Bartlett City Board of Education		5014.3
Descriptor Term: **PHYSICAL ASSAULT OF SCHOOL EMPLOYEES**	Descriptor Code: **Personnel**	Issue Date: **04/24/2014**
	Rescinds:	Revised: **11/19/2015** **07/25/2024**

Any BCS employee who is physically assaulted, as defined by T.C.A. §39-13-101, by a student has the right to file a report with the Bartlett Police Department.[1] BCS shall support and assist any employee who is assaulted by a student in prosecuting the student who committed the assault, and shall encourage the prosecuting attorney to request that the court prohibit the student from attending school-sponsored events for a time the court deems appropriate as part of the sentence for the offense.[2]

Physical Assault Pay and Benefits

1. A BCS salaried employee, who is absent from assigned duties as a result of personal injury caused by physical assault or other violent criminal acts committed in the course and scope of the employee's employment duties, shall be paid the employee's full salary and full benefits until the employee is released by the employee's physician to return to work or is determined by the employee's physician to be permanently and totally disabled from returning to work, or one (1) year after the injury, whichever occurs first.

2. A BCS hourly employee, who is absent from assigned duties as a result of personal injury caused by physical assault or other violent criminal acts committed in the course and scope of the employee's employment duties, shall be paid an amount representing the average number of hours the employee works for BCS per pay period and the employee's full benefits until the employee is released by the employee's physician to return to work or is determined by the employee's physician to be permanently and totally disabled from returning to work, or one (1) year after the injury, whichever occurs first. An hourly employee is not eligible to receive the continued pay and benefits described above if the employee has been employed by BCS for less than one (1) full pay period.[3]

If, at the time of the personal injury, the BCS employee is eligible for workers' compensation or other similar type of benefits, then the employee must file a claim for those benefits. Notwithstanding paragraphs one (1) and two (2) above, if an employee receives benefits under a workers' compensation or similar type benefit while the employee is on leave, then the district shall pay the employee the difference between the employee's full salary or average pay, as applicable, and the workers' compensation or similar type benefits received by the BCS employee.[4]

An employee on leave shall not receive more than the employee's full salary or average pay, as applicable, and full benefits the employee is eligible to receive as set forth above.

[1] T.C.A. §49-6-3401(j)
[2] T.C.A. §49-6-3401(j)
[3] T.C.A. §49-5-714(a)
[4] T.C.A. §49-5-714(a)(2)

A leave of absence for personal injury resulting from an assault or other violent criminal act shall not be charged to the employee's sick leave, personal leave, or professional leave accumulated or granted pursuant to this part, if such leave is applicable or available to the employee.

An approved leave of absence for personal injury resulting from an assault or other violent criminal acts shall not be charged to the employee's sick leave, personal leave, or professional leave accumulated or granted pursuant to state law.

"Full benefits", as used in this Policy, means the benefits the employee was receiving from BCS when the employee was placed on leave due to the employee's personal injury.

Physician Statement[5]

A signed statement listing the cause of the absence shall be provided by the employee on forms furnished by BCS Human Resources and shall promptly be given to the immediate supervisor in support of all claims. A certificate from the physician on forms furnished by BCS Human Resources may also be required to verify the extent of the injury.

[5] TRR/MS 0520-01-02-.04(4)(b)