

# Mayor and Council Communication

**DATE:** 05/09/23

**M&C FILE NUMBER:** M&C 23-0384

**LOG NAME:** 14BRAZEAL SECOND EXTENSION2

## **SUBJECT**

(ALL) Approval of Police Officer Matthew Brazeal's Second Request for an Extension of Occupational Injury Leave for the Period Beginning December 15, 2022 through June 30, 2023, which Amounts to \$44,439.26

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## **RECOMMENDATION:**

It is recommended that the City Council approve Police Officer Matt Brazeal's second request for an extension of occupational injury leave for the period beginning December 15, 2022 through June 30, 2023 which amounts to \$44,439.26.

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## **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 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. 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. Officer Brazeal has still been unable to return to work in any capacity.

Human Resources Risk Management staff recommends approving Officer Brazeal's second request for an extension of occupational injury leave. Approval of this extension would restore Officer Brazeal's personal time used during this period and continue his occupational leave through June 30, 2023. Risk Management anticipates that this will be Officer Brazeal's final request for an extension of occupational leave.

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.

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## **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.

**Submitted for City Manager's Office by:** Jessica L. McEachern 5804

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