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Sample Policy - In Line of Duty Injury Leave (for counties not covered by Workers' Compensation)

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Reference Number: CTAS-1127

Sample In-Line-of-Duty Injury Policy:

Notice of Injury - Every injured employee or his or her representative shall, immediately upon the occurrence of an injury, however minor, give or cause to be given to the employer written notice of the injury. The employee shall not be entitled to benefits hereunder from the date of the accident to the giving of such notice, unless it can be shown that the employer had actual knowledge of the accident.

Injuries Not Covered - No benefits shall be allowed for an injury due to the employee's willful misconduct or intentional, self-inflicted injury, or due to intoxication, or sports-related injury unless participation in sports activities is required by the job description, or willful failure or refusal to use a safety appliance or perform a duty required by law. This exclusion does not apply to mandatory physical fitness programs as developed and mandated by the employer.

Period of Compensation - Injury leave shall extend for such time as the injured employee is unable to return to work, but in no event beyond six months for the same or recurring injury.

Compensation Received - During the period of time that the injured employee is on injury leave, he or she will be entitled to receive full pay, subject to all other provisions and qualifications set out herein. The employee will continue to earn vacation and sick leave.

Use of Sick Leave - An employee who is injured in the course of employment will be granted injury leave, and such leave will not be charged against the employee's sick leave nor may an employee use sick leave for in-line-of-duty injuries.

Role of Employer's Medical Examiner - The determination of character, degree and duration of occupational disability is the responsibility of the Medical Examiner for the employer. Employees will be required to return to work after the approval of the Employer's Medical Examiner, in consultation with the injured employee's attending physician. If there are conflicting opinions from the Employer's Medical Examiner and the injured employee's attending physician, the final determination shall be left to the employer's governing body.

Extended Injury Leave - Whenever an employee is on extended leave due to a work related injury or illness, the employee must provide the employer with an update of the employee's medical condition every 30 calendar days. The employer has the right to instruct the employee to be evaluated by the employer's medical examiner. The employer shall be responsible for placing the employee back to work as soon as he or she is physically capable of resuming employment. If at any time it is medically indicated that the employee will not be able to return to work prior to the expiration of six months, the employee, or the employer on behalf of the employee, shall file an application for a disability pension.

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