

Mayor and Council Communication

DATE: 11/30/21

M&C FILE NUMBER: M&C 21-0891

LOG NAME: 14AWILLIAMS 1ST EXTENSION

SUBJECT

(ALL) Approval of Police Officer Adam Williams' First Request for an Extension of Occupational Injury Leave that is Currently being made for the Period Beginning August 4, 2021 through March 1, 2022, which Amounts to \$45,645.90

RECOMMENDATION:

It is recommended that the City Council approve Police Officer Adam Williams' first request for an extension of occupational injury leave that is currently being made for the period beginning August 4, 2021 through March 1, 2022 which amounts to \$45,645.90.

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 Adam Williams was injured in the line of duty on August 10, 2018, and he began losing intermittent time on March 29, 2018. Officer Williams reached MMI by statute on August 12, 2021. Officer Williams' two-year occupational injury leave expired August 3, 2021. However, Officer Williams experienced a delay in treatment which delayed the scheduling of his second surgery on August 6, 2021 that was beyond Officer Williams' control. The delay in scheduling surgery was due to a temporary moratorium on elective surgery as a result of the COVID-19 pandemic. Officer Williams has still been unable to return to work in any capacity.

Therefore, Human Resources Risk Management staff recommends approving Officer Williams' first request for an extension of occupational injury leave that is currently being made for the period of August 4, 2021 through March 1, 2022 which amounts to \$45,645.90. If Officer Williams' request is denied, he will still be able to maintain full pay by use of accumulated leave benefits. As of October 22, 2021, Officer Williams had the following paid leave available: 178 hours of holiday accrual, 214.33 hours of vacation, 4.62 hours of sick leave, 1.51 hours of non-exempt comp time, and 16.00 hours of personal holiday, for a total of 414.46 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 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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