EXHIBIT "1"

Rutherford County Government and Board of Education
On the Job Injury Program
Plan Document

Purpose:

To provide uniform procedures for the reporting, treatment, and compensation of qualified individuals who are injured while performing their duties. As provided for in Tennessee Code 50-6-106(6), Rutherford County (hereinafter "the County") has elected to not participate in the Tennessee Workers Compensation Law and the County has elected to implement and administrate an On the Job Injury Program (hereinafter OJI).

Qualified Individuals

Full-time employees, Part-time employees, Temporary and Seasonal employees, full-time Elected and Appointed Officials.

Policy Statement

To provide for the payment of medical, lost work time and death compensation for qualified individuals who suffer injury or occupational illness, or on the job injury resulting in death during the performance of their specific job duties, in accordance with the rules and regulations of this program.

Procedure

Effective January 1, 2009 it will become the practice of Rutherford County to treat qualified injuries or illnesses that occur during the scope and course of employment as On the Job Injuries (OJI)'s.

Objectives

1. To comply with all applicable federal, state, and local health and safety regulations.

2. To provide a work environment as free as possible from recognized hazards.

3. To prevent injuries, illnesses and death on the job and to reduce the seriousness of similar future claims.

4. To provide for the payment of medical expenses, death benefits and lost work time compensation for qualified individuals who suffer injury, occupational illness or death during the performance of their duties.

Administration

The OJI program will be administered under the direction of the Safety Coordinator within the Risk Management Department, under which these rules, procedures, and guidelines are established.

This policy, as with all policies adopted by Rutherford County, may be subject to revision, change or modification as deemed necessary from time to time. **The online version of this program is official. Therefore, all printed versions of this document and any summaries thereof are unofficial copies.**

Benefit

All full-time employees as recognized within a standard employee/employer relationship (including introductory employees) and full-time elected or appointed officials of Rutherford County shall receive 2/3rds of salary average over the past 52 weeks provided there is medical documentation from a county-designated physician stating that it is medically necessary for the qualified individual to remain off work due to an OJI, or to undergo therapy in relation to an OJI. For continued time off work for an OJI, there must be provided medical documentation from a county-designated physician stating that it is medically necessary for the qualified individual to remain off work due to an OJI every 30 calendar days thereafter until released. You will not receive OJI pay for days you are not scheduled to work. Upon receiving medical notification to remain off work, the qualified individual will continue to accrue sick, annual, compensatory or holiday leave time, unless precluded by a collective bargaining agreement, for a period of six (6) calendar months . FMLA and all other leave policies, as per County Policy Handbook, will run concurrently with the OJI Program. The maximum amount of compensation will not exceed six (6) calendar months. After six (6) calendar months of compensation have been exhausted, the qualified individual shall seek income replacement from the County sponsored Long Term Disability insurance. The qualified individual may use his/her remaining accumulated sick, annual, compensatory or holiday time leave until maximum improvement is reached, however, notwithstanding any other provision herein, the total maximum period of any benefits payable for any type of an OJI (not including Long Term Disability benefits) shall not extend beyond one (1) calendar year from the date of injury or illness or 1 year from the date of the last surgery related to the injury or illness.

Currently Rutherford County provides a Long Term Disability (LTD) policy for all qualified employees working fifteen (15) hours or more per week. For definitions, criteria, and/or eligibility please see the applicable insurance agreement, which is maintained by the Risk Management Department.

If the qualified individual cannot return to his/her job, and is totally and permanently disabled, and there is no job available within the County for which the individual qualifies, then the employee will be separated from employment with Rutherford County.

