

Mayor and Council Communication

DATE: 11/28/23

M&C FILE NUMBER: M&C 23-1009

LOG NAME: 14WWATKINS 1ST EXT REQUEST ODAYS

SUBJECT

(ALL) Approval of Police Officer Walter Watkins's First Request for an Extension of Occupational Injury Leave for the Period of June 26, 2023 through December 26, 2023, which Amounts to \$53,483.32

RECOMMENDATION:

It is recommended that the City Council approve Police Officer Walter Watkins's first request for an extension of occupational injury leave for the period of June 26, 2023 through December 26, 2023 which amounts to \$53,483.32.

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 Walter Watkins was injured in the line of duty on May 28, 2018, and he began losing time on May 30, 2018. Officer Watkins injured his lumbar spine and has had multiple procedures, and is still undergoing medical treatment . Officer Watkins reached Maximum Medical Improvement (MMI) on March 15, 2019. Officer Watkins's two-year occupational injury leave expired on June 25, 2023, and he has still been unable to return to work in any capacity.

Officer Watkins had intermittent lost time after the date of injury, including periods of time where he returned to work full duty totaling approximately two years and seven months and light duty for three months. There was also a delay in the scheduling of his last medical procedure due to a personal health issue. These two facts account for the time gap from the date of injury to the end of his two-year occupational injury leave.

Human Resources Risk Management staff recommends approving Officer Watkins's first request for an extension of occupational injury leave as this request falls within the directive of the Council Resolution. Approval of this extension would restore Officer Watkins's personal time used during this period and continue his occupational leave through December 26, 2023. If Council rejects HR's recommendation, Officer Watkins will continue to be able to use his personal leave at the discretion of the Police Department, consistent with the department's policies. He will continue to receive medical benefits.

Funding is budgeted in the Civil Svc-Salary Cont accounts of the Police West Division Patrol 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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