



Workers Compensation

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Workers Compensation

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City governments are among the few employers that do not automatically have to provide workers' compensation to employees. Cities may voluntarily agree to come under the state's Workers' Compensation Law. Coverage becomes effective 30 days after a city files a written notice with the commissioner of labor. Information regarding the Workers' Compensation Exemption Registry can be found here [1].

A city may choose to provide workers' compensation coverage only to certain departments. T.C.A. §§ 50-6-101, et seq. Effective July 1, 2000, employers with more than 250 employees must file employee information on magnetic media. T.C.A. § 50-7-404(c) (3)-(4).

If a city elects to provide workers' compensation and a claim is filed, the employer is required to submit a wage statement to the court within 60 days of answering the complaint. The statement must detail the employee's wages for the previous 52 weeks unless the employer stipulates that the maximum rate applies. T.C.A. § 50-6-225(c).

Actions for recovery are limited to one year from the date of the accident unless the employer makes voluntary payments within that period. In that event, an action for unpaid compensation may be filed one year from the last medical treatment resulting from the accident or from the date of the last voluntary payment, whichever is later. T.C.A. § 50-6-203.

Coverage may be canceled at any time by giving written notice. Designated city departments or divisions may be covered or canceled on a selective basis. T.C.A. § 50-6-106(5).

Workers compensation - General Rules

The rules state [2] that employees who have suffered a compensable injury, meaning that the authorized treating physician has determined it to be work-related, may be entitled to receive the following:

- Disability Benefits
 - Compensation for compensable injuries
 - Weekly benefits
- Medical Benefits
 - Medical treatment, at no cost to the employee: This treatment must be provided for as long as required by the authorized treating physician.
 - Reimbursement for mileage to and from medical treatment may be requested if travel exceeds 15 miles.
- Permanent Disability and Final Settlement
 - Scheduled injuries
 - Reconsideration of a Permanent Partial Disability settlement
- Death Benefits

An employee taken off work by the authorized treating physician for less than 14 days is not entitled to temporary disability benefits for the first seven (7) days of work missed. If the authorized treating physician requires the injured employee to miss more than 14 days; however, benefits are due from the first day of disability. Temporary disability benefits are usually two-thirds (2/3) of the injured worker's average weekly wages earned during the 52 weeks prior to the injury.

Compensation payments for a compensable work-related injury or illness must be received by the injured employee no later than **fifteen (15) calendar days** after the notice of injury. Unpaid or untimely paid benefits may be subject to a penalty.

Workers compensation reform effective July 1, 2014

Public Chapter No. 280 of the 2013 General Assembly enacted the Workers Compensation Reform Act of 2013. The legislation completely overhauled the state's workers compensation provisions by transferring jurisdiction over workers compensation from the courts to a new state agency. Under the new provisions an injury, to be actionable, must arise "primarily out of and in the course and scope of

employment" which is defined to mean that by a preponderance of the evidence, the employment has been shown to have contributed more than 50 percent in causing all causes. The major provisions of the new law took effect July 1, 2014. Regulatory guidelines for the diagnosis and treatment of commonly occurring workers compensation injuries adopted by Workers' Compensation Administrators was effective January 1, 2016.

The Act (SB200/HB194) made a number of changes to the worker's compensation system. Some of the changes included:

- Administrative and Procedural Changes
 - Created the Division of Workers Compensation within the Department of Labor and Workforce Development;
 - Moved adjudication of workers' compensation claims to an administrative system from a court-based system;
 - A mediation and ombudsman program now assist parties in resolving disputes outside of the formal hearing process;
 - Replaced the remedial nature of the law by applying a requirement that the law be "construed fairly, impartially, and in accordance with basic principles of statutory construction" and not "remedial or liberally," without favoring either the employee or the employer."
- Compensability Changes
 - To be compensable, the law requires that the injury primarily arise out of and in the course and scope of employment.
- Medical Changes
 - Access to medical records is simplified.
 - Established a Medical Payment Committee
 - Established a Medical Advisory Committee
 - Established a conclusive presumption of maximum medical improvement when the treating physician ends all active medical care and the only care provide for is the treatment of pain.
- Indemnity Changes
 - Disability benefits are calculated on a "body as a whole" basis.
 - Duration of Temporary Partial Disability benefits extended
 - Current Partial Disability multiplier replaced with a multipliers based on age, education and unemployment rate.

Links:

[1] <https://sos.tn.gov/products/business-services/workers-compensation-exemption-registry-faqs>

[2] <https://lwdsupport.tn.gov/hc/en-us/articles/202846764-What-is-an-injured-employee-entitled-to->

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