

Mayor and Council Communication

DATE: 12/12/23

M&C FILE NUMBER: M&C 23-1046

LOG NAME: 14MKING 1ST EXTENSION ODAYS

SUBJECT

(ALL) Approval of Police Officer Martin King's First Request for an Extension of Occupational Injury Leave for the Period Beginning June 28, 2023 through August 24, 2024, which Amounts to \$134,547.84

RECOMMENDATION:

It is recommended that the City Council approve Police Officer Martin King's first request for an extension of occupational injury leave for the period beginning June 28, 2023 through August 24, 2024 which amounts to \$134,547.84

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 Martin King was injured in the line of duty on June 1, 2021, and he began losing time on June 15, 2021. Officer King injured his left shoulder, left wrist and left hip. He has had and will continue to have extensive medical treatment, including an additional surgery and post-surgery care over the next year. Officer King reached Maximum Medical Improvement (MMI) by statute on June 20, 2023. Officer King's two-year occupational injury leave expired on June 27, 2023, and continues to be unable to return to work in any capacity.

Human Resources Risk Management staff recommends approving Officer King's first request for an extension of occupational injury leave as there have delays in his recovery and more medical treatment is needed. If Council approves granting an extension of occupational injury leave, Officer King's personal time used during this period will be restored and such leave will continue through August 24, 2024.

If Council approves the recommendation in the M&C, funding is budgeted in the Police Fugitive Unit Department's rollup 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 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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Expedited