

ON THE JOB INJURY (OJI)

I. PURPOSE

To provide a general overview of the on-the-job injury program available through Memphis Shelby County Schools.

II. SCOPE

This policy applies to the Memphis Shelby County Schools on-the-job injury program.

III. DEFINITIONS

Disability - the total inability of an employee to carry out District job-related duties.

Employee - any individual for whom the District must complete a Form I-9 pursuant to federal law and regulations and does not include an independent contractor as defined by 8 U.S.C. §1324a and its regulations.

On-the-Job Injury - a sustained injury by accident, a mental injury, and/or occupational disease/illness arising out of and in the course and scope of employment with the District. Results of an on-the-job injury may include but is not limited to the need for medical treatment beyond first aid, loss of consciousness, disability, respiratory conditions, poisoning, and hearing loss.

Mental injury - a loss of mental faculties or a mental or behavioral disorder, arising primarily out of a compensable physical injury or an identifiable work-related event resulting in a sudden or unusual stimulus, and shall not include a psychological or psychiatric response due to the loss of employment or employment opportunities.

IV. POLICY STATEMENT

Memphis Shelby County Schools strives to provide a safe work environment, and all employees are expected to utilize safe work practices while on the job and/or performing assigned duties. While the District has elected not to provide workers' compensation, it shall be the policy of the Shelby County Board of Education to provide and pay for an on-the-job injury program (hereafter referred to as "OJI"). The OJI program is intended to cover approved medical expenses and lost wages incurred by employees as a result of an injury and/or illness sustained out of and in the course and scope of employment with the District. Work-related stress, anxiety, depression, or other mental illnesses shall not be covered under the District's OJI program unless directly caused by a physical injury sustained on the job.

Nothing in this policy shall be interpreted to modify or supersede requirements for employees eligible for reasonable accommodation under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA).

The following is intended to provide a general overview of the District's OJI program. The Board/District General Counsel (designee) shall be authorized to develop administrative rules and regulations, and other guidance as needed to implement this policy. Any additional detailed information regarding the OJI program shall be made accessible on the District's website.

A. Benefits

All benefits provided under the OJI program shall be coordinated with the Board's Group Health Plan, or any other personal insurance plan or group insurance plan if the employee has such coverage. No medical expense shall be paid for any on-the-job injury in excess of one (1) year unless otherwise approved by the Board/District General Counsel (designee).

Except as otherwise provided by law, continuation of an employee's salary/wages shall be provided at one hundred percent (100%) base rate of pay for the first two (2) months of disability and fifty percent (50%) base rate of pay after the first two (2) months for the remaining period of disability up to one (1) year. Compensation for lost income for any secondary job outside of employment with the District shall not be provided.

1. Employee injured in the course of employment by violent criminal act (T.C.A. 49-5-714)
Benefits provided for an employee absent from assigned duties as a result of personal injury caused by a physical assault or other violent criminal act committed against the employee while acting in the course and scope of employment with the District shall be provided in accordance with state law.
2. Substitute teachers and paid interns shall be eligible for OJI medical expense benefits only.
3. Non-District Work-Related Injuries
The District shall not provide OJI benefits for an injury or illness attributable to employment elsewhere.

B. Employment While on Leave for an OJI

Employees receiving benefits under this policy shall be prohibited from engaging in any employment that includes the nature and/or scope of physician restricted duties with the District.

C. Denial of OJI

Failure to abide by this policy and/or procedures set forth by the Board/District General Counsel (designee) may result in the denial of an OJI claim.

D. Appeal for OJI Benefits

Any denied claim for OJI benefits may be appealed to the Board/District General Counsel (designee) in accordance with administrative procedures. Such procedures, at minimum, must provide an opportunity for an employee to appeal a denial decision, in whole or in part, to a committee appointed by the Board/District General Counsel (designee).

E. Right of Subrogation and Offset

The District shall retain the right to recover some, or all costs expended on employee benefits if the OJI was caused by a responsible third party.

F. Sanctions

Any violation of policy, failure to abide by administrative rules and regulations/other guidance and/or falsification of information may result in disciplinary measures up to and including termination of employment and/or loss of benefits provided under this policy.

V. RESPONSIBILITY

A. The Board/District General Counsel is responsible for determining if this policy is followed.

Legal References:

1. T.C.A. 50-6-102
2. T.C.A. 50-6-106
3. T.C.A. 49-5-714

Cross References:

Administrative Rules and Regulations

Issued Date: 03/25/25

ON-THE-JOB INJURY (OJI)

GENERAL GUIDELINES

The following guidance is general in nature and is not intended to address all possible applications of, or exceptions to, the district's On-the-Job Injury (OJI) program. Any question concerning eligibility and additional requirements for OJI should be directed to the OJI Program Administrator at riskmanagement@scsk12.org.

A. Incident Notification

All OJIs, including minor injuries, should be reported by the employee.

