

ACCIDENTS ON THE JOB

I. PURPOSE

To ensure that employees who are disabled as a result of an accident on the job receive certain benefits provided such accident resulted from causes other than personal or professional negligence.

II. SCOPE

This policy applies to all permanent employees of the Shelby County Schools.

III. DEFINITIONS

Disability - the total inability of the employee to carry out his/her duties.

Employee – An individual legally holding a position in the Shelby County Schools who receives hourly wages or a salary for his/her services.

Permanent Employee – An employee whose services are not for a specified and limited duration. A permanent employee may work either full or part-time.

IV. POLICY STATEMENT

Shelby County Schools shall not provide worker's compensation as authorized under TCA 50-6-106(6). It is the policy of Shelby County Schools to provide an accident-on-the-job program for eligible employees who are disabled as the direct result of an accident suffered in the course of the employee's performance of duties with the District.

A. Eligibility

All permanent employees who sustain a job related injury while in the course of his/her duties for the District may be eligible for benefits under this policy. Such injury shall not be the result of negligence on the part of the employee.

B. Benefits

1. Lost wages

During the first two (2) months of disability, the employee shall receive 100% of his/her base salary. After the second month of disability, the employee shall receive 50% of his/her base salary for the remaining period of disability up to one (1) year. Proof of such disability may be required as deemed proper, including a medical examination by a physician who may be selected by the District in which event the expense of such examination shall be borne by the District. Compensation for lost wages incurred from any secondary job outside of employment with the District shall not be provided.

Provisions will be made for teachers injured in the course of employment by a violent criminal act as prescribed by law.

2. Medical expenses

The District shall pay for necessary and reasonable medical expenses for an on-the-job injury sustained by an employee while performing his/her duties, provided such injury has resulted from causes other than personal or professional negligence. Unless otherwise approved by the District, total payments by the District for said medical expenses incurred following date of injury shall not exceed ten thousand dollars (\$10,000.00) and no medical expense shall be paid for any on-the-job injury in excess of one (1) year. The benefits provided above shall be coordinated with the Board's Group Health Plan, or any other personal insurance plan or group insurance plan if and when the employee has such coverage. In case of such injury, the District reserves the right to have the employee examined by a physician designated by the District at such time or times as it may determine in its discretion to assist in ascertaining the nature and extent of disability attributed to the injury.

C. Incident Reporting

In order to qualify for any benefits described above, an eligible employee must give notice of the accident on the day the accident occurs unless the employee is prevented by disability from the accident from giving such notice. Notice of the accident shall be given to the immediate supervisor. In the event the immediate supervisor cannot be contacted, the employee shall provide notice to the next supervisory level followed by the office responsible for risk management.

D. Employment while on Accident on the Job Leave

Individuals approved by the District to receive benefits under this policy shall be prohibited from engaging in any full and/or part-time employment that includes the nature and/or scope of physician restricted duties with the District.

E. Appeals

Should a conflict arise from the approval or denial of related benefits, the employee may request, in writing, to have the Board of Appeal review the circumstances.

The Board of Appeal shall be comprised of a minimum of three (3) persons appointed by the Superintendent or her/his designee, one (1) of which shall be a healthcare professional from the office responsible for coordinated school health. The findings of the Board of Appeal on both issues of fact and interpretation of this policy shall be final.

F. Sanctions

Any violation or falsification of information, or failure to abide by the policy may result in disciplinary measures up to and including termination of employment and/or receipt of benefits under this policy.

V. RESPONSIBILITY

- A.** The employee is responsible for providing appropriate notification that he/she had an accident on the job and following procedures when medical attention is necessary.
- B.** The immediate supervisor is responsible for
 - 1. completing the employee accident report and submitting the report to the office responsible for risk management within 24 hours after he/she has been notified of the accident;
 - 2. ensuring that his/her employees are aware of the provisions of this policy; and
 - 3. notifying senior management and the office responsible for risk management when an employee is disabled as a result of an unprovoked malicious act.
- C.** The office responsible for risk management is responsible for administering the accident-on-the-job program.

- D.** The Board of Appeal is responsible for determining all appeals that arise as a result of conflict or questions arising under this policy.
- E.** The Superintendent is responsible for determining if this policy is followed.

Legal References:

- 1. T.C.A. 50-6-106**
- 2. T.C.A. 49-5-714**

Cross References: