

Mayor and Council Communication

DATE: 03/19/24

M&C FILE NUMBER: M&C 24-0197

LOG NAME: 14BRAZEAL THIRD EXTENSION

SUBJECT

(ALL) Approve Police Officer Matthew Brazeal's Third Request for an Extension of Occupational Injury Leave for the Period Beginning July 1, 2023 through December 31, 2024, which Amounts to \$116,204.85

RECOMMENDATION:

It is recommended that the City Council approve Police Officer Matt Brazeal's third request for an extension of occupational injury leave for the period beginning July 1, 2023 through December 31, 2024 which amounts to \$116,204.85.

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 TLGC which is currently limited to spinal surgery. In these instances, occupational leave will be available until MMI is reached."

Police Officer Matthew Brazeal was injured in the line of duty on June 13, 2020, and he began losing time on June 14, 2020. Officer Brazeal experienced a significant injury to multiple body parts. He has had and will continue to have extensive medical treatment, including an additional surgery and post-surgery care for the next few months. To date, Officer Brazeal has had approximately 16 surgeries to multiple body parts. He has experienced post-surgical impacts which have delayed the healing process.

Officer Brazeal reached Maximum Medical Improvement (MMI) by statute on June 19, 2022. Officer Brazeal's two-year occupational injury leave expired on June 14, 2022, and Council approved his first request for an extension of occupational injury leave for the period from June 14, 2022 through December 14, 2022. On May 9, 2023, Council approved Officer Brazeal's second request for an extension of occupational leave for the period of December 15, 2022 through June 30, 2023. Officer Brazeal did return to work in a limited capacity on January 22, 2024, however he may require additional occupational leave following future medical procedures. Hence the 3rd extension request, which was received on January 11, 2024.

Human Resources Risk Management staff recommends approving Officer Brazeal's third request for an extension of occupational injury leave. Although Officer Brazeal is currently working in a limited duty capacity, it is estimated he will not be able to return to work full duty until the end of 2024.

If Council approves this third request for an extension of leave, Officer Brazeal's personal time used during this period will be restored and occupational leave will be available for any lost time related to his injuries through December 31, 2024. Funding is budgeted in the Police West Division Patrol Unit Department's rollout within the General Fund.

If Council denies Officer Brazeal's third request, he will continue to use his available accrued leave and benefits and will continue to draw workers' compensation Impairment Income Benefits approved through March 31, 2024. He may also file for Supplemental Income Benefits which, if approved, would start on April 1, 2024. Eligibility for Supplemental Income Benefits is heavily based on if the applicant is unemployed or underemployed and could potentially last through February 18, 2028. Finally, Officer Brazeal is eligible to apply for In-Line of Duty Disability Retirement. In accordance with Section 143.074 of the TLGC, in-line of duty disability, is computed as if the injured officer worked to their earliest Normal or Special Retirement date using current final average compensation. If Officer Brazeal receives In-Line of Duty Disability and later recovers sufficiently from his injuries, he is eligible for reappointment to his classified position that he held on the date he is found qualified for the disability pension per Section 143.074.

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 Resources and Police Departments have the responsibility to validate the availability of funds.

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