	

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# Executive Summary

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## I. Impact of Workers' Compensation on Overtime

Lost work time due to workers' compensation contributes to the Department's use of overtime and is the second most frequently cited reason for overtime in the jails. We found that each hour of disability leave was associated with 1.15 to 1.68 hours of additional overtime per month, suggesting that a deputy absent from work for the entire month would generate between 184 and 269 hours of overtime per month.

The Department has insufficient management reports to track the reasons for and develop procedures to reduce overtime use. The overtime payroll reports are handwritten documents kept in hardcopy and thus difficult to incorporate into management analysis. Categories are overlapping and vague. For example, vacation time and paid time off are both cited, without apparent distinction. There are illegible and blank entries.

The Department is currently implementing a scheduling system, TeleStaff, which will allow the Department to electronically track and backfill vacant positions. It is within the scope and cost of the implementation contract to include features that will allow the Department to capture and manage overtime approvals, including the reasons for overtime. The Department should expedite incorporating these features into the final implementation of the new scheduling system.

Recommendation: The Sheriff should implement an electronic system to track and report on overtime approvals.

Recommendation: The Sheriff should conduct monthly analysis of overtime use to more accurately identify the drivers of overtime.

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## II. Sheriff's Department Safety Program

The Sheriff's Department has high workers' compensation costs compared to other City departments. According to the Controller's May 20, 2015 report, the Sheriff's average cost per workers compensation claim is \$27,780, compared to \$20,696 for the Public Utilities Commission and \$17,766 for the Police Department.

The Sheriff's Department's policies and programs are not sufficient to address workplace injuries leading to workers' compensation claims. City

departments have injury and illness prevention programs specific to their various work environments to help maintain safe and healthful workplaces, and to comply with federal and state laws and regulations. The Sheriff's Department's illness and injury prevention program is largely ad hoc, lacking formal procedures to analyze the causes of and implement programs to reduce work place injuries. While the Administrative Captain is assigned responsibility for reducing work place injuries as part of overseeing the injury and illness prevention program, actual responsibility is divided among several different department managers, with no one manager having ultimate responsibility for implementing prevention programs.

The Department does not have training designed to prevent or reduce commonly occurring injuries. For example, more than one third of workplace injuries are categorized as "combat/assault" related injuries but the Department has no formal program to address the causes of these injuries. According to the Chief Deputy Sheriff of Administration, the Department's Personnel Unit reviews injury data every year, and works with the Training Unit to adapt trainings to trends in injuries, although these processes are not formally documented.

The Sheriff's Department needs to implement a formal illness and injury prevention program that conforms to best practices recommended by national and state occupational health and safety organizations.

Recommendation: The Sheriff should develop procedures to better track the causes of work place injury and illness and develop training and injury prevention programs to reduce these causes.

Recommendation: The Sheriff should create a 5177 Safety Officer position through a work order with the Department of Public Health to oversee the Sheriff's Department's health and safety program as well as the modified duty program. This classification is consistent with health and safety positions in other large City departments.

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### III. Sheriff's Department Safety Program

Modified duty programs are intended to reduce costs by returning injured workers to work in a limited capacity before they would otherwise be able to return to work. The Sheriff's Department's records on participation in the modified duty program are inadequate to evaluate the program's

effectiveness. The Department provided two reports on tracking modified duty program participation. One report was for new workers compensation claims in which data on modified duty was limited to a notes column. The other report identifies Sheriff's Department staff currently on modified duty by location and shift. Because the Sheriff's Department only reviews participation in the modified duty program on an individual case basis and does not track program participation overall, the Department lacks information on overall modified duty program performance.

The Sheriff's Department could reduce the cost of lost work days by targeting programs to bring injured employees back to work on modified duty. For example, we estimated that the Department could have saved \$179,849 in lost work hours for 23 employees on extended workers compensation leave who could potentially have participated in the modified duty program.

Also, the modified duty program may be able to reduce the number of lost work days by staff suffering from bruise or contusion injuries. Employees with bruise or contusion injuries who participated in the modified duty program returned to productive work 24 calendar days earlier than employees with bruise or contusion injuries who did not participate in the modified duty program. We estimated that the Department could have saved \$45,350 in lost work hours for three employees with bruise or contusion injuries who did not participate in the modified duty program.

Recommendation: The Sheriff should develop procedures to better track participation and outcomes of the modified duty program, and develop modified duty program protocols based on outcome data.

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## Scope

In September 2014, the San Francisco Board of Supervisors passed Resolution 376-14 (File 14-0942) directing the Budget and Legislative Analyst to audit the Sheriff's Department's workers' compensation and the impact on Department overtime.

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## Methodology

The performance audit was conducted in accordance with Government Auditing Standards, 2011 Revision, issued by the Comptroller General of the United States, U.S. Government Accountability Office. In accordance with these requirements and standard performance audit practices, we performed the following performance audit procedures:

- Conducted interviews with executive, management and other staff at the Sheriff's Department and Department of Human Resources Workers' Compensation Division.
- Toured the four operational county jail facilities.
- Reviewed policies, procedures, memoranda, and other guidelines governing the Sheriff's Department.
- Reviewed staffing data, payroll data, financial reporting data, safety program data, and other administrative data relevant to the audit objectives.
- Evaluated the Department's (1) methodology to budget for minimum staffing requirements in the jails, (2) use of overtime in the jails, and (2) injury and illness prevention programs and modified duty programs department-wide.
- Submitted a draft report, with findings and recommendations, to the San Francisco Sheriff's Department on May 20, 2015; and conducted an exit conference with the Chief Financial Officer and Chief Deputy Sheriff of Administration on June 2, 2015.
- Submitted the final draft report, incorporating comments and information provided in the exit conference, to the Sheriff's Department on June 8, 2015.



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## Overview of the Sheriff's Department

The Sheriff's Department operates the county jails, provides security services to the Superior Court and San Francisco General and Laguna Honda Hospitals, and provides re-entry, electronic monitoring and other programs to offenders.

The Department has vacant permanent positions and backfills vacancies and other absences through overtime. Because the Department's primary responsibility is to operate the county jails, many of its positions require 24 hour staffing, seven days per week. State law sets out staffing guidelines for jail operations while minimum staffing levels in the county jails are quantified through a labor agreement with Deputy Sheriffs' Association.

The Sheriff's Department's FY 2014-15 General Fund operating budget is \$161,684,555, of which \$137,976,534 or 85 percent are salaries and benefits. The Controller projects a year-end surplus in permanent salaries and a deficit in overtime, based on actual expenditures through April 2015 and shown in the table below.

**Table 1: The Sheriff's Department's Budgeted, Actual and Projected General Fund Expenditures for Salaries and Benefits in FY 2014-15**

	<b>FY 2014-15 Budget</b>	<b>Actual Expenditures through April 2015</b>	<b>Year End Estimate</b>	<b>Surplus/ (Deficit)</b>
<b>General Fund</b>				
Miscellaneous Salaries	\$12,758,596	\$8,713,412	\$10,616,105	\$2,142,491
Uniform Salaries	71,944,292	57,448,103	70,390,501	1,553,791
Temporary Salaries	48,139	119,113	131,413	(83,274)
Premium Pay	7,786,602	6,731,703	8,210,161	(423,559)
One-time Payments	0	131,814	132,050	(132,050)
Overtime	7,715,607	9,032,593	10,943,404	(3,227,797)
Holiday Pay	1,505,094	1,449,882	1,594,870	(89,776)
Subtotal Salaries	101,758,330	83,626,621	102,018,505	260,175
Fringe Benefits	36,218,204	28,194,250	34,837,573	1,380,631
<b>Total Salaries and Benefits</b>	<b>\$137,976,534</b>	<b>\$111,820,871</b>	<b>\$136,856,078</b>	<b>\$1,120,456</b>

Source: Controller's High Level Monthly Report

### Sheriff's Department Positions

The Department consists of three divisions: Custody, Field Operations, and Administration and Programs. The Department has approximately 993 full time equivalent (FTE) positions across nine service areas, as shown in the table below. 58 percent of the Department's positions are assigned to the Custody Division and work in the jails.<sup>1</sup>

**Table 2: Sheriff's Department Position Allocation by Service Area**

<b>Service Area</b>	<b>Number of Positions</b>	<b>Percent of Total</b>
Custody	579.55	58%
Security	131.36	13%
Courts	88.27	9%
Field & Support Services	67.27	7%
Fiscal	48.00	5%
Programs	43.07	4%
Facilities & Equipment	27.07	3%
Administration	6.66	1%
Recruitment & Training	2.04	0%
<b>Total</b>	<b>993.29</b>	<b>100%</b>

Source: Sheriff's Department's FY 2013-14 Organization Chart

746.96 positions or 75.2 percent of the Department's 993.29 positions are uniform positions, as shown in the table below.

**Table 3: Actual Uniform Positions**

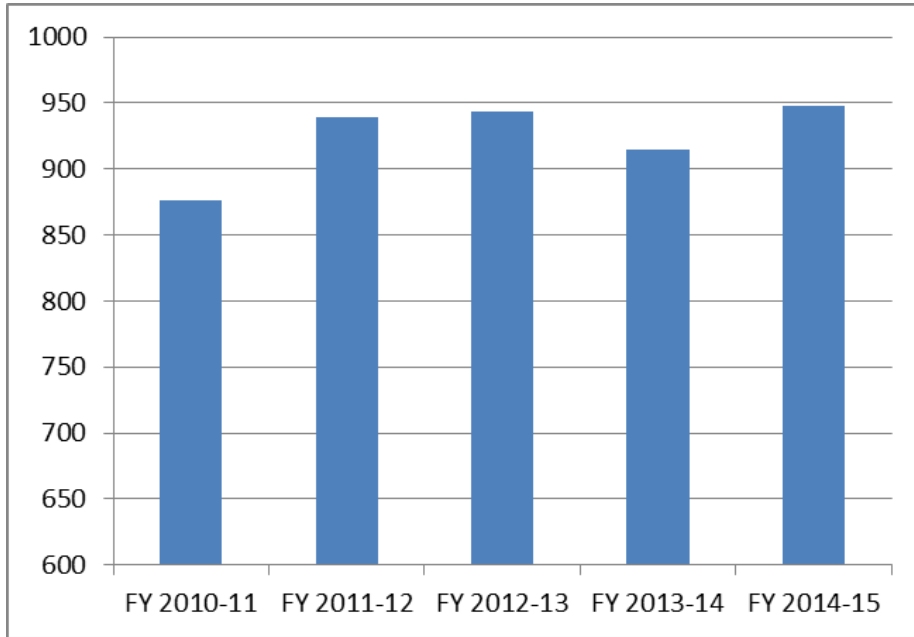
<b>Uniform Positions</b>	<b>Number of Positions</b>
Deputy Sheriff	635.25
Senior Deputy Sheriff	81
Sheriff's Sergeant	53
Sheriff's Lieutenant	32
Sheriff's Captain	8
Chief Deputy Sheriff	3
Attrition	(65.29)
<b>Total</b>	<b>746.96</b>

Source: Sheriff's Department's FY 2013-14 Organization Chart

The number of uniform positions in the Sheriff's Department's annual budget has fluctuated from year-to-year, with a 3 percent reduction in uniform positions in FY 2013-14 followed by a 4 percent increase in FY 2014-15. Chart 1 below shows the total number of uniform positions in the Sheriff's Department's annual budget.

<sup>1</sup> The Department has five jails. County Jail 1 serves as the Department intake and release center, through which all inmates are processed into and out of the jail system. County Jail 2 is the only jail that holds both men and women. County Jail 3 was closed to inmates in 2013 and now houses the Department's Records Unit. County Jail 4 is the maximum security facility of the City's jail system. County Jail 5 is the largest jail and is located in San Bruno.

**Chart 1: Number of Full Time Equivalent Uniform Positions in the Sheriff's Department's Budget from FY 2010-11 to FY 2014-15**



Source: City Budget System

The Budget and Legislative Analyst reviewed the Department's staffing plan for the five county jails to determine if the Department included the appropriate number of deputy sheriff positions in the FY 2014-15 budget to meet minimum staffing requirements in the jails. We reviewed payroll data to calculate the number of deputy sheriff full time equivalent (FTE) positions required to meet minimum staffing on each shift and backfill for sick leave, vacation, and other absences. Based on this review, we found that the Sheriff's Department's FY 2014-15 budget included an appropriate number of deputy sheriff FTE positions to meet minimum staffing requirements in the jails.

However, due to a large number of vacant deputy sheriff positions, whether through unfilled positions or long-term leave, the Sheriff's Department had surpluses in uniform salaries in FY 2011-12 through FY 2013-14, and a projected surplus in FY 2014-15, as shown in the table below.

**Table 4: General Fund Salary Surplus**

Fiscal Year	Original Budget	Actual Spending	General Fund Salary Surplus
2011-12	\$64,770,692	\$63,826,626	\$944,066
2012-13	71,632,644	70,615,587	1,017,057
2013-14	72,293,978	70,253,967	2,040,011
2014-15 (est.)	71,944,292	70,348,265	1,596,027
<b>Total</b>	<b>\$280,641,606</b>	<b>\$275,044,445</b>	<b>\$5,597,161</b>

Source: Controller's High Level Monthly Reports

The Sheriff's Department has vacant budgeted positions in part because the number of separations has exceeded the number of new hires for several years in a row. The table below shows the net change over the past three fiscal years.

**Table 5: Decrease in Deputy Sheriff Positions**

Fiscal Year	Cadet Hires	Separations	Net Change in Positions
2011-12	11	52	-41
2012-13	0	39	-39
2013-14	22	61	-39
<b>Total</b>	<b>33</b>	<b>152</b>	<b>-119</b>

Source: Sheriff's Department

According to the Chief Deputy for Administration, the Department would need to hire 40 uniform positions in FY 2015-16, 70 uniform positions in FY 2016-17, and 66 uniform positions in FY 2017-18 to maintain sufficient uniform staffing.<sup>2</sup>

#### **Increase in Sheriff's Department's Overtime**

The table below shows the Sheriff's Department actual spending on overtime from FY 2011-12 to FY 2014-15.<sup>3</sup> These are General Fund expenditures; overtime for security services provided by the Sheriff's Department to other City departments are funded by interdepartmental work orders. As shown below, General Fund overtime increased by \$6,856,023 or 133 percent from \$5,159,584 in FY 2011-12 to \$12,015,607 in FY 2014-15.

<sup>2</sup> These new hires consist of new recruits who enter through an academy class (25 in FY 2015-16, 55 in FY 2016-17, and 55 in FY 2017-18) and experienced uniform staff hired from other jurisdictions (15 in FY 2015-16, 70 in FY 2016-17, and 66 in FY 2017-18).

<sup>3</sup> Year-end overtime expenditures in FY 2014-15 are estimated based on the original overtime budget and the supplemental appropriation approved by the Board of Supervisors on May 19, 2015 (File 15-0347).

**Table 6: Increase in General Fund Overtime Expenditures**

<b>Fiscal Year</b>	<b>Actual Overtime</b>
2011-12	\$5,159,584
2012-13	8,121,877
2013-14	7,390,971
2014-15 (est.)	12,015,607
Increase FY 11-12 to FY 14-15	\$6,856,023
<b>Percent Increase</b>	<b>133%</b>

Source: Controller’s High Level Monthly Reports; Budget and Legislative Analyst

The Budget and Legislative Analyst reviewed payroll data from July 2011 to July 2013 to understand how overtime is distributed among job classes and the five jails. The tables below show the top ten concentrations of overtime by job classification and jail. As shown below, the overtime hours were concentrated among Deputy Sheriffs, who comprised 71.5 percent of the department’s total overtime hours.

**Table 7: Overtime Hours: July 2011 – July 2013, by Job Class**

<b>Job Class</b>	<b>Overtime Hours</b>	<b>% of Total</b>
8304 Deputy Sheriff	265,451	71.5%
8306 Senior Deputy Sheriff	41,619	11.2%
8300 Sheriff’s Cadet	16,159	4.4%
8308 Sheriff’s Sergeant	11,657	3.1%
8310 Sheriff’s Lieutenant	8,753	2.4%
8204 Institutional Police Officer	7,357	2.0%
8108 Senior Legal Process Clerk	4,302	1.2%
8202 Security Guard	4,036	1.1%
1705 Communications Dispatcher	3,094	0.8%
8302 Deputy Sheriff I	1,585	0.4%
<b>Subtotal</b>	<b>364,013</b>	<b>98.1%</b>
<b>Dept. Total</b>	<b>371,036</b>	<b>100%</b>

Source: Sheriff Department T150 Report, July 2011 to July 2013

Overtime among the Sheriff’s Department’s programs was more evenly distributed, although 59 percent of the Department’s overtime hours were generated in the county jails. As described in the safety section of this report, on-the-job injuries were also concentrated in the county jails.

**Table 8: Percent of Total Department Overtime Hours:  
July 2011 – July 2013, by Facility**

	<b>Day Shift</b>	<b>Night Shift</b>	<b>Swing Shift</b>	<b>Subtotal</b>
<b>CJ 1</b>	4%	3%	2%	9%
<b>CJ 2</b>	4%	4%	3%	11%
<b>CJ 3</b>	4%	3%	3%	9%
<b>CJ 4</b>	8%	5%	N/A	13%
<b>CJ 5</b>	6%	5%	5%	16%
<b>Subtotal</b>	25%	20%	14%	59%

Source: Sheriff Department T150 Report, July 2011 to July 2013

The Budget and Legislative Analyst reviewed total overtime hours per employee for 2013 and 2014 and compared that to the 25 percent FTE hour cap (525 hours)<sup>4</sup> in the City’s Administrative Code Section 18.13.1. The Administrative Code allows waivers to the overtime cap, which the Sheriff’s Department obtained from the Department of Human Resources in FY 2012-12 through FY 2014-15. In the twelve-month period from May 2013 to April 2014, 12 percent of the Department staff who worked overtime exceeded the 25 percent hour cap. The table below shows the total overtime hours of the top twenty employees who were paid overtime; these employees generally work two to four and a half times the City’s overtime cap. These paid overtime hours do not account for compensatory time earned by employees in lieu overtime, and thus underestimate the number of extra hours worked.

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<sup>4</sup> One FTE equals 2080 hours; 25 percent of one FTE equals 525 hours. For qualified employees who work 12 hour shifts, one FTE equals 2,184 hours and 25 percent of one FTE equals 546 hours.