Part-time qualified individuals (those working 15 or more hours per week, Sunday through Saturday) of Rutherford County shall receive 2/3rds of salary average over the past 52 weeks, not to exceed six (6) calendar months of benefits provided medical documentation from a county-designated physician stating that it is medically necessary for the qualified individual to remain off work due to an OJI every 30 calendar days

thereafter until released. The salary will be based on the amount the qualified individual would have received had he/she worked the scheduled hours. The maximum amount of compensation will not exceed six (6) calendar months. After six (6) calendar months of compensation have been exhausted, the qualified part-time individual shall seek income replacement from the County sponsored Long Term Disability insurance. The qualified part-time individual may use his/her remaining accumulated sick, annual, compensatory or holiday time leave (if any) until maximum improvement is reached, however, notwithstanding any other provision herein, the total maximum period of any benefits payable for any type for an OJI (not including Long Term Disability benefits) shall not extend beyond one (1) calendar year from the date of injury or illness or 1 year from the date of the last surgery related to the injury or illness. At the end of the 12-month period from the date of the injury or illness, the qualified individual will be separated from employment with Rutherford County, if unable to return to regular duties.

Temporary or seasonal qualified individuals of Rutherford County shall receive 2/3rds of average earnings for an OJI or illness as described for part-time employees, except that the period of time for which they may receive compensation will not exceed the period of time for which they originally worked, and the compensation will be based on the hours per pay period they would have worked. In determining the maximum duration of OJI benefits, the County will count these days or parts of days actually worked over the one year prior to the report of injury. Not withstanding any other provision herein, the total maximum period of any benefits payable of any type for an OJI (not including Long Term Disability benefits) shall not extend beyond one (1) calendar year from the date of the injury or illness or 1 year from the date of the last surgery related to the injury or illness.

Claims of work related aggravation of a pre-existing condition must be medically documented by a County designated physician to be primarily related to a specified work task or essential function as per the employee's job description. The mere manifestation of symptoms or medical conditions which are present during the completion of a qualified employee's specific work task do not indicate an aggravation of an existing or pre-existing injury, unless medical documentation substantiates a new injury resulting from the performance of work as described in the employee's job description. To receive OJI benefits, records must be obtained by the injured employee from the previous treating physician, regarding the existing medical conditions.

This OJI policy also covers reserve deputies, rescue squads and volunteer firefighters for qualified medical only.

All certified law enforcement officers, correctional officers and emergency responders diagnosed with diseases of the heart and hypertension, are presumed (unless the contrary is shown by competent medical evidence) to have contracted these diseases or conditions in the scope of their employment.

Certified law enforcement officers, correctional officers and emergency responders who choose to have such conditions treated as an OJI must submit a report of such a condition to the Risk Management Department within five (5) calendar days of receipt of diagnosis from his/her physician. If this option is not chosen by the certified law enforcement

officer, correctional officers or emergency responder, the condition will be eligible for treatment under the County Health Insurance plan if that individual is enrolled.

The Risk Management Department will send a written release of information, copy of the Tennessee Code 7-51-201(a)(1) and a copy of the certified law enforcement officer, correctional officers or emergency management responder's job description to the County designated physician within three (3) regular business days of receipt.

The Risk Management Department will review the County designated physician's reply and make a recommendation regarding the processing of the claim. If further medical information is required, Rutherford County may obtain a 2nd and/or 3rd opinion by a physician designated by Rutherford County.

RULES

1. All injuries and/or illnesses, on the job, whether requiring medical attention or not, must be reported to the supervisor immediately or within the current working shift after such occurrence. An exception to the injury and/or illness reporting requirement shall be made if the circumstances of the injury and/or illness are such that the employee does not have reason to know of the injury and/or illness at the time it occurs and if there is independent evidence regarding the injury and/or illness that supports making such an exception. However, in no event will such exception be made if the injury and/or illness is not reported within three (3) calendar days from the date of injury.

2. Supervisors must call in notification of an OJI to the Risk Management Department within one (1) working day from the date of occurrence. Non-compliance with this rule may cause the cost of any injury to be deducted from the budget of the affected department.

3. Completed reports of injuries and/or illnesses and other documentation must be filed with the Risk Management Department by the employee on all injuries, accidents and/or illnesses whether medical treatment is necessary or not, within two (2) working days from the date of the event. The Safety Coordinator or designee (OJI Representative) will complete and sign off on all reports of injuries, accidents and/or illnesses.

