

Mayor and Council Communication

DATE: 03/19/24

M&C FILE NUMBER: M&C 24-0198

LOG NAME: 14HOLLAND ODAYEXT

SUBJECT

(ALL) Authorize Denial of Police Officer Ben Holland's First Request for an Extension of Occupational Injury Leave for the Periods of December 2, 2022 through February 10, 2023, and March 3, 2023 through June 30, 2023 which Amounts to a Total of \$42,431.47

RECOMMENDATION:

It is recommended that the City Council authorize a denial of medically retired Police Officer Ben Holland's first request for an extension of occupational injury leave for the periods of December 2, 2022 through February 10, 2023 and March 2, 2023 through June 30, 2023 which amounts to a total of \$42,431.47.

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 Ben Holland was injured in the line of duty on October 25, 2016 and he began losing time on October 26, 2016. Officer Holland injured his head, neck and shoulder. He sustained intermittent lost time along with working intermittently on light duty. His last day working light duty was on March 17, 2021. Officer Holland reached Maximum Medical Improvement (MMI) by statute on July 31, 2018 and received a 12% impairment rating. Officer Holland's two-year occupational injury leave initially expired on December 1, 2022, but was later recalculated and paid occupational leave from February 11, 2023 through March 2, 2023. Officer Holland medically retired on July 1, 2023 as his injuries would not allow him to return to work in a full duty capacity.

Human Resources Risk Management staff recommends denying Officer Holland's first request for an extension of occupational injury leave as an extension of occupational leave is typically granted only if there is a reasonable chance of the employee returning to work full duty. In this case, Officer Holland has retired due to his injuries. The Police Department has also recommended denial of this request at the Assistant Chief level noting that Officer Holland will not return to work in a full duty status. Officer Holland was able to use his personal leave during the requested period until his retirement date of July 1, 2023. He is able to continue to receive workers' compensation medical benefits. If Council denies Risk Management's recommendation and approves an extension of occupational injury leave, Officer Holland's personal time used during this period will be restored.

If City Council denies the recommendation in this Mayor & Council Communication, funding is budgeted in the Civil Svc-Base Pay account within the General Fund

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 approval of this recommendation will have no material effect on City funds.

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