

## ORDER

### **AN ORDER AMENDING THE CITY OF TUPELO EMPLOYEE HANDBOOK POLICY 316 TO INCLUDE ADDITIONAL PROVISIONS CONCERNING THE AVAILABILITY OF ADDITIONAL COMPENSATION TO POLICE OFFICERS AND FIREFIGHTERS INJURED IN THE LINE OF DUTY**

**WHEREAS**, the Mississippi Legislature on April 16, 2014 enacted the “Gale Stauffer, Jr., and Joseph Maher Law Enforcement Appreciation Act of 2014” which authorizes municipalities to enact a policy that allows police officers and firefighters to receive additional compensation for their time off of work due to injuries sustained in the line of duty; and

**WHEREAS**, on March 19, 2019 the City of Tupelo City Council adopted the City of Tupelo Employee Handbook which included Policy 316 authorizing the additional compensation for injured police officers and firefighters; and

**WHEREAS**, the city wishes to modify Employee Handbook Policy 316 to further clarify those circumstances in which an injured police officer or firefighter may receive the additional compensation.

**NOW, THEREFORE**, let it be ordered by the governing authorities of the City of Tupelo the following:

1. The prefatory paragraphs of this Order are hereby found and determined to be in accordance with a warranted and necessary expression of municipal authority.
2. Policy 316 – Compensation and Benefits Paid to Police Officers and Firefighters Injured in the Line of Duty shall state the following:

*In the event that any certified full-time police officer or firefighter experiences a qualifying event that shall cause that employee to be physically unable to perform the duties of his or her employment, the City of Tupelo shall continue to pay all or a portion of that employee’s regular compensation and related benefits pursuant to the terms contained herein.*

*A qualifying event shall be defined as an accidental injury sustained by a certified full-time law enforcement officer or firefighter as a result of a single incident, and who, while in the line of duty and actively engaged in protecting the lives and property of the citizens of the City of Tupelo in the performance of the individual’s duties, sustains a catastrophic injury rendering that employee unable to perform the duties of the individual’s employment. Chronic or repetitive injuries, injuries caused by the employee’s own negligence, a preexisting temporary or permanent disability, an injury contributed to by any penal or employment policy violation committed by the employee or any intentional, self-inflicted injury by the employee shall not covered.*

*Before an event may be considered as qualifying, the employee must:*

- a. *Provide his or her department head with a physician’s statement that states the beginning date of the injury, a description of the injury, a prognosis for recovery and an anticipated date the recipient employee will be able to return to work;*

- b. Be receiving temporary total or partial disability benefits from worker's compensation insurance;*
- c. Apply for and ultimately be awarded disability benefits from the Law Enforcement and Fire Fighters Disability Benefits Trust Fund as administered by the Office of the Attorney General of the State of Mississippi pursuant to Miss. Code Ann. § 45-2-21 (1972, as amended) (insert note); and*
- d. Receive approval of the catastrophic nature of the injury by the individual's department head.*

*Upon the individual meeting the above requirements, the City of Tupelo shall pay up to the injured employee's regular compensation and related benefits until such time as the employee is physically able to perform the duties of his or her employment, retires on disability retirement allowance, reaches maximum medical recovery for worker's compensation purposes, or one year from the date of application for this benefit, whichever occurs first. The City Council of the City of Tupelo may extend the additional compensation benefits for up to one (1) additional year.*

*The City of Tupelo Human Resources Department will be responsible for administering the policy. The mayor or his designee shall hear all appeals from the department head's decision. Eligibility determinations must be approved by the City Council prior to any payment of benefits.*

*The maximum portion of the injured employee's regular compensation continued to be paid by the City of Tupelo is the difference between the total amount that the injured worker is receiving from worker's compensation benefits and disability benefits from the trust fund created under Miss. Code Ann. § 45-2-21 and the amount of the employee's regular compensation.*

*At such time as the injured employee is no longer receiving disability benefits from the trust fund created under § 45-2-21, the City of Tupelo will pay the difference between the total amount that the injured worker is receiving from worker's compensation and the amount of the employee's regular compensation, subject to the earlier limitations set forth in Section 5 above.*

*NOTE: The unavailability of funds through the Law Enforcement and Fire Fighters Disability Trust Fund shall not prevent a qualified employee from receiving benefits under this policy if it is determined by the mayor or the mayor's designee that but for the unavailability of funds, the employee would have received benefits from the Trust Fund.*

After a full discussion of this matter, Council Member \_\_\_\_\_ moved that the foregoing Order be adopted and said motion was seconded by Council Member \_\_\_\_\_ and upon the question being put to a vote, the results were as follows:

Councilmember C. Mims \_\_\_\_\_  
 Councilmember L. Bryan \_\_\_\_\_  
 Councilmember T. Beard \_\_\_\_\_

Councilmember N. Davis  
Councilmember B. Palmer  
Councilmember J. Gaston  
Councilmember R. Jones

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The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the forgoing Order adopted.

CITY OF TUPELO, MISSISSIPPI

By \_\_\_\_\_  
LYNN BRYAN  
City Council President

ATTEST:

\_\_\_\_\_  
MISSY SHELTON, Clerk of the Council

APPROVED:

\_\_\_\_\_  
TODD JORDAN, Mayor

\_\_\_\_\_  
DATE