4. Qualified individuals must report to their supervisor all potentially unsafe conditions, and any hazardous or safety violations which could contribute to or result in injuries and/or illnesses to employees or others.

5. Qualified individuals will practice safety awareness and exercise good judgment and common sense in the performance of their jobs and while on County premises and/or job locations. Everyone also has a moral as well as a legal responsibility to ensure that their physical/emotional conditions are such that they have the mental clarity and physical ability to perform assignments, responsibilities and duties as related to their jobs.

6. Qualified individuals shall receive treatment only at authorized County designated facilities. Any non-authorized treatment will be at the employee's own expense except for unavoidable emergency situations. . Once the patient is stabilized the County has the right to direct or relocate the qualified individual to a designated health care provider or facility. Notification will still need to be made to the Risk Management Department. Non-authorized treatment will void any future OJI benefits for this specific claim.

7. Qualified individuals shall follow all orders given by a County designated physician, including but not limited to: using prescribed and non-prescribed medications properly; participating in physical exercise or therapy programs; adhering to prescribed dietary programs; the keeping of appointments; and limiting themselves to any restrictions ordered by the physician both at work and at home. Failure to keep scheduled appointments or comply with physician's orders could result in termination of benefits.

8. When OJI benefits are paid to or on behalf of the qualified individual due to or caused by circumstances creating a legal liability against some other person or entity other than the employer, and the injured individual or his/her personal representative has the right of action against a third party, the County claims a first dollar right of subrogation to the extent of the OJI benefits paid. In such cases, the qualified individual is required to sign a subrogation agreement. If the qualified individual or others on his/her behalf, then recover costs from the third party by judgment, settlement or otherwise, the County shall have the right of first recovery. By acceptance of said benefits herein, the qualified individual agrees to assign to the County his/her rights of recovery against said third parties and the establishment of a lien against such recovery for which the County may intervene to enforce the same.

9. When a covered claim has met the conditions for cessation of benefits, any request to re-open the claim by the injured employee is at the discretion of the Risk Management Department.

Exclusions

1. All injuries and or illnesses that occur during the qualified individual's hours of work may not qualify for OJI. All non-occupational injuries or illnesses not qualifying for OJI should be presented to the medical insurance carrier, if applicable, for payment according to the then in-force rules and regulations of that program. The Safety Coordinator or OJI representative will make determination of questionable injuries or illnesses.

2. Injury or illness resulting from the adverse effects of prescription or over-the-counter medications (as determined by County designated physician) not related to an on-the-job injury or illness.

3. Injury or illness resulting from alcohol or from unlawful use of drugs (as determined by County designated physician).

4. Misconduct, including horseplay.

5. Intentional or self-inflicted injury even as a result of a medical or mental condition.

6. Failure or refusal to use safety devices and/or personal protective equipment as outlined in the County Safety Manual as amended from time to time, failure to perform duties as required by law, or failure to follow general safety precautions in performing ones duties.

7. On the job injuries or illness aggravated by any activity while off-duty.

8. Injuries suffered while traveling to and/or from work, except when such travel is in the performance of the employee's duties driving a personal or County-owned vehicle. "To and from work" is defined as beginning when you enter your work space and leave your work space; injuries or illnesses sustained while getting in or out of your vehicle or in a county parking lot coming to or leaving work are not covered.

9. Health conditions which are attributed to degenerative conditions.

10. Participation in physical fitness or recreational activities UNLESS the activity is part of an organized program approved by the Department Head AND the employee's participation is made mandatory by the Department Head. Voluntary participation in such activities is covered neither during work hours nor during off-duty hours.

11. Use of articles, objects, or appliances for climbing or lifting that are not intended and/or adequate for those specific purposes.

