

Mayor and Council Communication

DATE: 02/14/23

M&C FILE NUMBER: M&C 23-0106

LOG NAME: 14THEW FIRST EXTENSION

SUBJECT

(ALL) Approval of Police Officer Jennifer Thew's First Request for an Extension of Occupational Injury Leave for the Period Beginning May 7, 2022 through November 10, 2022, which Amounts to \$41,357.19

RECOMMENDATION:

It is recommended that the City Council approve Police Officer Jennifer Thew's first request for an extension of occupational injury leave for the period beginning May 7, 2022 through November 10, 2022 which amounts to \$41,357.19.

DISCUSSION:

Section 143.073 of the Texas Local Government Code (TLGC) permits a firefighter or police officer to take a leave-of-absence with full pay for an illness or injury related to the person's line of duty for a period of up to one year and authorizes the governing body to extend the leave of absence beyond one year. The City refers to this type of leave as "occupational injury leave" or "occupational leave."

On March 3, 2015, City Council adopted Resolution No. 4420-03-2015 relating to occupational leave, which states in pertinent part:

"On a going-forward basis, in lieu of individual extension requests that can be granted by the City Council under Section 143.073 of the TLGC, fire fighters and police officers with medically-documented job-related illnesses or injuries will be granted up to two years of occupational leave per each job-related illness or injury (commensurate with the injury or illness and as medically necessary and related to the compensable illness or injury) which may be used intermittently.

The only exception to the two-year limitation shall be in situations where, at the time the two-year period ends, the fire fighter or police officer has not yet reached Maximum Medical Improvement (MMI) as provided for under Section 408.104 of the Texas Labor Code which is currently limited to spinal surgery. In these instances, occupational leave will be available until MMI is reached."

Police Officer Jennifer Thew was injured in the line of duty on May 9, 2020, and began losing time on May 10, 2020. Officer Thew experienced a significant injury to her cervical spine. She had spinal surgery on December 2, 2021. Officer Thew's two-year occupational injury leave expired on May 6, 2022, and she reached Maximum Medical Improvement (MMI) by statute on May 15, 2022. However, Officer Thew returned to work full duty on November 11, 2022.

Human Resources Risk Management staff recommends approving Officer Thew's first request for an extension of occupational injury leave. Approval of this extension would restore Officer Thew's personal time used during this period.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the recommendation, funds are available in the current operating budget, as previously appropriated, in the General Fund. Prior to an expenditure being incurred, the Human Resource and Police Departments have the responsibility to validate the availability of funds.

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Additional Information Contact: