

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

7 – Other Benefits

7.01 SALE OF ANNUAL LEAVE

As part of the flexible benefit program, employees may elect to sell up to 50% of the annual leave they will accrue during the benefit year for the purchase of the following benefits available as a City of Knoxville payroll deduction: medical coverage, dental insurance, life insurance, cancer insurance, health care spending account, dependent care spending account, deferred compensation, accident insurance, and savings bonds. Employees may elect to sell annual leave only during the benefit enrollment period unless there is a change of life event. Leave must be sold in increments of one hour. Employees may not sell annual leave if they have a negative leave balance at the time of enrollment. Annual leave accrued and/or forfeited during previous benefit years may not be sold.

7.02 VOLUNTARY BENEFIT PROGRAMS

The City currently allows employees to have payroll deductions for certain voluntary insurance or benefit programs. For information on these programs, contact the Employee Relations and Benefits Office.

7.03 SERVICE RECOGNITION

Each year all benefit eligible employees who have completed 10, 15, 20, 25, and additional periods of service with the City shall be presented a Service Award. In addition, during each year in which an employee completes 25, 30, 35, 40 years, etc. of continuous service, one (1) entire day off shall be awarded to that employee.

Also, a Service Award shall be presented to employees at the time of their retirement in recognition of faithful service rendered to the citizens of Knoxville.

Calculations of years of service shall include deductions for time lost.

All recognition awards will be coordinated by the Office of Special Events.

7.04 DEATH OR DISABILITY IN THE LINE OF DUTY – UNIFORMED EMPLOYEES

Beneficiaries of uniformed employees who are killed in the line of duty are entitled to a \$25,000 benefit. Those provisions are stated in Section 2-358 of the City Code.

Death and disability benefits are provided through the U. S. Department of Justice for uniformed employees. This amount changes annually.

7.05 WORKERS' COMPENSATION

A. General Provisions

City of Knoxville employees are protected for injuries and occupational diseases that arise out of and in the course of employment in accordance with provisions of Tennessee's Workers' Compensation Act, Tennessee Code Annotated, Section 50-

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

7 – Other Benefits

6-101, *et seq.* Any City employee who incurs a work related injury will be provided all benefits required by the workers' compensation laws and regulations of the State of Tennessee. These benefits shall be determined and coordinated by the Claims Specialist, with assistance as needed from the Law Department in interpreting the applicable laws and regulations. The Law Department will have final determination of denial of benefits under the applicable laws.

Questions regarding workers' compensation benefits should be referred to Risk Management. Employees may contact the City Claims Specialist at 215-2254. Employees may also contact a State of Tennessee Workers' Compensation Specialist by phoning 1-800-332-2667 for information about the requirements of the State laws and regulations.

It is a crime to knowingly provide false, incomplete or misleading information to any part of a workers' compensation transaction for the purpose of committing fraud. An employee who knowingly provides false, incomplete or misleading information as part of a workers' compensation claim will be subject to disciplinary action up to and including termination and may be subject to criminal prosecution. A City employee who reports a work related injury or makes a claim to receive workers' compensation benefits is subject to investigation and surveillance, including the use of video recording.

B. Reporting and Treatment of Work Related Injuries

If emergency medical care is needed as a result of a work related injury or occupational disease, such care shall take precedence over the notice procedures set out below. Supervision and the Risk Management Office shall be notified as soon as practical of any emergency medical care, and a City of Knoxville Report of Work Injury/Illness Form shall be completed and forwarded to the Risk Management Office as soon as practical by the employee or supervisor if the employee is not available.

Except when emergencies do not permit, the employee must immediately report all claims of work related injury or occupational disease to the employee's supervisor and submit to the supervisor a City of Knoxville Report of Work Injury/Illness within one (1) working day. The employee's department shall forward the report to Risk Management. The Report of Work Injury/Illness must be provided to or completed at The Employee Health, Education and Wellness Center ("The Center") when presenting for injury triage. Failure to promptly report injuries can cause difficulty in obtaining treatment or payment for treatment can be detrimental to approval of some or all benefits, and/or can result in disciplinary action.

After notifying the appropriate supervisor, during normal business hours the injured employee should report to The Center for injury triage. When immediate treatment is not necessary, employees should telephone The Center at 215-6150 to determine an efficient time for the visit. The Center will document the injury and provide first aid or medical treatment, which may include providing the employee a panel of at least three (3) physicians approved by the Risk Management Office from which the employee may choose for treatment.