12. Benefits will not be provided for personnel who choose to work when directed not to do so.

Rutherford County will require injured employees to submit to a drug and alcohol test. A positive drug or alcohol test will result in a presumption that intoxication or drug use was the proximate cause of the injury or accident, such that compensation under this Policy is not payable. In regards to diluted results, employees will be required to retest. Certified and classified Board of Education employees are subject to OJI rules except as provided by federal and state legislation, federal and state regulations, and Board of Education policies and procedures.

Cessation of OJI Benefits

Benefits for OJI will cease when one or more of the following conditions are met:

1. Termination of employment with Rutherford County either by resignation, retirement, discharge, or death, except for coverage provided by an insurance policy specifically designated to continue after such event.

2. Failure to follow medical advice of County designated physician or OJI instructions.

3. Acceptance of employment with another employer.

4. Upon completion of medical treatment.

5. Upon return to work, or directive to return to work without restrictions by treating physician.

6. When the point of maximum medical recovery has been reached as determined by County designated physician.

7. Seeking treatment with medical provider(s) not authorized by the Risk Management Department, except for unavoidable emergency situations.

8. Medical treatment not sought within seven (7) calendar days after the date of injury, unless it is shown by clear and convincing evidence that the condition is a covered condition under the provision of this program.

9. Inactivity of 30 consecutive calendar days of last County designated physician visit, unless under continuing treatment.

10. After the passing of one (1) calendar year from date of initial claimed injury (does not apply to Long Term Disability benefits) or 1 year from the date of the latest surgery.

Right of Offset of Payments

In the event of an action to recover for personal injury action against the County by a qualified individual or personal representative of such individual, all OJI benefits paid to qualified individuals incurred through a work related injury, illness or death shall be disclosed to any court, and the amount of all such benefits paid shall be deducted from any award against Rutherford County in favor of the qualified individual in any litigation arising from the occurrence of any such work related injury, illness or death.

Medical Treatment Centers

In the event that an OJI occurs that is deemed life-threatening such as: Heart attack, stroke, poisoning, convulsion, serious breathing difficulty, unconsciousness, major lacerations, smoke inhalation, head injuries or other acute conditions which would lead to disability or death if not treated, employees are to seek treatment at the nearest emergency medical facility or that facility selected by the medical emergency transport responders.

For OJIs that are not emergencies such as referenced above, and where medical treatment is necessary, employees are to seek assistance at one of the authorized treatment centers (see Panel of Physicians). These are the ONLY authorized treatment centers for OJI injuries and/or illnesses. When specialized treatment is required, the injured employee will be presented a panel of specialist physicians from which to choose for further medical care. No other treatment centers will be compensated for any OJI related treatment without prior approval from the Risk Management Department.

Light Duty Assignments

When the County designated physician allows the employee to return to work on an unspecified "light" or "restricted" duty assignment, the Risk Management Department /Safety Coordinator will contact the physician to determine how light or restricted duty is defined in terms of what can and cannot be done, and anticipated length of time the employee may be expected to remain in said status. Approved modified duty assignments are temporary in nature, and will not be permanent job modifications.

Discretionary judgment decisions as to whether there is a temporary "light" or "restricted" duty assignment available will be made by the Department Head on a case by case basis. The County will not discriminate on the basis of disability or any other protected status, and will comply with applicable federal and state law with regard to issues of alternative duty, restricted duty, or reasonable accommodations.

Death

In the event a regular full-time county employee suffers an OJI, which results in that employee's death, then the employee's surviving spouse or beneficiary shall be entitled to a lump sum death benefit of $75,000. In accidental deaths, the $75,000 combined with the $70,000 accidental death benefit provided by the County's life insurance will provide a total benefit of $145,000. In certain cases, a death that is determined to be work related may not be considered accidental. In those cases the death benefit will be a $75,000 lump sum from the County combined with the County's $35,000 life benefit for a total of $110,000.

In the event a regular part-time County employee suffers an OJI, which results in that employee's death, then the employee's surviving spouse or beneficiary will be entitled to a lump sum death benefit of $75,000.