- Injury or Exposure

Employees are responsible for (1) providing appropriate notification of a sustained OJI, including minor injuries, and (2) completing and submitting the employee accident report form to their supervisor. Unless prevented by disability from the injury, such notification should be provided immediately, but no later than twenty-four (24) hours after the incident. If the employee's immediate supervisor is not available, the injury should be reported to the next supervisory level. Failure to provide timely verbal or written (e.g., email) notice as required will result in denial of benefits provided under the District's OJI program.

The supervisor (designee) receiving the notification is responsible for (1) ensuring that the employee completes an accident report form and (2) submitting the report to the OJI Program Administrator immediately following receipt of the accident report form.

- Occupational Disease/Illness

Employees must report an occupational disease/illness to their supervisor within thirty (30) days from diagnosis.

B. Seeking and Receiving Medical Attention

Life Threatening Injury/Emergency

- Employees with a life-threatening OJI or injury that requires emergency medical attention should seek immediate treatment at an emergency room. Life threatening and emergency shall mean any injury that may result in the potential loss of life, limb, function of any part of the body, head injury, or where the employee is unconscious or is otherwise unresponsive.

Non-Life-Threatening Injury/Non-Emergency

- Employees with a non-life-threatening OJI that does not require emergency treatment but does require medical attention must be seen at the District's employee health clinic or a district-designated minor emergency clinic if the District's employee health clinics are closed.

- Initial medical treatment must be received within seven (7) days of the incident. Failure to seek medical treatment within seven (7) days of the incident may result in denial of the OJI claim. A claim may not be approved if the initial medical treatment was performed more than seven (7) days after the incident.
- Following initial treatment from the District's employee health clinic or other appropriate emergency medical facility, the District may determine whether subsequent treatment, including referrals to outside physicians or specialists, are deemed necessary.

C. Medical Treatment and Expenses

- If an employee experiences an OJI, the District shall require the employee to be examined by the District's employee health clinic and/or district-approved healthcare provider. In extenuating circumstances, exceptions may be provided. If the employee elects to receive treatment from their own doctor or seeks a second opinion, any expenses incurred will be the responsibility of the employee.
- Unless otherwise required by law, no medical expense shall be paid for any OJI more than one (1) year without prior District approval.

Provisions for employees injured while acting in the course and scope of employment with the District by a physical assault or other violent criminal act shall be provided in accordance with law.

D. Time Off from Work to Attend Scheduled Appointments

Appointments with healthcare providers should cause the least interruption to an employee's workday. A statement from the treating healthcare provider may be required if an employee is required to be absent for all or any portion of their assigned workday to attend a scheduled appointment/treatment.

E. Denial of OJI Benefits

OJI benefits shall not be provided for an OJI resulting from circumstances including but not limited to the following:

- intentional and willful misconduct
- violation of regularly communicated and enforced District rules (i.e., safety precautions)
- illegal drug or alcohol use (testing may be required at the discretion of the department responsible for human resources)
- work related stress and mental illness unless proximately caused by an OJI
- voluntary participation in physical fitness or recreational activities
- injuries suffered while in route to and from work, except when such travel was in the performance of District-assigned job duties
- aggravation of an earlier on the job injury or illness while off duty
- treatment by a healthcare provider who is not authorized under the District's OJI program

F. Cessation of OJI Benefits

OJI benefits will cease under one or more of the following conditions:

- Employee reaches the point of maximum medical improvement as indicated by the treating medical provider

- Employee is no longer employed with the District due to resignation, retirement, discharge, or death
- On the one (1) year anniversary of the OJI or the expiration of any extension of approved treatment
- Employee fails to follow the medical advice or instructions of the District-approved healthcare providers (e.g., failure to adhere to restrictions, attend scheduled appointments or treatments, and take prescribed medications or follow prescribed treatment as directed)
- Employee refuses to cooperate with prescribed treatment of the district-approved healthcare providers
- Employee chooses to terminate medical treatment
- Employee misses 2 consecutive or 3 total appointments during a single OJI claim without providing justifiable notification to the medical provider **and** the OJI Program Administrator

G. Appeals

- An employee whose OJI claim was denied or who disagrees with an OJI determination may elect to appeal the decision. Such appeal must be submitted in writing to the OJI Program Administrator within five (5) business days following receipt of the decision.
- Appeals submitted within the allotted time frame will be scheduled for a hearing with the Board of Appeal.

Board of Appeal

- The District's Board of Appeal shall be responsible for providing a fair and unbiased review of OJI decisions rendered by the OJI Program Administrator.
- The findings of the Board of Appeal shall be final on both issues of fact and interpretation of the District policy.
- The Board of Appeal shall be comprised of a minimum of three (3) individuals appointed by the Board/District General Counsel (designee), one (1) of which shall be a healthcare professional from the office responsible for coordinated school health.

H. Return to Work

An employee who has completed their physician-determined recovery period for an OJI and has been deemed medically unable to perform the full scope of their job duties or return to full duty must immediately notify the office responsible for human resources for additional guidance.