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

7 – Other Benefits

While an employee may seek treatment from any provider, the City is not responsible for any cost of treatment from a provider not approved by the Risk Management Office. If the employee is later referred to other medical specialists, these must be selected from a panel approved by the Risk Management Office in order for the City to be responsible for the cost of such treatment. Prescription medications, physical therapy and any other services for treatment of work related injuries must also be received from providers approved by the Risk Management Office. Since The Center provides treatment for injuries which are not work related as well as injuries which are work related, it is the employee's responsibility to verify that any referral by The Center is to a provider approved by the Risk Management Office for treatment of work related injuries. Misunderstandings between The Center and employee regarding whether a condition is work related do not relieve the employee of the responsibility to verify medical providers are approved by the Risk Management Office.

C. Supplemental Temporary Total Disability Benefits

These procedures shall become effective beginning with injuries incurred January 1, 2009 or later.

When the treating physician assigns a regular full-time employee physical restrictions due to a work related injury for which the City does not provide the employee (1) meaningful work (including modified work), (2) the same annual pay rate (excluding overtime and other supplemental pay), and (3) that is compliant with such restrictions, if the employee is fully cooperative with the injury treatment process, releases all treatment information regarding the injury to the City Claims Specialist and case manager and allows the Claims Specialist and case manager to communicate with the employee's workers' compensation health care providers, the employee may be provided supplemental temporary total disability benefits beyond those required by State law or regulation, as follows:

- (1) Temporary total disability benefits may be increased for up to 180 calendar days to match the employees' net pay (less taxes) level prior to the injury.
- (2) Temporary total disability benefits may be paid from the first day of total disability following the date of injury.
- (3) Following an absence of greater than 180 calendar days, if the employee returns to full duty for 90 calendar days the supplemental benefits in item (1) shall be provided for the full period of temporary total disability.
- (4) Any period for which supplemental temporary total disability benefits are provided per paragraph (1) shall be treated as a period of paid leave for purposes of retirement credit and leave accrual. Periods for which supplemental temporary total disability benefits are not provided shall be treated as a leave of absence for purposes of retirement credit and leave accrual. If an employee returns to work per paragraph (3) and supplemental benefits are restored, retirement credit (contingent upon the employee making pension plan contributions for any time greater than 180 calendar days) and leave accrual shall also be restored.

For the first seven (7) calendar days following the injury, meaningful work shall be any work (1) for which the employee has adequate skills and knowledge, (2) that is

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

7 – Other Benefits

not significantly more physically or mentally challenging than the employee's regular job responsibilities, (3) that provides some benefit to the City, and (4) that a reasonable person would not consider inherently demeaning or punitive. After seven (7) calendar days, meaningful work shall additionally include (5) that the majority of the work time must be spent in activities that meaningfully contribute to the mission of the City. Fire department shift employees who are provided work on a forty (40)-hour per week basis will have their hourly wage adjusted to equal their regular annual salary rate. Meaningful work may be within any department or division of the City that meets the above requirements.

Modified work (also known as alternative work or light duty) is temporary job responsibilities that exclude one or more of the essential functions of the employee's regular job duties.

Physical restrictions shall mean medical restrictions that identify the specific physical activities the employee is to avoid on a twenty-four (24) hour per day basis. Restrictions that are vague or that primarily apply only to City job responsibilities (as opposed to activities twenty-four (24) hours a day) must be clarified before supplemental benefits will be provided.

Supplemental benefits may be denied or suspended if an employee fails to cooperate with, falsifies information to or attempts to otherwise mislead a treating physician, supervisor, case manager, Claims Specialist or any other individual involved in the administration and provision of workers' compensation benefits or the employee's employment. Failing to cooperate includes not releasing all treatment information regarding the injury to the City Claims Specialist and case manager, not allowing the Claims Specialist or case manager to communicate with the employee's workers' compensation health care providers or denying or avoiding case manager access during medical appointments. Supplemental benefits may also be denied or suspended if an employee fails to remain readily accessible and available for any treatment and for any work that may be provided during a period for which temporary total disability benefits are being provided. This includes not remaining accessible for telephone and/or personal contact during normal business hours.

The Claims Specialist shall determine and administer supplemental benefits. An employee who disagrees with the Claims Specialist's determination of supplemental benefits may appeal in writing to the Law Director. The Law Director shall have sole discretion to interpret this policy as regards supplemental benefits, and the decision of the Law Director regarding appeals of supplemental benefits shall be final and non-grievable pursuant to Administrative Rule 12.03.

D. Employee Responsibilities During Temporary Total Disability

An employee who accepts temporary total disability benefits for a work related injury by their acceptance of such benefits affirms that they are totally disabled from performing meaningful job responsibilities. The employee shall refrain from any activity that could aggravate their injury or hinder their recovery. During regular business hours for the period of temporary total disability, the employee shall remain within the Knoxville area, remain accessible by telephone during business hours, and

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

7 – Other Benefits

available for alternative work within his/her restrictions and/or any and all treatment of the injury(ies). The Claims Specialist can approve reasonable exceptions to remaining within the Knoxville area. Failure to comply with this section may be cause for discontinuing supplemental benefits and/or may be considered a violation of City policy and subject to appropriate disciplinary action. Failure to comply with this section may furthermore be evidence of fraud or abuse and subject to disciplinary action up to and including termination.

E. Permanent Partial Disability Benefits

If an employee or his/her attorney has informed the City that the employee is represented by an attorney regarding his/her work related injury, the City will not negotiate directly with such employee regarding permanent partial disability benefits. When an employee who is not represented by an attorney is declared by the treating physician to be at Maximum Medical Improvement (MMI) and assigned a Permanent Disability Rating, the City will promptly contact such employee regarding any permanent partial disability benefit. If the employee is not restricted from performing the essential functions of their pre-injury position or job family, the City will offer the employee a benefit based on 100% of the disability rating using the formula established by Tennessee law.

7.06 LONG TERM DISABILITY

A. General Provisions

The City of Knoxville provides long term disability coverage to all regular full-time and regular part-time employees working thirty (30) hours or more per week, the City Judge and the Mayor. Additional information about employee eligibility may be obtained from the Employee Relations and Benefits Office.

B. Cost

The City pays the entire cost of long term disability coverage for all eligible employees.

C. Enrollment

Employees eligible for coverage will automatically be enrolled for coverage on the first day of the month after they have completed sixty (60) days of employment.

Employees who have been laid off and are reinstated within two (2) years of lay-off will be eligible for coverage effective the first day the employee returns to work. Employees who are re-employed anytime after they are legally terminated either by resignation, retirement or discharge will be covered the first day of the month after they have completed sixty (60) days of employment after being re-employed.

D. Coverage During Periods of Extended Leave or Absence

See Rule 8 of these Administrative Rules and Regulations

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

7 – Other Benefits

E. Coverage During Workers' Compensation Temporary Disability

See Rule 8.07 of these Administrative Rules and Regulations

F. Coverage When Terminated or Laid-off

Long term disability coverage will terminate when an employee terminates employment.

7.07 LIFE INSURANCE

A. General Provisions

The City of Knoxville provides basic life insurance of \$50,000. Employees eligible for this benefit must be regular full-time or regular part-time working at least thirty (30) hours or more per week, the City Judge or the Mayor. The basic life insurance coverage reduces at certain ages.

Supplemental coverage on the employee as well as coverage for the spouse, domestic partner, and/or dependent children of the employee may be selected at the employee's expense.

B. Cost

The City pays the entire cost of the basic individual life coverage for all eligible employees. Additional coverage is available at the employee's expense.

C. Enrollment

Coverage for eligible employees will begin on the first day of the month after they have completed sixty (60) days of employment except as provided otherwise in Rule 5.18 of these Administrative Rules and Regulations.

Employees who have been laid off and are reinstated within two (2) years of lay-off will have the choice of being re-enrolled as eligible for coverage effective the first day the employee returns to work in the benefits they were enrolled in before the date of lay-off or of being enrolled as a new employee. Employees who are re-employed anytime after they are legally terminated either by resignation, retirement or discharge will be enrolled as a new employee.

D. Coverage During Periods of Extended Leave or Absence

See Rule 8 of these Administrative Rules and Regulations.

E. Coverage During Workers' Compensation Temporary Disability

See Rule 8.07 of these Administrative Rules and Regulations.

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

7 – Other Benefits

F. Coverage When Terminated or Laid-off

Life insurance coverage will terminate on the day an employee terminates employment unless the employee qualifies for waiver of premium under the terms of the policy in effect on the date the employee became disabled. Conversion to a private policy may be available under terms of the policy then in effect.

G. Spouses or domestic partners working for the City

Each employee is given individual coverage. Only one member of a family may carry child coverage and neither employee may carry coverage on the other employed spouse or domestic partner.