Loss Reporting

When a work related injury occurs, the supervisor must be notified immediately or within the injured employee's current working shift. The supervisor must then call-in notification to the Risk Management Department within one (1) working day. The injured employee will file the completed Report-of-Injury form and other documentation with the Risk Management Department and to the attention of the Safety Coordinator or OJI representative within two (2) working days from the date of the event.

Rutherford County will contract with a third-party administrator ("TPA") to administer benefits, compensation and medical services claims provided by and consistent with this policy.

All work-related injuries and/or illnesses must be reported to the Risk Management Department as described above to ensure prompt processing of claims by the TPA. For all medical treatment, unless necessary for life-threatening or similar emergency situations, notification must first be submitted to the Risk Management Department. Employees must notify all medical providers prior to receiving treatment that the treatment is for a work-related injury or occupational illness, and that all bills for medical and related services, as well as correspondence, must be sent to Rutherford County's TPA.

OJI Review and Appeal Process

In the event that an OJI claim is denied, the denial determination may be reviewed and appealed through a two (2) tier process:

1. If the employee disagrees with, disputes, or does not understand any determination regarding benefits, compensation or medical services decisions under this OJI policy, the employee may seek a review of the determination in question. A review must be requested in writing by the employee on a form available from the Risk Management Department. The review must be requested within ten (10) calendar days following the employee's notification of the determination which is questioned or disputed.

   Upon receipt of an employee's written request for a review, the Safety Coordinator will schedule a meeting within ten (10) calendar days.

   The review consists of a meeting between the employee and the Safety Coordinator (or OJI Representative). At this meeting, these persons will discuss the facts and review all available information related to the claim and the claim determination; will delineate the question(s) or dispute(s); and will engage in a discussion in an attempt to answer the questions and/or resolve the disputes by agreement. The Safety Coordinator (or OJI Representative) will explain the employee's rights under this OJI policy in a manner which will permit the employee to make informed decisions, and will attempt to reach a mutual agreement resolving any dispute.

   Participation in the review is a requirement before any further appeal will be considered. If the employee fails or refuses to timely initiate or participate in the review, then the initial claim determination shall be final and binding.

2. If the matter is not resolved during step one, the individual may file an appeal, in writing, with the OJI Appeals Committee within ten (10) calendar days of receipt of the Safety Coordinator's decision. The OJI Appeals Committee will consist of the Risk Management Director (chairperson, voting only in the absence of one of the other members), the Human Resources Director or Human Resources Coordinator of the County division that employs the individual, an Insurance Committee Representative (at large) and an Insurance Committee Representative or designee of the County division that employs the individual (i.e. County General, Highway,

Sheriff or Schools). The Committee will meet with the individual seeking OJI benefits. The individual has the right to have present family members, friends, counsel, or a designated representative, the opportunity to present evidence, call witnesses, and examine witnesses. (In order to provide a timely appeal and decision by the Committee a complete list of all individuals attending the hearing on the individual's behalf must be submitted to the Risk Management Director 5 days prior to the hearing). The Committee will receive the information and make its decision on the submission of such materials, statements, and evidence. The Committee will notify the employee of its decision within thirty (30) calendar days of receipt of the individual's written notice of appeal. The decision of the Committee will be final.

3. The above steps complete the Rutherford County OJI Program review and appeal process. The review and appeal process must be exhausted prior to filing for any Judicial Review to which the employee may be entitled.

OFFICIAL DOCUMENT
APPROVED BY THE RUTHERFORD COUNTY COMMISSION
EFFECTIVE DATE: September 2013

Ernest Burgess, County Mayor

APPROVED AS TO FORM:

James Cope, County Attorney

State of Tennessee, County of Rutherford
The undersigned, County Clerk of said County and State, hereby certifies that the foregoing is a true and correct copy of the original document filed in the Office of the County Clerk.
This 24 day of September, 2013
Lisa Crowell, Rutherford County Clerk
By: _____ Deputy Clerk

RUTHERFORD COUNTY CLERK SEAL TENNESSEE