**Table 9: Top 20 Overtime Hours per Employee in CY 2013 and 2014**

Top 20 Overtime Hours per Employee, 2013				Top 20 Overtime Hours per Employee, 2014			
Rank	Overtime Hours	Multiple of City Limit	Average OT / Week	Rank	Sum of OT Hours	Multiple of City Limit	Average OT / week
1	2,523	4.85	48.5	1	2,313	4.45	44.5
2	2,103	4.04	40.4	2	2,225	4.28	42.8
3	1,522	2.93	29.3	3	2,209	4.25	42.5
4	1,425	2.74	27.4	4	2,012	3.87	38.7
5	1,171	2.15	22.5	5	1,401	2.69	26.9
6	1,161	2.23	22.3	6	1,366	2.63	26.3
7	1,153	2.22	22.2	7	1,284	2.47	24.7
8	1,066	2.05	20.5	8	1,261	2.42	24.2
9	1,028	1.98	19.8	9	1,232	2.37	23.7
10	1,023	1.97	19.7	10	1,203	2.31	23.1
11	1,014	1.95	19.5	11	1,176	2.26	22.6
12	982	1.89	18.9	12	1,130	2.17	21.7
13	945	1.82	18.2	13	1,111	2.14	21.4
14	925	1.78	17.8	14	1,069	2.06	20.6
15	917	1.76	17.6	15	1,036	1.99	19.9
16	912	1.75	17.5	16	1,019	1.96	19.6
17	904	1.74	17.4	17	1,002	1.93	19.3
18	898	1.64	17.3	18	1,002	1.93	19.3
19	896	1.72	17.2	19	960	1.85	18.5
20	869	1.67	16.7	20	951	1.83	18.3

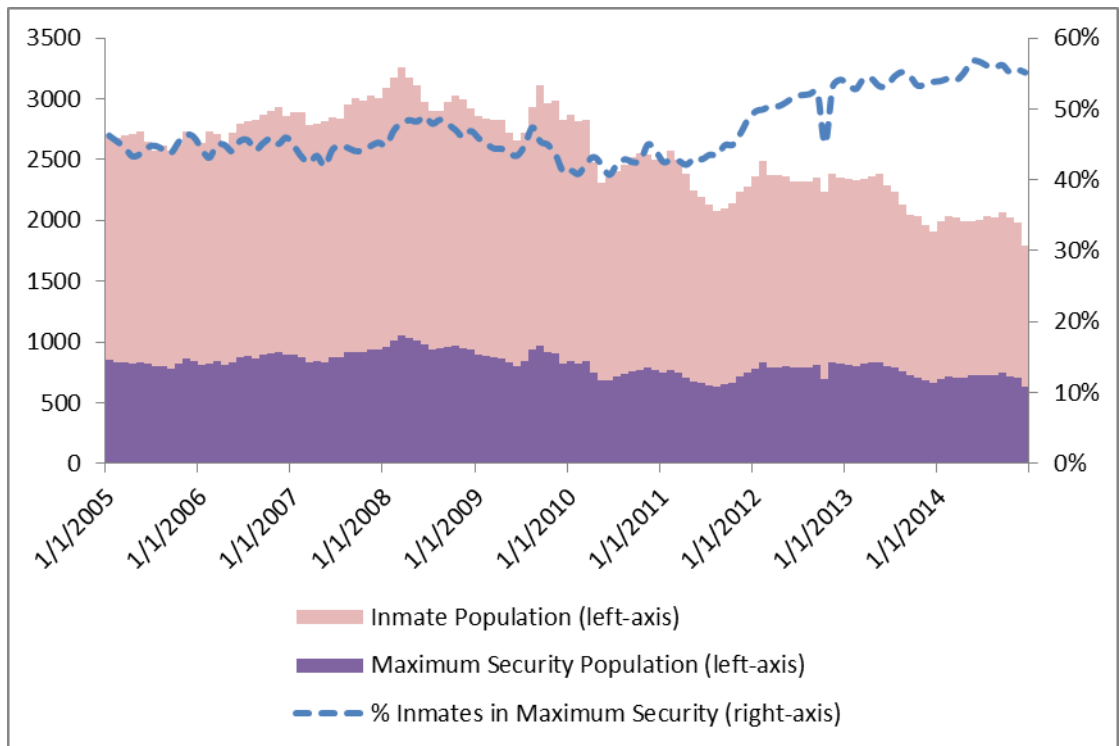
Source: Sheriff Department Payroll Data

**Decrease in the Average Daily Inmate Population Since 2005**

Local and state policy changes (such as AB109 Public Safety Realignment) have emphasized rehabilitation and decriminalization of previously chargeable offenses, resulting in a decrease in the average daily inmate population. The maximum security population has also decreased but at a lower rate, resulting in a higher percentage of maximum security inmates to total jail inmates. As shown in the chart below, the maximum security inmate population as a share to the total inmate population increased from 46 percent in January 2005 to 54 percent in January 2015.<sup>5</sup>

<sup>5</sup> Inmates are classified as maximum security based on point-based threat assessment tool, interviews with inmates, and the professional judgment of deputy sheriffs.

**Chart 2: Change in Maximum Security Inmate Population as a Percent of Total Average Daily Inmate Population from January 2005 to January 2015**

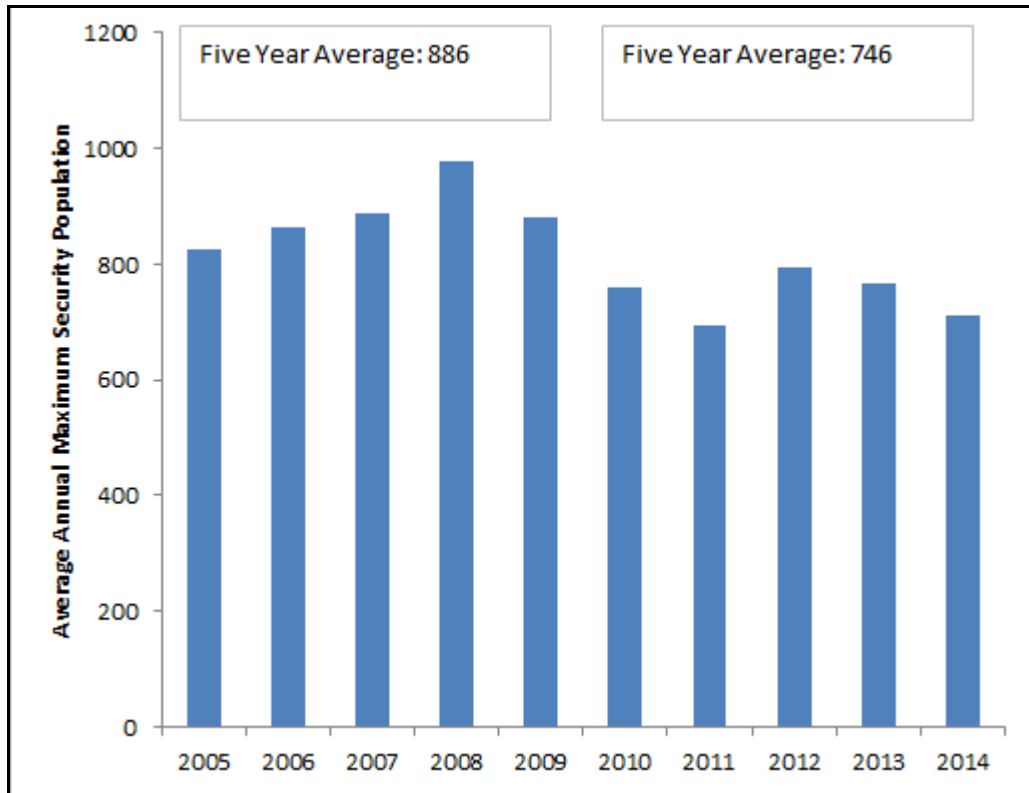


Source: Controller’s Office ADP data

Although the proportion of inmates in maximum security has increased, the actual number of maximum security inmates has declined over the past ten years. The chart below shows the average annual number of inmates in maximum security from 2005 through 2014.



**Chart 3: Average Annual Maximum Security Population**



Source: Controller's Office ADP data

Looking at five year intervals from 2005 to 2014, the average annual maximum security population decreased by 140 inmates or 16 percent from 886 inmates in 2005-2009 to 746 inmates in 2010 – 2014

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## I. Impact of Workers' Compensation on Overtime

Disability leave, including workers' compensation leave, is a major contributor to the Department's overtime use, but the Department has insufficient management reports to track the reasons for and develop procedures to reduce overtime use.

**Lost work time due to workers' compensation contributes to the Department's use of overtime and is the second most frequently cited reason for overtime in the jails**

The Budget and Legislative Analyst reviewed the Department's overtime payroll reports and other administrative data from July 2011 to February 2015 to analyze the relationship between overtime and workers' compensation. We found a correlation between the number of hours attributed to disability pay (which includes workers' compensation) and to overtime, as shown in Table 10 below. An increase in the number of disability pay, vacation and sick leave hours correlated to an increase in overtime hours. The correlation between disability pay and overtime hours was highest.<sup>1</sup>

**Table 10: Correlation between Overtime Hours and Reason for Time Off**

	Overtime, hours
Overtime, hours	1.00
Disability Pay, hours	0.64
Vacation, hours	0.47
Sick (Paid & Unpaid), hours	0.55
Other time off, hours	-0.26

Source: Budget and Legislative Analyst

The correlation between overtime hours and disability pay hours shows that as overtime hours (or disability pay hours) increase, then disability pay hours (or overtime hours) also increase. However, this correlation does not tell us if time off due to disability leave results in overtime. Using the same dataset, we analyzed the effect of disability leave on overtime hours.<sup>2</sup>

We measured the impact of workers' compensation using two independent data sources: (1) the number of disability pay hours in each month's payroll data and

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<sup>1</sup> A positive correlation between two variables means that as one increases the other one does so too, and vice versa. Correlation values range from -1.00 to 1.00. Correlations are a measure of the extent to which variables are related to another, but they do not tell you the magnitude of the relationship.

<sup>2</sup> We used regression analysis to analyze the effect of disability leave on overtime hours. Regression is a statistical tool that quantifies the relationship of one or multiple independent variables to one dependent variable, in this case, overtime hours. We used several regression models to evaluate the impact of workers' compensation on overtime.

(2) the total number of deputies out on long-term disability leave, as compiled by the Sheriff's Department. We found that workers' compensation leave is associated with additional overtime hours. We also found that each additional deputy assigned to the Custody Division is associated with a decrease in the amount of monthly overtime hours, suggesting that insufficient positions to meet minimum staffing levels results in overtime.

In particular, we found each hour of disability leave was associated with 1.15 – 1.68 hours of additional overtime per month, suggesting that a deputy absent from work for the entire month would generate between 184 and 269 hours of overtime per month.<sup>3</sup> Similarly, when using the count of deputies out on long-term leave, we found that each additional deputy out on disability leave is associated with an average increase of 192 to 238 overtime hours per month.<sup>4</sup>

#### Reasons for Overtime in the Jails

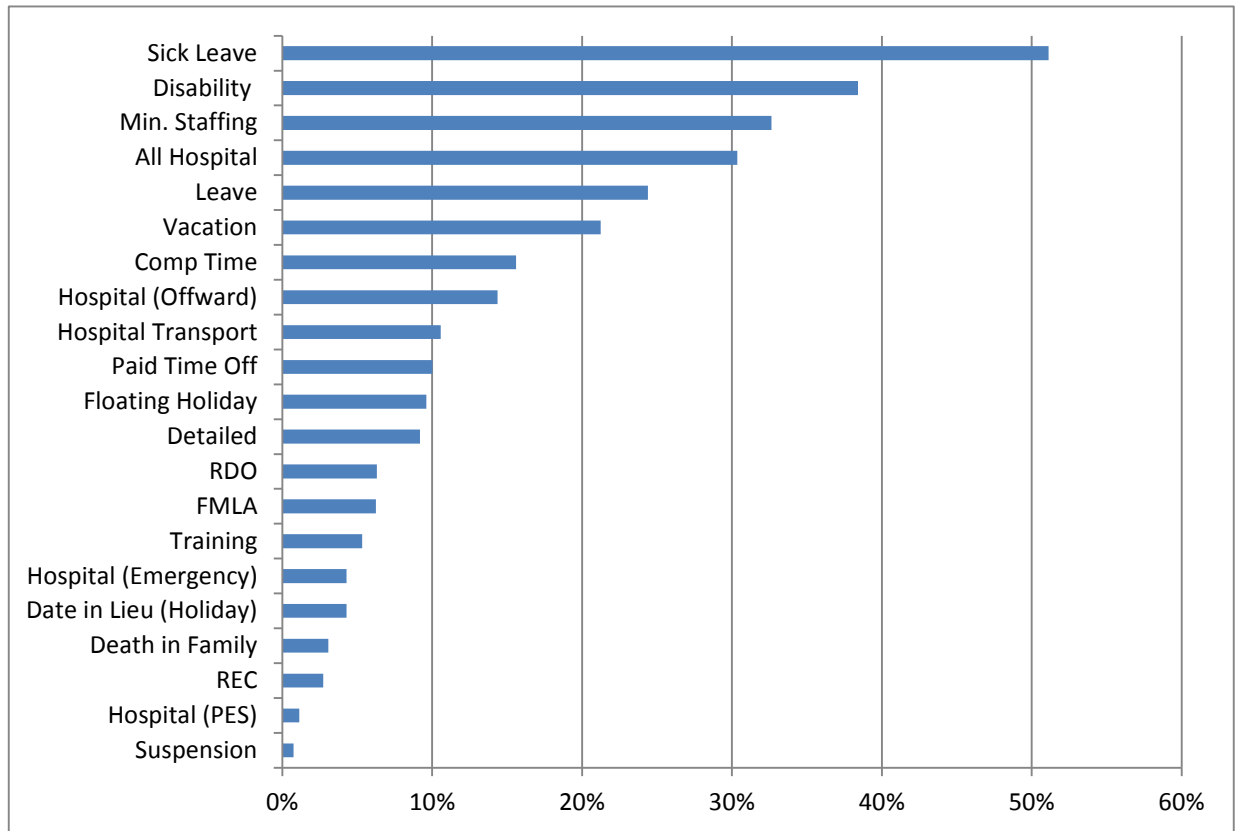
The Budget and Legislative Analyst reviewed a sample of overtime approval data that captured the reasons for overtime for each shift at each jail facility FY 2011 – 2015. Based on the recommendation of the Sheriff's Department's Chief Financial Officer, we examined pay periods four (in August) and fifteen (in January) in each fiscal year, selected because they were typically unaffected by external drivers of overtime, such as major City holidays and events.

We used these reports to identify the frequency of the reasons cited for overtime and compared these reasons to the hours of paid overtime. As shown below, disability leave was the second most cited reason for overtime after sick leave (which itself may represent a portion of disability leave, given the way such leave appears in the payroll data).

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<sup>3</sup> For example, 1.15 overtime hours \*40 hours \*4 weeks per month = 184 monthly overtime hours.

<sup>4</sup> The regression results demonstrate a strong statistical relationship between workers' compensation leave and overtime hours. The results are statistically significant, that is, unlikely to be the result of random fluctuations within the data. The results are robust because two independent measures of workers' compensation achieve similar results. The complete results of the regression analysis can found in the technical appendix.

**Chart 4: Frequency of Reasons Cited for Overtime**

Source: Budget and Legislative Analyst; Sheriff's Department Overtime Payroll Reports

The overtime payroll reports are handwritten documents kept in hardcopy and thus difficult to incorporate into management analysis. Categories are overlapping and vague. For example, vacation time and paid time off are both cited, without apparent distinction. Similarly, minimum staffing is cited as a reason for overtime, but without reference as to why the position is vacant. There are illegible and blank entries.

The Department is currently implementing a scheduling system, TeleStaff, which will allow the Department to electronically track and backfill vacant positions. It is within the scope and cost of the implementation contract to include features that will allow the Department to capture and manage overtime approvals, including the reasons for overtime. The Department should expedite incorporating these features into the final implementation of the new scheduling system.

**Recommendation:** The Sheriff should implement an electronic system to track and report on overtime approvals.

**Recommendation:** The Sheriff should conduct monthly analysis of overtime use to more accurately identify the drivers of overtime.

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## II. Sheriff's Department Safety Program

**The Sheriff's Department has the highest average workers' compensation costs compared to other City departments. The Sheriff's Department acknowledges the problem but does not have sufficient injury and prevention policies to address the problem.**

### **The Sheriff's Department has high workers' compensation costs compared to other City departments**

The Controller issued a report on May 20, 2015 titled, *Employee Health Protection & Promotion, An Analysis of City Workers' Compensation Data and Opportunities for Integration with Employee Well-being*, which analyzed three years of workers' compensation data across all City departments. The report shows that the Sheriff's Department had the highest average workers' compensation claim cost (\$27,780 per claim) among City departments, including other public safety departments, as shown in Table 11 below.<sup>1</sup>

**Table 11: Average Claim Cost (2012-2014)**

<b>Department</b>	<b>Avg. Cost</b>
<b>Sheriff</b>	<b>\$27,780</b>
Public Utilities Commission- Wastewater	\$20,696
Police	\$17,766
Public Utilities Commission- Water Department	\$16,403
Fire Department	\$16,282

Source: Controller's Office

In addition, 81.5 percent of the Department's claims result in time off work, which is the fourth highest in the City. The number of claims from 2012-2014 increased by 32 percent, from 180 in 2012 to 237 in 2013, as shown in the table below. The most frequent cause of workplace injury was combat/assault.

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<sup>1</sup> Note that the generally higher costs associated with safety officer claims can be attributed to state legal presumptions that certain types of illness and injuries (such as cancer, diseases related to blood-borne pathogens, heart trouble, or back injuries where the officer wears a "duty belt") are work-related. These "presumptions" necessarily increase their costs compared to most other departments.

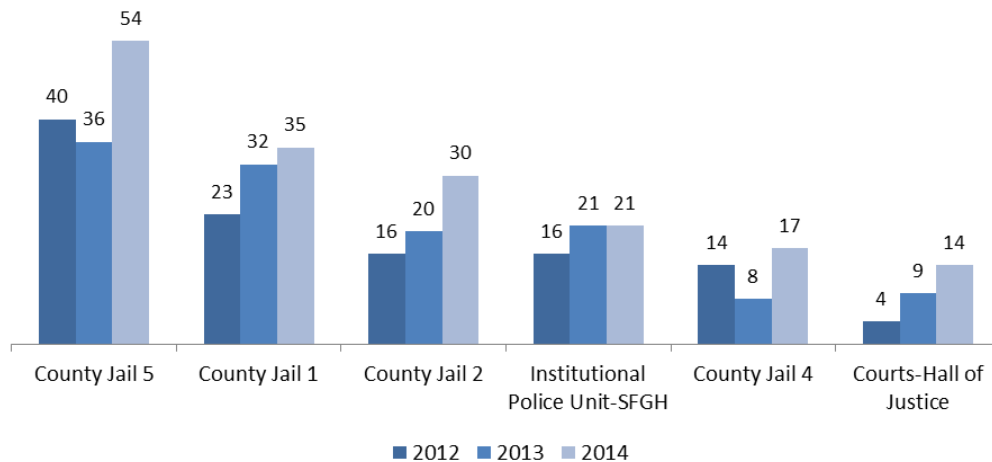
**Table 12: Cause of Injury 2012-2014<sup>2</sup>**

Cause of Injury	2012	2013	2014	Percent Increase/ (Decrease)
Combat/Assault	73	73	96	32%
Running/Walking/Climbing	21	25	35	67%
Other	10	28	33	230%
Slip/Trip/Fall	12	7	14	17%
Training	14	5	10	(29%)
Repetitive Motion	7	5	15	114%
Accident (non-vehicular)	12	8	5	(58%)
Pushing/Pulling	4	11	7	75%
Environmental	10	7	4	(60%)
Lifting/Carrying	6	9	4	(33%)
Bending/Standing	5	6	4	(20%)
Accident (vehicular)	1	3	7	600%
Turning/Twisting	5		3	(40%)
<b>Total</b>	<b>180</b>	<b>187</b>	<b>237</b>	<b>32%</b>

Source: San Francisco Sheriff's Department

County Jail 5 experienced the highest number of workplace injuries between 2012 and 2014 of all the Sheriff's Department facilities, as shown in the chart below.

**Chart 5: Top 5 Sites of Injury Location (2012-2014)**



<sup>2</sup> Of the 604 reported injuries, 344 or 57 percent occurred in one of the five jails.

**The Sheriff's Department's policies and programs are not sufficient to address workplace injuries leading to workers' compensation claims**

City departments have injury and illness prevention programs specific to their various work environments to help maintain safe and healthful workplaces, and to comply with federal and state laws and regulations. The Sheriff's Department's injury and illness prevention program identifies the procedures to address workplace injuries that contribute to workers' compensation claims and assigns responsibility to different Department managers and staff including the Administrative Captain, Sheriff, Undersheriff, Facility, Section, or Unit Commander, Watch Commander or Unit Supervisor and Department Safety Committee, as shown in Table 13 below. The Administrative Captain, in addition to other regular duties, is responsible for oversight of the illness and injury prevention program. The Administrative Captain collaborates with the other department staff responsible for discrete components of the illness and injury prevention program. Unlike many of the other larger City departments, the Sheriff's Department does not have a dedicated occupational health and safety officer to oversee their injury and illness prevention program.

**Table 13: Injury & Illness Prevention Plan Program Responsibilities**

<b>Policy</b>	<b>Description</b>	<b>Staff Responsibility</b>
2.5 Health and Safety Training	Employee health and safety training will be provided on a quarterly basis	
3.1 Sheriff	Review summaries of department accident and injury statistics	Sheriff
3.2 Undersheriff	Coordinate baseline hazard assessment surveys and advise the appropriate manager of needed corrections  Investigate employee reports of unsafe work conditions	Undersheriff
3.4 Facility, Section, or Unit Commanders, and other Unit Managers	Work with Administrative Staff to initiate corrective actions for identified safety hazards	Facility, Section, or Unit Commanders, and other Unit Managers
3.5 Watch Commanders and other Unit Supervisors	Investigate all accidents involving employees, equipment, or the public  Initiate correction of identified health and safety hazards	Watch Commanders and other Unit Supervisors
3.7 Department Safety Committee	Review investigations of occupational injuries and accidents  Submit suggestions to the Sheriff	Department Safety Committee
4.2 Inspections (Quarterly basis)	The inspection requires a written report that describes identified hazards and correction actions	
5.1 Facility/Unit Commander's Responsibility	Facility commanders will initiate hazard abatement for hazards identified during inspections	Facility/Unit Commander
5.2 Administrative Captain Responsibility	The Administrative Captain will track hazards identified in the inspections to ensure that they are abated.	Administrative Captain

Source: Sheriff's Department Injury & Illness Prevention Program (2012).

*Training for deputy sheriffs does not specifically address injury prevention*

The Department does not have training designed to prevent or reduce commonly occurring injuries. As noted above, injuries related to “combat/assault” and “running/walking/climbing” comprise the largest percentage of workplace injuries. According to the Chief Deputy Sheriff of Administration, the Department’s Personnel Unit reviews injury data every year, and works with the Training Unit to adapt trainings to trends in injuries, although these processes are not formally documented. For example, the Training Unit addressed specific causes of injuries at San Francisco General Hospital after reviewing incident reports and finding an increase in the number of injuries.



Most Sheriff's Department training is based on mandated California Peace Officer Standards and Training (POST), administered by the Board of State Community Corrections (BSCC). Trainings are generally related to the job duties of peace officers such as tactical communications, firearms training and driving skills, but some training is related to health and safety such as First Aid/CPR and AED (defibrillator) training. In addition, deputies receive training on defensive tactics, crowd control, and sublethal force options. The Department requested funding for Crisis Intervention Training, a sixteen hour course developed by department jail clinicians tailored to the needs of mentally ill inmates. That funding was denied in the FY 2014-15 budget cycle and is pending in the current budget process.

Facility commanders can provide additional localized training at their facilities if they have sufficient staff support. The Sheriff's Department has limited documentation on injury-specific and facility-specific trainings related to occupational health and safety, but provided specific training information for County Jail 2, County Jail 4 and County Jail 5. This training is primarily related to fire safety, hazardous materials, earthquake safety, emergency situations and reporting of unsafe conditions. County Jail 2 provided training related to handling uncooperative subjects, which could help prevent combat/assault workplace injuries. Additionally, County Jail 5 provided training on removing barricaded inmates from cells with proper safety equipment, which could also help prevent combat/assault workplace injuries.

Recommendation: The Sheriff should develop procedures to better track the causes of work place injury and illness and develop training and injury prevention programs to reduce these causes.

### **The Sheriff's Department needs to implement a formal illness and injury prevention program**

The Sheriff's Department's illness and injury prevention program is largely ad hoc, lacking formal procedures to analyze the causes of work place injuries and implement programs to reduce work place injuries. While the Administrative Captain is assigned responsibility for reducing work place injuries as part of overseeing the injury and illness prevention program, actual responsibility is divided among several different department managers, with no one manager having ultimate responsibility for implementing prevention programs.

National and state occupational health and safety organizations maintain standards of how to use workers' compensation data to inform safety programs. In September 2009, the National Institute for Occupational Safety and Health (NIOSH) sponsored a stakeholder workshop resulting in a report titled *Use of Workers' Compensation Data for Occupational Injury & Illness Prevention (2009)*. Conclusions from the NIOSH publication identify the following as potential uses of workers' compensation data:

- Analysis of incidence, cost and lost time data can be used to make a business case for prevention and to provide employers with additional information and incentives to reduce claims through interventions;
- Data on frequency of events within industries or by region can initiate prevention efforts and help ensure more effective resource allocation; and
- Workers' compensation data can identify elements of cost for occupational injuries.

The California Division of Occupational Safety and Health (Cal/OSHA) *Guide to Developing Your Workplace Injury and Illness Prevention Program with checklists for self-inspection* (2005), states:

- Examine your company's accident, injury or illness data to identify areas that may be working well, and those that may need improvement;
- Hazards should be corrected as soon as they are identified. For any that can't be immediately corrected, set a target data for correction based on such considerations as the probability and severity of an injury or illness resulting from the hazard; the availability of needed equipment, materials and/or personnel; time for delivery, installation, modification or construction; and training periods; and
- You and your employees should periodically review and update all rules and procedures to make sure they reflect present conditions.

The Sheriff's Department needs to hire a dedicated health and safety position. This position would be responsible to implement a formal health and safety program that conforms to NIOSH and Cal/OSHA standards, including ongoing analysis of the cause of workplace injuries and illness and implementation of protocols, including training, to prevent or reduce injuries and illness.

Recommendation: The Sheriff should create a 5177 Safety Officer position through a work order with the Department of Public Health to oversee the Sheriff's Department's health and safety program as well as the modified duty program. This classification is consistent with health and safety positions in other large City departments.<sup>3</sup>

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<sup>3</sup> The Fire Department's FY 2015-16 budget includes a work order with the Department of Public Health for a 5177 Safety Officer position to provide occupational health and safety services to the Fire Department.

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### III. Sheriff's Department's Modified Duty Program

**Modified duty programs are intended to reduce costs by returning injured workers to work in a limited capacity before they would otherwise be able to return to work. The Sheriff's Department's records on participation in the modified duty program are inadequate to evaluate the program's effectiveness. The Sheriff's Department could reduce the cost of lost work days by targeting programs to bring injured employees back to work on modified duty.**

The purpose of a modified duty program is to minimize the length of time before an employee on workers compensation leave can return to full duty. According to the City's *New Employee's Guide to Workers Compensation*, "research has found that injured workers who return to the job as soon as medically possible have the best outcomes both physically and mentally." The modified duty program can also reduce the City's costs for leave pay and overtime to backfill the injured employee's position. A modified duty program is a key component to managing the costs related to workers compensation claims.

The Sheriff's Department extends participation in its modified duty program to all employees, whether or not the employee was injured during work hours. The program allows the Department to offer an injured employee work with limited physical requirements to accommodate injuries, after an appointment where the attending physician clears the employee to return to usual and customary duty within 180 days of the appointment.

The modified duty program and workers compensation claims are managed by one Deputy Sheriff, who also manages other personnel matters. Management of the program and claims make up about a quarter of his responsibilities, and the role functions more as a liaison between the Department of Human Resources, the injured employee, and the Sheriff's Department.

