

A Resolution

NO. _____

REGARDING OCCUPATIONAL LEAVE FOR POLICE OFFICERS AND FIRE FIGHTERS

WHEREAS, in 1947, the qualified voters of the City of Fort Worth adopted what was known as Article 1269m of the Annotated Civil Statutes to govern certain aspects of the employment of fire fighters and police officers; and

WHEREAS, Article 1269m of the Annotated Civil Statutes was later codified as Chapter 143 of the Texas Local Government Code (TLGC); and

WHEREAS, Section 143.073 of the TLGC provides that municipalities shall provide to fire fighters and police officers a leave of absence for illnesses and injuries related to the person's line of duty, commensurate with the nature of the illness or injury, for at least one year, and that at the end of the one-year period, the municipality's governing body may extend the line of duty illness or injury leave at full or reduced pay; and

WHEREAS, the City Council desires to ensure financial stability for fire fighters and police officers while they recuperate from job-related illnesses and injuries by granting occupational leave under Section 143.073 of the TLGC; and

WHEREAS, the City Council recognizes that the City of Fort Worth provides several viable options other than continuation of occupational leave for fire fighters and police officers who, after a reasonable amount of time, are unable to return to work in the civil service, with or without an accommodation; and

WHEREAS, with only few exceptions, two years' time has long been recognized by Texas labor statutes as a period in which recoveries from job-related illnesses and injuries, if possible, can be accomplished; and

WHEREAS, the City Council is mindful of the staffing needs of the fire and police departments, the ever growing demand for the services these departments provide, and the requirement that the City conduct its business in a fiscally responsible manner; and

WHEREAS, the City Council strives to provide consistency in its decisions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

1. 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;

2. The two-year period shall include the first year of leave to which they may be entitled to under Section 143.073 of the TLGC (commensurate with the injury or illness, and as medically necessary and related to the compensable illness or injury) and any extensions previously granted by the City Council; and
3. 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.

Per Chapter 143 of the TLGC, any requests for extensions from the governing body for additional leave beyond the two-year limitation will be the responsibility of the individual fire fighter or police officer.

Adopted this ____ day of _____ 2015.

ATTEST:

By: _____

Mary Kayser, City Secretary

