

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> June 9, 2015		<b>DATE SUBMITTED:</b> June 2, 2015	
<b>DEPARTMENT OF ORIGIN:</b> Human Resources		<b>SUBMITTED BY:</b> Kari French	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input checked="" type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input type="checkbox"/> QUALITY OF LIFE
<b>AGENDA ITEM DESCRIPTION:</b> Consideration of a resolution to extend the line of duty illness/injury leave of a fire fighter with the Bryan Fire Department pursuant to Chapter 143.073 of the Texas Local Government Code.			
<b>SUMMARY STATEMENT:</b> Section 143.073 of the Texas Local Government Code requires a municipality to provide to a fire fighter or police officer a leave of absence for an illness or injury related to the person's line of duty. The leave is with full pay for a period commensurate with the nature of the line of duty illness or injury. If necessary, the leave shall continue for at least one year. 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.			
By way of this Council Action Form, the City Manager requests that the City Council approve a resolution ratifying an extension of paid leave to a fire fighter with a line of duty illness/injury. The fire fighter's illness/injury leave began on February 17, 2013 (injury occurred on February 16, 2013), and he returned to restricted and part-time duties on May 26, 2015. This proposed resolution would 1) ratify the extension of leave after the first year of leave of absence to the time the fire fighter returned to restricted and part-time duties, and 2) extend the line of duty illness/injury leave at full pay or reduced pay in consideration of the part-time hours the fire fighter is capable of working. This paid leave will be extended until it is no longer medically necessary as determined by health care and medical information provided to the City Manager and Fire Chief.			
<b>STAFF ANALYSIS AND RECOMMENDATION:</b> Staff recommends approval of the resolution in order to provide an extension of a leave of absence due to a line of duty illness/injury as allowed by the Civil Service Act.			
<b>OPTIONS (In Suggested Order of Staff Preference):</b>			
<ol style="list-style-type: none"> <li>1. Approve the proposed resolution to extend a line of duty illness/injury leave of absence with pay;</li> <li>2. Do not approve the proposed resolution, which would result in the fire fighter using his accrued sick and/or vacation hours; or</li> <li>3. Recommend to the City Manager and Fire Chief to determine an alternative leave and pay option.</li> </ol>			
<b>ATTACHMENTS:</b>			
<ol style="list-style-type: none"> <li>1. Proposed resolution.</li> </ol>			
<b>FUNDING SOURCE:</b> The fire fighter's position is a budgeted authorized position in the Bryan Fire Department.			
<b>APPROVALS:</b> Hugh R. Walker, 06/02/2015			
<b>APPROVED FOR SUBMITTAL: CITY MANAGER</b>			
<b>APPROVED FOR SUBMITTAL: CITY ATTORNEY</b>			

**RESOLUTION NO \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF BRYAN, TEXAS, EXTENDING THE LEAVE OF FIRE FIGHTER RICKY MANTEY, JR. PURSUANT TO TEXAS LOCAL GOVERNMENT CODE § 143.073; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Fire Fighter Ricky Mantey, Jr. of the Bryan Fire Department was seriously injured on February 16, 2013 while fighting a fire at the Knights of Columbus Hall in Bryan; and

**WHEREAS**, the Civil Service Act provides leave for up to one year for Civil Service Fire Fighters injured in the line of duty; and

**WHEREAS**, Fire Fighter Ricky Mantey, Jr. was able to return to part-time light duty work on May 26, 2015 and is still undergoing treatment for his injuries that will require him to be absent from duty; and

**WHEREAS**, the Civil Service Act authorizes a municipality's governing body to extend the injury leave at full or reduced pay;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN:**

Section 1.

That the extension of injury leave provided for Fire Fighter Ricky Mantey, Jr. under Section 143.073 of the Texas Local Government Code, at full pay, is hereby ratified for the period February 17, 2014 through June 9, 2015, and is further extended as long as the injury leave is medically necessary, to be determined by the City Manager in consultation with the Fire Chief and based upon medical information provided.

Section 2.

This Resolution shall be immediately effective upon its passage and adoption.

Approved and adopted this 9<sup>th</sup> day of June, 2015.

ATTEST:

CITY OF BRYAN:

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Mary Lynne Stratta, City Secretary

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Jason P. Bienski, Mayor

APPROVED AS TO FORM:

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Janis K. Hampton, City Attorney