The Sheriff's Department's modified duty program is administrated according to the Sheriff's Department's Modified Duty Policies dated April 2, 1981, and last revised on August 27, 2013 (SFSD Modified Duty Policies) and the collective bargaining agreements between the Deputy Sheriffs' Association and the City and the Sheriff's Managers and Supervisors Association and the City. The Sheriff's Department has a list of modified duty locations last updated on August 26, 2013.

The Sheriff's Department provided data on participation in the modified duty program. The first source of data was limited to a notes column in a database for new workers compensation claims filed in Calendar Year (CY) 2013 and CY 2014. This data identified relevant dates,<sup>1</sup> employee job titles, injury types, and injury locations. The data does not reflect any participation by on-going claimants prior to CY 2013.

The second source for data on participation in the modified duty program is a report that identifies staff currently on modified duty by location and shift. This report does not indicate the length of time on modified duty, but provides the names of staff participating in the program, which the Department can use to pull up individual files for review. As of May 28, 2015, nine employees were on modified duty: seven for industrial injuries, or injuries attached to workers compensation claims, and two for non-industrial injuries.

In CY 2013 to CY 2014, 424 new workers compensation claims were filed, and 90 or 21 percent of these new claimants participated in the modified duty program, as shown in Table 14 below. The majority of new workers compensation claims were filed for pulls/strains/tears injuries, and over one fourth of the staff suffering from the pull/strain/tear injuries participated in the modified duty program.

**Table 14: Count and Percent by Injury Type Participating in Modified Duty Program from CY 2013 to CY 2014**

Injury Type	Count by Injury Type	Participation in Modified Duty Program by Injury Type	
		Number of Employees	Percent of Employees
Pull/Strain/Tear	247	70	28%
Bruise/Contusion	48	8	17%
Abrasion/Laceration/Bite	35	2	6%
Other	23	3	13%
Fracture/Break	19	4	21%
Rash/Infection	17	2	12%
Fluid/Bio Exposure	16	0	0%
Illness	12	0	0%
Concussion	4	0	0%
Psychological	3	1	33%
<b>Total</b>	<b>424</b>	<b>90</b>	<b>21%</b>

Source: SFSD New Workers Compensation Claims Database

<sup>1</sup> The dates were not complete and lacked clarity in definitions. The limitations will be discussed further below.

The Department benefits from the modified duty program because employees on workers compensation leave return to work at an earlier date than they would otherwise return. The time off work due to workers compensation leave can be measured in two ways: (1) the number of days from the date of the injury to the return to work in the employee's usual and customary duty; or (2) the number of days from the date of the injury to the return to productive work, which may be either the employee's usual and customary duty or modified duty. Employees who participated in the modified duty program returned to productive work in 77.3 days on average but did not return to their usual and customary duties until 130.8 days on average, as shown in Table 15 below. Employees who did not participate in the modified duty program returned to their usual and customary duties in 49.5 days. The earlier return to work for employees with new claims in CY 2013 and 2014 who did not participate in the modified duty program may indicate a lower level of injury and the ability to return to work in full capacity without the need for modified duty.

**Table 15: Average Number of Days from the Date of Injury to Return to Work**

	Time Off Work Before Returning to:	
	Usual and Customary Duties	Productive Work
	Total Days	Total Days
All Employees	70.1	57.1
No Participation in Modified Duty Program	49.5	49.5 <sup>a</sup>
Participation in Modified Duty Program	130.8	77.3 <sup>b</sup>

Source: SFSD New Workers Compensation Claims Database

<sup>a</sup> Productive work is defined as "usual and customary duty" for employees not participating in modified duty program.

<sup>b</sup> Productive work is defined as "modified duty" for employees participating in modified duty program

Of the 90 employees participating in the modified duty program, the number of days of participation in the modified duty program ranged from 1 to 272 days; 7 employees' participation is ongoing. Of these 90 participants, 10 were placed on modified duty for the second time in the two year period.

**The Sheriff's Department's records on participation in the modified duty program are inadequate to evaluate the program's effectiveness**

The Department provided two reports tracking modified duty program participation. The primary data on modified duty program participation was limited to a notes column in a database for new workers compensation claims filed in CY 2013 and CY 2014. The data, however, was not consistent in its definition of the return-to-work date. The return-to-work date sometimes coincided with the first date of participation in the modified duty program. The return-to-work date sometimes indicated return to the usual and customary full duty and was dated after participation in the modified duty program, thus distinguishing the usual and customary full duty as the actual return-to-work date. In some cases, the return to work date preceded the date of participation in the modified duty program. Furthermore, data on the participation in the modified duty program by on-going claimants was not available for review. The Sheriff's Department explained that the inconsistencies in the return-to-work date in the database may be due in part to an employee's repeat participation in modified duty or return to leave status after participation in modified duty.

The Department's other report identifies staff currently on modified duty by location and shift, which the Personnel Unit can use to track names and pull up individual files for review. The Personnel Unit maintains individual workers' compensation files for each employee, which contains medical verification slips and other necessary forms and documents, and conducts a weekly review to determine changes in the work status of any employees.

Because the Sheriff's Department only reviews participation in the modified duty program on an individual case basis and does not track program participation overall, the Department lacks information on overall modified duty program performance. Better information on modified duty program participation would allow the Sheriff's Department to refine the program to promote participation.

*Earlier participation in the modified duty program could reduce the costs of lost work days*

Participation in the modified duty program requires physician approval. If an employee is cleared by the physician for modified duty, the modified duty program manager reviews the work restrictions, the employee's regular assignment, and the availability of modified duty positions.<sup>2</sup>

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<sup>2</sup> There are currently 19 positions approved in the Sheriff's Department's Modified Duty Locations, and 7 other potential positions that are available as-needed. In the new claims database, an average of 3.5 employees are on modified duty per month, with a range of 1 to 9 participants per month.

Increasing participation in the modified duty program by increasing accommodation of work restrictions could reduce the Department's costs due to lost work hours.

The Budget and Legislative Analyst's Office estimated the lost work hours for employees who did not participate in the modified duty program, and who returned to work after 77 calendar days and before 180 calendar days.<sup>3</sup> Based on 23 employees who filed new claims in CY 2013 and CY 2014, were on workers compensation leave between 77 and 180 calendar days in CY 2013 and CY 2014, and did not participate in the modified duty program, the estimated cost in lost work time (and associated productivity) is \$179,849, as shown in Table 16 below. This amount does not include overtime costs of staff needed to cover the positions and the cost in disability pay to the injured employee.

**Table 16: Estimated Costs for Employees Not Participating in Modified Duty Program**

	<b>Number of Employees</b>	<b>Estimated Lost Work Hours<sup>a</sup></b>	<b>Hourly Rate<sup>b</sup></b>	<b>Estimated Cost</b>
Deputy Sheriffs	22	4,446	\$35.43	\$157,489
Sheriff's Lieutenant	1	457	\$48.91	\$22,360
<b>Total</b>	<b>23</b>	<b>4,903</b>	<b>-</b>	<b>\$179,849</b>

Source: SFSD New Workers Compensation Claims Database, Department of Human Resources

<sup>a</sup> Estimated lost work hours for employees on workers compensation leave between 77 and 180 days, based on 5 day week and 8 hour day

<sup>b</sup> Rates Effective: Jul 01, 2014 - Oct 10, 2014 (Step 1)

The purpose of a modified duty program is to return an employee to work and reduce the costs of sick or disability leave. The Department would benefit from promoting higher participation in the modified duty program by reducing lost work hours and the associated costs.

*The modified duty program may be able to reduce the number of lost work days by staff suffering from bruise or contusion injuries*

Employees with bruise or contusion injuries who participated in the modified duty program returned to productive work 24 calendar days

<sup>3</sup> Of the 29 employees on workers compensation between 77 and 180 days, 6 had fractures and illnesses that may have prevented their return to work. The remaining 23 had injuries listed as abrasion/laceration/bite, bruise/contusion, or pull/strain/tear.

earlier than employees with bruise or contusion injuries who did not participate in the modified duty program, as shown in Table 17 below.

**Table 17: Average Number of Days between Date of Injury and Return to Productive Work**

Injury Type	Did Not Participate in Modified Duty		Participated in Modified Duty		Increase/ (Decrease) in Calendar Days
	No. of Employees	Average No. of Calendar Days	No. of Employees	Average No. of Calendar Days	
Pull/Strain/Tear	177	69.3	70	81.5	12
Bruise/Contusion	40	41.7	8	17.3	(24)
Abrasion/Laceration/Bite	33	12.5	2	14	2
Other	20	41.4	3	230	189
Fluid/Bio Exposure	16	4.8			-
Fracture/Break	15	54.7	4	53.3	(1)
Rash/Infection	15	10.8	2	25.5	15
Illness	12	27.8			-
Concussion	4	12			-
Psychological	2	73	1	131	58
<b>Total</b>	<b>334</b>	<b>49.5</b>	<b>90</b>	<b>77.3</b>	<b>28</b>

Source: SFSD New Workers Compensation Claims Database

Bruises and contusions were the second most frequent cause of new claims filed in CY 2013 and CY 2014. The data suggests that there may not be a significant difference in the bruise or contusion injuries between those who participate and those who do not participate in modified duty; participation in the modified duty program could reduce lost work days for employees with bruise or contusion injuries<sup>4</sup>.

Of the eight employees with bruise and contusion injuries who participated in modified duty returned to usual and customary duty in 44.3 calendar days on average. The employees with bruise and contusion injuries who did not participate in the modified duty program returned to usual and customary duty in 41.7 days on average. The Department should review the cases for bruise or contusion injuries and determine whether the modified duty program can be revised to promote participation by

<sup>4</sup> This is not measuring a return to the usual and customary position only, but rather any level of productivity, whether by participation in modified duty or return to the usual and customary duties.



employees suffering from bruises and contusions to reduce the number of lost work days.

