

	Leave for On the Job Injuries and Workers' Compensation Policy	
	Section No: 4.08	
	Resolution Number: 257-2026	
	Effective Date: September 1, 2026	
	Supersedes: Leave for On the Job Injuries Resolution No. 2009-082, effective date 9/16/2008	
	Next Review Date: September 1, 2028	
	Responsible Office: Risk Management	
Policy Applies to:	☐ All City employees (Full-time, Part-time, LSEs, temps, etc.) ☒ All City and School Employees	☐ Full-Time employees only ☐ Other: _____

Relevant Definitions

Authorized Treating Physician (ATP): A licensed medical provider chosen by the employee from an official Form C-42 panel who manages the employee's medical care for the work-related injury

Average Weekly Wage (AWW): The gross average amount of money earned weekly by the employee during the 52 weeks immediately preceding the date of the injury, used to calculate wage benefits.

Bureau of Workers' Compensation (BWC): The state division responsible for administering the Tennessee Workers' Compensation Law and monitoring compliance.

Compensable Injury/Illness: A workplace injury or occupational disease that is legally recognized under Tennessee law as qualifying for workers' compensation benefits because it arose primarily out of and in the course and scope of employment.

Course and Scope of Employment: The legal boundary determining when an employee is actively engaged in job duties that directly benefit, advance, or fulfill the operations of the City.

Form C-42 (Agreement Between Employer/Employee Choice of Physician): The mandatory state-approved form containing a panel of at least three independent, reputable physicians provided to the employee following a reported injury.

Idiopathic Condition: An injury or medical event that arises spontaneously from an internal personal health condition, holds no relation to job duties, and is non-compensable.

Injury Leave: A city-provided benefit allowing an employee to receive regular pay for scheduled work missed during the initial seven-day workers' compensation waiting period.

Maximum Medical Improvement (MMI): A medical determination made by the ATP indicating that an employee's work-related injury or illness has stabilized and no further functional recovery is expected.

R.E.W.A.R.D. Program: The BWC Return Employees to Work And Reduce Disabilities initiative utilized by the City to coordinate transitional duties.

Temporary Total Disability (TTD): The state-mandated wage-replacement benefit, equal to two-thirds (66.67%) of the employee's average weekly wage, paid starting on the 8th day of missed work.

Transitional Work: Temporary, modified job assignments provided to a recovering employee that accommodate physical restrictions outlined by the ATP.

Policy

The City is deeply committed to maintaining a safe, secure, and healthy work environment for all employees, visitors, and partners. In strict compliance with the Tennessee Bureau of Workers' Compensation (BWC) regulations, the City provides comprehensive workers' compensation benefits to all eligible employees at no cost. To qualify for these benefits, Tennessee law requires that the injury or occupational disease must arise primarily out of and in the course and scope of employment. Specifically, the injury must directly result from the employee's job duties and occur while the employee is actively performing work on behalf of the City. For valid, job-related conditions, this coverage provides necessary medical treatment, authorized travel reimbursement, and partial wage replacement to support the employee's recovery and eventual return to work.

Injuries that occur outside the course and scope of employment—such as during personal commutes, voluntary recreational events, or while engaged in willful misconduct, or of an idiopathic nature—are generally not compensable under state law.

1. Incident Reporting

Employees are required to report all work-related injuries to their supervisor as soon as possible. In compliance with state law, failure to report in a timely manner can result in the denial of workers' compensation benefits.

2. Initial Medical Treatment

For serious life-threatening injuries, employees should call 911 or go to the nearest emergency room immediately. For all non-life-threatening injuries, after reporting the incident, employees must select an authorized treating physician (ATP) from a C-42 Employees' Physician Choice Form before seeking medical treatment. Any medical expenses incurred by the employee from an entity other than that selected from the C-42 may be determined to be unauthorized and non-compensable.

3. Workers' Compensation Leave & Wage Benefits

3.1 Injury Leave

If placed off work by an ATP for a disability resulting from the injury or illness covered by workers' compensation, the employee may receive injury leave for regular scheduled work missed during the first seven days, immediately following the injury. The sole intent of injury leave is to provide employees with an income while waiting for state mandated benefits to activate.

3.2 Temporary Total Disability (TTD)

Under Tennessee law, standard wage-replacement benefits, known as Temporary Total Disability (TTD), begin on the 8th calendar day of a work-related disability. TTD benefits equal two-thirds (66.67%) of the employee's gross average weekly wage earned during the 52 weeks prior to the injury. These payments are subject to minimum and maximum limits established annually by the BWC.

Under state law, if the ATP places the employee off work for 14 calendar days or longer, the employee may retroactively receive TTD benefits back to the first day of missed work. However, due to the injury leave provided by the City for those first 7 days, injured workers will not be eligible for retroactive TTD.

In order receive TTD benefits, the employee must provide timely medical certification from their ATP documenting their total inability to work. TTD payments will automatically terminate when the employee is medically released to return to regular or modified duty, or when the employee reaches Maximum Medical Improvement (MMI) as determined by the ATP.

3.3 Travel Mileage

Employees are entitled to mileage reimbursement if their travel to an authorized medical provider or treatment exceeds 15 miles one way.

3.4 Family Medical Leave Act

Any employee that is unable to work for more than three (3) consecutive calendar days due to a work-related serious health condition will qualify for leave under the Family and Medical Leave Act (FMLA) if applicable. FMLA will run concurrently while the employee is off work.

4. Post-Accident Drug and Alcohol Testing

The City reserves the right to conduct post-accident drug and alcohol testing on any employee involved in a workplace accident. Refusing to submit to post-accident drug and alcohol will be considered a positive test result.

5. Return to Work

The City participates in the BWC Return Employees to Work And Reduce Disabilities Program (R.E.W.A.R.D.) and will work with the recovering employee and their physician to identify modified work when the employee is not able to do all or part of their regular work while recovering from a workplace injury. Modified-duty job assignments for meaningful and productive work are temporary and based on information about the employee's physical abilities provided by the employee's ATP, the needs of the City, and the availability of alternate work. The City reserves the right to determine how long the modified-duty job will continue.

This program will help employees return to work and receive their pre-injury wages and benefits sooner. This policy applies to all employees who are unable to perform part or all their regular work duties from a compensable, work-related injury or illness. All employees are expected to fully cooperate in the safe and timely return to work when they are injured. The employee must make sure that they do not work outside either the duties of the modified-duty job assignment or the physician's restrictions while in a transitional job.

6. Subrogation

Any employee who is injured during the course of employment due to the actions of a third party must notify the City Manager and the City Attorney before initiating any legal action against that individual and before settling any claim arising from the injury.

If the employee recovers damages from the responsible party, the employee must promptly reimburse the City for any injury compensation and medical expenses paid by the City as a

result of the injury. The reimbursement amount shall not exceed the employee's net recovery after attorney fees have been deducted.

By accepting injury pay and/or payment of medical expenses, the employee agrees to reimburse the City in accordance with these subrogation provisions.

Consequences of Policy Violation

Refusal to comply with this policy and the state laws governing workers' compensation may result in the forfeiture of workers' compensation benefits.

Related Information or Procedures:

Supervisors must complete the First Report of Injury form by end of the employee's shift.

Other Provisions:

Nothing in this policy should be construed to conflict with or supersede state or federal law, or as interfering with the constitutional rights of employees.

While the city is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the city and its employees. Furthermore, this statement constitutes ONLY the policy of the city. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.

Contacts

The following can address questions regarding this Policy:

Kristen Hodgson/Risk Manager, phone: (423) 229-9354, email:
kristenhodgson@kingsporttn.gov