

Mayor and Council Communication

DATE: 04/07/20

M&C FILE NUMBER: M&C 20-0195

LOG NAME: 14MITCHELL EXTENSION

SUBJECT

Consider Extension of Injury Leave-of-Absence Pay Benefits in the Amount of \$47,836.62 for Police Officer John Mitchell Extension for the Period of February 7, 2020 Through August 7, 2020 (ALL COUNCIL DISTRICTS)

RECOMMENDATION:

It is recommended that City Council deny an Extension of Injury Leave-of-Absence pay benefits in the amount of \$47,836.62 for Police Officer John Mitchell extension of Occupational Injury Benefits for a period beginning February 7, 2020 through August 7, 2020.

DISCUSSION:

Section 143.073(a) of the Texas Local Government Code, which governs civil service firefighters and police officers, states:

"A municipality shall provide to a firefighter or police officer a leave-of-absence for an illness or injury related to the person's line of duty. The leave is with full pay for a period commensurate with the nature of the line of duty illness or injury. If necessary, the leave shall continue for at least one year."

Thereafter, the statute provides for the use of accrued benefits (sick leave, vacation time, compensatory time, accrued holidays, etc.) in combination with workers' compensation benefits, where applicable, to ensure the continuation of full salary during an extended disability. Section 143.073 also allows an injured police officer or firefighter to request from the City Council an Extension of Injury Leave-of-Absence for full or reduced pay upon the expiration of the one-year period.

Police Officer John Mitchell was injured in the line of duty on December 23, 2017, and he began losing time on February 8, 2018. Officer Mitchell reached maximum medical improvement on January 30, 2018 per a State appointed Designated Doctor. Officer Mitchell is currently unable to return to work in any capacity according to his treating doctor. Officer Mitchell's two-year occupational leave period expired February 6, 2020. Officer Mitchell is still under a physician's care.

Pursuant to the City Council Resolution, Officer Mitchell would be ineligible for an extension of Occupational Injury Leave having reached MMI on January 30, 2018. HR Risk Management staff recommends that Officer Mitchell's request for an extension of Occupational Leave in the amount of \$47,836.62 for the period of February 7, 2020 through August 7, 2020 be declined. Although Staff recommends denial of this leave of absence extension, the City Council has the discretion to approve the extension if it chooses. If the request is denied, Officer Mitchell will be able to maintain full pay by use of accumulated leave benefits. As of January 31, 2020, Officer Mitchell had the following paid leave available: 148.0 hours of holiday accrual, 274.84 hours of vacation, 323.30 hours of sick leave, 40.0 hours of non-exempt comp time, and 8.00 hours of personal holiday, for a total of 794.14 hours of available leave.

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 funds will be available in the current and Fiscal Year 2020 operating budget, as appropriated, of the General Fund.

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