The estimated cost to the Department from employees with bruise and contusion injuries who did not participate in the modified duty program in CY 2013 and CY 2014 was \$45,350, as shown in Table 17 below.

**Table 17: Estimated Costs of Lost Work Hours for Employees with Bruise/Contusion Injuries Not Participating in Modified Duty Program**

<b>Position</b>	<b>Number of Employees</b>	<b>Estimated Lost Work Hours<sup>a</sup></b>	<b>Hourly Rate<sup>b</sup></b>	<b>Estimated Cost</b>
Deputy Sheriff	3	1,280	\$35.43	\$45,350

Source: SFSD New Workers Compensation Claims Database, Department of Human Resources

<sup>a</sup> Estimated lost work hours for employees on workers compensation leave between 77 and 180 days, based on 5 day week and 8 hour day

<sup>b</sup> Rates Effective: Jul 01, 2014 - Oct 10, 2014 (Step 1)

**Recommendation:** The Sheriff should develop procedures to better track participation and outcomes of the modified duty program, and develop modified duty program protocols based on outcome data.

## Conclusion

The Sheriff's Department has high workers compensation costs. A recent report by the Controller found that the Department's average cost per workers compensation claim of \$27,780 was the highest of City departments. The Sheriff's Department also incurs overtime costs to backfill deputy sheriff positions when uniform employees are absent on disability or workers' compensation leave. We found that each hour of disability leave was associated with 1.15 hours to 1.68 hours of additional overtime per month, suggesting that a deputy sheriff absent from work for the entire month would generate between 184 and 269 hours of overtime.

Although the Department acknowledges the impact of disability leave on overtime use, the Department does not have sufficient systems or protocols to reduce workplace injuries or bring injured workers back to work. While City departments' illness and injury prevention programs are intended to reduce workplace illness and injury, the Sheriff's Department's illness and injury prevention program lacks formal procedures to analyze the causes of workplace injuries and implement programs to reduce them. Responsibility for oversight of the illness and injury prevention program and reducing work place injuries is technically that of the Administrative Captain. However, tasks within the program are divided among several different department managers, with no one manager having ultimate responsibility for implementing a cohesive prevention program. The Department also does not systematically track and analyze information on its modified duty program, missing opportunities to reduce lost work days and associated costs.

## Recommendations

### **The Sheriff should:**

1. Implement an electronic system to track and report on overtime approvals.
2. Conduct monthly analysis of overtime use to more accurately identify the drivers of overtime.
3. Create a 5177 Safety Officer position through a work order with the Department of Public Health to oversee the Department's illness and injury prevention program and modified duty program
4. Develop procedures to better track the causes of work place injury and illness and develop training and injury prevention programs to reduce these causes.
5. Develop procedures to better track participation and outcomes of the modified duty program, and develop modified duty program protocols based on outcome data.

## Costs and Benefits

The Department would incur new General Fund costs in FY 2015-16 of \$180,563 for the salaries and benefits of the 5177 Safety Officer position to oversee the Department's injury and illness prevention and modified duty programs. These costs could be offset by reducing the costs of workers compensation claims and leave. As noted in Section III of the report, the Department could achieve estimated savings of \$224,909 by implementing protocols to returning employees to modified duty through targeted programs. Implementation of an electronic system to track and report on overtime approvals could be achieved within the existing budget for the new TeleStaff system.

## Technical Appendix

	Reg 1	Reg 2	Reg 3	Reg 4	Reg 5	Reg 6	Reg 7
<b>Intercept</b>	3,314.09 ** (1,826.63)	3,482.99 ** (2,090.68)	45,218.79 (39,819.01)	-595.61 (4,194.19)	100,833.09 (42,970.09)	4,135.36 (4,080.10)	-2,466.57 (4,100.66)
<b>DP Hours</b>	1.68 * (0.31)	1.15 * (0.49)		0.87 (0.55)			
<b>Vacation Hours</b>		0.34 (0.59)	0.60 (0.57)	0.30 (0.59)			0.56 (0.58)
<b>Sick Leave Hours</b>		0.21 (0.59)	0.66 (0.60)	0.44 (0.62)			0.78 (0.59)
<b>Other Time Off Hours</b>		-0.23 ** (0.13)	-0.20 (0.14)	-0.20 (0.13)			-0.24 ** (0.13)
<b># of Sworn on DP</b>			125.93 (108.42)	116.47 (103.94)	88.70 (123.98)	238.57 * (109.77)	191.73 * (94.18)
<b># of Current Sworn (Custody)</b>			-259.41 (215.48)		-526.76 * (232.99)		

(Standard error)

\* Significant at 5% level

\*\* Significant at 10%  
level

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## **Sheriff's Written Response**



**OFFICE OF THE SHERIFF  
CITY AND COUNTY OF SAN FRANCISCO**

**1 DR. CARLTON B. GOODLETT PLACE  
ROOM 456, CITY HALL  
SAN FRANCISCO, CALIFORNIA 94102**



**Ross Mirkarimi  
SHERIFF**

**June 12, 2015  
Reference: 2015-099**

**Ms. Severin Campbell  
Budget & Legislative Analyst Office  
1390 Market Street, 10<sup>th</sup> Floor  
San Francisco, CA 94103**

**Re: Performance Audits – San Francisco Sheriff's Department Workers'  
Compensation and Overtime**

**Dear Ms. Campbell:**

**Thank you for the opportunity to review the draft performance audit report and for the edits made to the final draft based on our feedback during our conference. We appreciate the collaborative process and look forward to the inclusion of the department's response to the audit findings and subsequent submission to the Board of Supervisors.**

**As you are aware, there were five recommendations submitted related to this audit. The department fully agrees with the first finding. The last four findings were listed as partially agree on the attached matrix with qualifications. Although we either agreed or partially agreed with all of the findings, we would like to address the recommendations in this letter.**

**First, it is important to note that this audit narrowly focused on the Custody Operations Division; however, the department is much larger and is comprised of three divisions:**

- 1. Administration and Programs Division**
- 2. Custody Operations Division**
- 3. Field Operations Division**

**These divisions, along with four individual units: 1) Internal Affairs, 2) Information & Technology Services, 3) Finance and 4) the Sheriff's Bureau of Building Services, comprise the Sheriff's Department. My responses to the audit are enumerated below.**

**PHONE: 415-554-7225 FAX: 415-554-7050**

**WEBSITE: WWW.SFSHERIFF.COM**

**EMAIL: SHERIFF@SFGOV.ORG**

**Recommendation 1:** Agreed and in progress

**Recommendation 2:** Partially Agree

Monthly staffing reports are submitted to the Custody Operations Division Commander. A segment of this report provides a recap of the facility / unit overtime for the entire month. A review of these reports is conducted to ensure compliance with policy & procedure, collective bargaining agreements and to determine if any measures can be taken to reduce the use of overtime. The overwhelming majority of overtime use in the Custody Operations Division is due to insufficient staffing. Attached is an excerpt of a report indicating the level of detail in which the division captures overtime expenditures and the reasons for such use. This process will greatly improve when item number 1 is completed.

**Recommendation 3:** Partially Agree

This recommendation creates a safety officer position with the primary responsibility for overseeing and managing the department's safety programs. We agree with this recommendation with one caveat which is, the department will be better served if this future position is added to the Sheriff's Department's budget and not to the Department of Public Health's budget.

**Recommendation 4:** Partially Agree

The department currently conducts workers' compensation data review, which serves to better inform the department on ways to reduce injuries. This review process began in 2012 and is conducted biannually. I have attached an example of this review. Also, attached is an internal memorandum dated June 4, 2012, (Reference: Admin 2012-016) which is an example of the work being conducted. Of utmost importance in this memorandum is the intent to expand Crisis Intervention Training, which offers staff practical interventions to utilize in their day-to-day interactions with individuals suffering from mental health disorders. However, the Mayor has denied my repeated requests to fund this training and as a result, it has been suspended. This training is critical for both the department's staff and for the communities we serve.

Lastly on this topic, if recommendation number 3 is implemented, workers' compensation tracking will improve.

**Recommendation 5:** Partially Agree

Procedures are currently in place for tracking modified duty; however, there is always room for improvement. One such review resulted in an expansion of our modified duty program which went into effect in August 2013. Additionally, if recommendation number 3 is achieved, modified duty tracking will improve.

Reducing injuries is of vital importance to the safety and well-being of my staff; however, the use of overtime in my department is directly related to the number of vacant positions. As shown in your report, disability is the second greatest factor for the use of overtime.

Until we are properly funded with a realistic and attainable attrition number, we will continue to use overtime to replace staff whether on leave due to an industrial causation, use of sick leave, or for the use of personal time off. Our staffing levels are so deficient that the department uses overtime to meet our minimum staffing requirements as mandated by the respective Collective Bargaining Agreements (CBAs). I stress the point that these are *minimum staffing levels* and the City and County of San Francisco undermines the safety of our staff, the inmates, and the communities we serve. Furthermore, failure to appropriately fund and allow us to fill vacant positions and conduct training will directly affect the use of overtime and the reduction of work related injuries.

My staff has indicated that this audit was a good learning experience and they appreciated the dialogue between our two teams. My department will work towards implementation of your recommendations and will strive to improve the status of our current budget.

If you have any questions or concerns related to the information provided, please feel free to contact Chief Deputy Kathy Gorwood at (415) 554-7223.

