

Mayor and Council Communication

DATE: 04/06/21

M&C FILE NUMBER: M&C 21-0240

LOG NAME: 14GILLIAM EXTENSION

SUBJECT

(ALL) Approval of Police Officer Brian Gilliam's First Request for an Extension of Occupational Injury Leave that is Currently being made for the Period beginning March 12, 2021 through June 08, 2021, which Amounts to \$23,373.51

RECOMMENDATION:

It is recommended that the City Council approve Police Officer Brian Gilliam's first request for an extension of occupational injury leave that is currently being made for the period beginning March 12, 2021 through June 8, 2021, which amounts to \$23,373.51.

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 (City Resolution) 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 Brian Gilliam was injured in the line of duty on March 28, 2018, and he began losing intermittent time on March 29, 2018. Officer Gilliam reached MMI on March 02, 2020. Officer Gilliam's two-year occupational injury leave expired March 11, 2021. However, Officer Gilliam experienced a delay in the scheduling of his third surgery in 2020 that was beyond Officer Gilliam's control. The delay in scheduling surgery was due to a temporary moratorium on elective surgery as a result of the COVID-19 pandemic. His fourth surgery took place on February 8, 2021. Officer Gilliam has still been unable to return to work in any capacity.

Therefore, HR Risk Management staff recommends approving Officer Gilliam's first request for an extension of occupational injury leave that is currently being made for the period of March 13, 2021 through June 08, 2021 which amounts to \$23,373.51. If Officer Gilliam's request is denied, he will still be able to maintain full pay by use of accumulated leave benefits. As of February 12, 2021, Officer Gilliam had the following paid leave available: 144 hours of holiday accrual, 426.92 hours of vacation, 653.14 hours of sick leave, 3.50 hours of non-exempt comp time, and 8.00 hours of personal holiday, for a total of 1,235.56 hours of available leave.

This M&C does not request approval of a contract with a business entity.

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 this action will have no material effect on city funds.

Submitted for City Manager's Office by: Jay Chapa 5804

Originating Business Unit Head: Nathan Gregory 7783

Additional Information Contact: Chris Lam 6398