Respectfully,

  
\_\_\_\_\_  
ROSS MIRKARIMI  
Sheriff

Attachments

cc: Undersheriff F. Rocha



**Performance Audit of the San Francisco Sheriff's Department's Workers Compensation and Overtime Department Response**

	<b>Recommendation: The Sheriff should:</b>	<b>Agree/ Disagree</b>	<b>Comments</b>
1	Implement an electronic system to track and report on overtime approvals.	Agree	In the Spring of 2012, we began the process of acquiring scheduling software to better manage the posting and approval process and track the reason for the use of overtime. The system has been configured and is currently in beta testing. The next steps are to launch a pilot and make any adjustments prior to implementation.
2	Conduct monthly analysis of overtime use to more accurately identify the drivers of overtime.	Partially Agree	Monthly reports are submitted. A segment of this report provides a recap of the facility / unit overtime for the entire month. A review these reports is conducted to ensure compliance with policy & procedure, collective bargaining agreements and to determine if any measures can be taken to reduce the use of overtime. The overwhelming majority of overtime use in the Custody Operation Division is due to insufficient staffing. Attached is an excerpt of a report indicating the level of detail in which the division captures overtime expenditures and the driving forces behind it. When recommendation #1 is completed, the tracking of overtime use will greatly improve.
3	Create a 5177 Safety Officer position through a work order with the Department of Public Health to oversee the Department's illness and injury prevention program and modified duty program.	Partially Agree	The SFSD supports a new position to serve as a safety officer, with that person employed by the Sheriff's Department.
4	Develop procedures to better track the causes of work place injury and illness and develop training and injury prevention programs to reduce these causes.	Partially Agree	We currently conduct workers' compensation data review. Training primarily focus on POST and BSCC requirements. Additionally, we have requested and have been denied funding to conduct Crisis Intervention Training. Additionally, if recommendation #3 is implemented, then workers' compensation tracking is improved.
5	Develop procedures to better track participation and outcomes of the modified duty program, and develop modified duty program protocols based on outcome data.	Partially Agree	We have procedures in place; however, there is always room for improvement. Recent reviews resulted in the expansion of the modified duty program. Additionally, if recommendation #3 is implemented, then modified duty tracking is improved.

Voluntary Overtime Usage Report - County Jail #1

May-18

Recommendation #2

DATE	NAME	SV HOUR	SV W/O	DEPERI	DEPERA	WEE	WEE	OPND	OPND	GR	GR	RPRT	RPRT	TRNG	TRNG	OTBR	OTBR	OTHER
		CT	CT	CT	CT			CT	CT							CT	CT	
05/01		3.00		8.25														
05/01																		
05/02					8.00													0.25
05/03				4.00	4.00													
05/03				4.00	4.00													
05/04				8.00														
05/04				8.00														
05/04								8.00										
05/05								1.00										
05/05								1.00										
05/05								1.00										
05/06																		
05/07			1.00	4.00	4.00													
05/07																		
05/07																		
05/07																		
05/10				8.00										3.50				
05/10				8.00										3.50				
05/11				8.00										8.25				
05/11				8.00														
05/12																		
05/12				8.00														
05/13				3.00														
05/13				8.25														
05/14				8.00														
05/15				8.00														
05/15				8.25														
05/15				8.00														
05/15				4.00														
05/15				8.00	0.25													



**San Francisco Sheriff's Department**  
**INTER-OFFICE CORRESPONDENCE**

Recommendation #4

February 28, 2012  
Reference: Admin 2012-044

TO: [REDACTED]

FROM: [REDACTED]

RE: Workers' Compensation Data

Attached you will find 2 Workers' Compensation charts for 2011. The first chart is "2011 Total Injuries by Facility" and the second is a pie chart of the "2011 Injury Breakdown by Location". For each location where more than one Workers' Compensation injury was submitted you will receive these charts. The goal is to review injuries for your location and identify ways to reduce the number of claims.

Each location must identify a percentage of estimated reduction in Workers' Compensation claims for 2012. Please identify this percentage no later than March 16, 2012. Email you percentage of reduction to me. I will then monitor your progress and send monthly updates. The goal is to reduce the current number of Workers' Compensation claims, which will in turn reduce our long-term disability budget and increase the number of work days per employee.

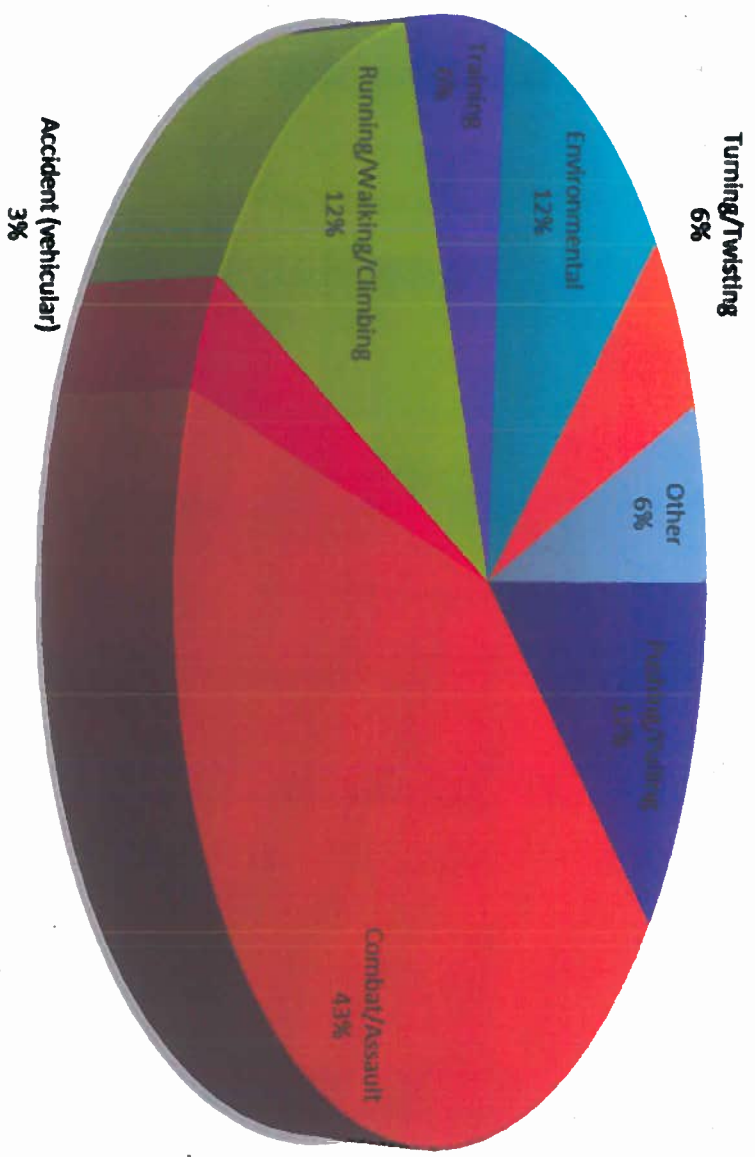
If you identify a need for training related to the Workers' Compensation claims for your location, please let me know and we can work together to meet those needs.

If you have any questions relative to this memo please feel free to contact me at (415) 554-7225.

Attachments

cc: [REDACTED]

### 2011 Injury Breakdown (CJ#5)





# San Francisco Sheriff's Department

## INTER-OFFICE CORRESPONDENCE

Date: June 4, 2012  
Ref: Admin 2012-106

To: [REDACTED]

Fr: [REDACTED]

RE: Worker's Compensation

Undersheriff,

Several months back, I asked the Personnel Unit to gather statistics regarding our Worker's Compensation data from calendar year 2011. The purpose of this data collection was to identify the type and manner of injuries. The next step was to set goals for a reduction in claims and identify ways to achieve those goals. Accordingly, letters were sent to facility and unit commanders asking them to review data for their respective areas of responsibility and then submit a goal in the form of a percentage for reduction in claims.

In reviewing our current workers' compensation process and the manner and type of injuries, I anticipate that it may take two years before we see a reduction in injuries and dollars spent on workers' compensation. Attached to this memorandum, you will find a memo from the Personnel Unit identifying recommended changes in our modified duty policy and modified duty assignments. Prior to moving forward with any of these recommendations, meet and confer is required. I support these recommendations and if you so authorize, please let me know and I will schedule the required meet and confer. Additionally, we are doing the following:

1. We are working with staff from SBBS to maintain the gates at CJ#3 and CJ#4. This should reduce the number of injuries from pushing and pulling.
2. Beginning in July 2012, staff assigned to SFGH IPU and 7D/7L will attend the class we teach in dealing with the mentally ill. Previously this class was only offered to those assigned to the Custody Division.
3. We have reviewed the injury reports and worked with the Training Unit to identify the reason for the injuries resulting from, "Combat/Assaults" and identified ways to reduce those injuries. Accordingly, beginning July 2012, we will provide individualized training in DT at CJ#5 and SFGH to both IPU and 7D/7L sworn staff.

The goal is to reduce the number of new injuries sustained by staff. Short term, this will reduce the number of employees on leave, which in turn should have an effect on our use of

**overtime. However, the greater savings is the prevention of an employee from sustaining a permanent disability resulting in ones inability to perform the essential function of their respective job classification. When this occurs, the employee receives permanent disability benefits and that employee can no longer work as a sworn peace officer.**

**I will disseminate the current data to the Chief Deputies for their respective areas of responsibility. Moving forward, this information will be sent out monthly and we will review our progress.**