



City of San Antonio

Legislation Details (With Text)

File #: 14-1696

Type: Miscellaneous Item

In control: City Council A Session

On agenda: 8/21/2014

Title: An Ordinance authorizing the extension of line-of-duty leave for Fire Engineer Robert Fullerton. [Erik J. Walsh, Deputy City Manager; Charles N. Hood, Fire Chief]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Decision Paper-Req for Ext of LOD Leave-R. Fullerton 8-4-14, 2. Draft Ordinance, 3. Ordinance 2014-08-21-0609

| Date | Ver. | Action By | Action | Result |
|-----------|------|------------------------|---------|--------|
| 8/21/2014 | 1 | City Council A Session | adopted | Pass |

DEPARTMENT: SAFD

DEPARTMENT HEAD: Charles N. Hood

COUNCIL DISTRICT(S) IMPACTED: City Wide

SUBJECT:

Extension of Line of Duty Leave

SUMMARY:

This Ordinance would extend the line-of-duty (LOD) leave for Fire Engineer Robert Fullerton. He was charged accrued leave from June 8, 2011 to July 22, 2012 and from August 20, 2012 to October 27, 2012 for an on the job injury which occurred while on duty June 8, 2010. This ordinance will restore one thousand and two (1002) hours, or forty-one and three quarter (41.75) shifts of accrued leave. Approval of this ordinance is only within the authority of City Council. The Local Government Code, Chapter 143.073, states that after the one-year initial period of leave, the municipality’s governing body may extend the line of duty illness or injury leave at full or reduced pay. This will allow the Department to consider this period line of duty leave.

BACKGROUND:

Fire Engineer Fullerton injured his lower back while transferring a large patient from a stretcher to a bed. He was diagnosed with lumbosacral disk herniation at L5-S1 with S1 radiculopathy. Fire Engineer Fullerton initially underwent extensive physical therapy and a MRI on June 18, 2010 revealed multi-level disc bulges and disc herniations with bilateral compression of both exiting nerve roots at L2-L3 to L5-S1. He continued with physical therapy and epidural steroid injections and a myelogram/discogram was conducted on December 8,

2010. Fire Engineer Fullerton then had a 360 fusion at L3-4 and L4-5 on May 25, 2011. He then participated in post-surgical rehab and physical therapy including aquatic therapy with little improvement. After extensive therapy and an epidural steroid injection bilateral hardware block, it was determined that Engineer Fullerton would need hardware removal. On June 4, 2012, a request for surgery was denied as a result of no justification being submitted to explain the medical necessity of hardware removal. The requesting physician then requested an Independent Review with the State of Texas Department of Insurance which resulted in the request for surgery being overturned in favor of Engineer Fullerton. The procedure was then performed on August 22, 2012. Fire Engineer Fullerton again participated in post-surgical rehab and physical therapy before returning to full duty on October 28, 2012. On Line of Duty leave from June 8, 2010 until June 7, 2011. He began using his own leave on June 8, 2011 to July 22, 2012 and from August 20, 2012 to October 27, 2012. Fire Engineer Robert Fullerton returned to full duty on October 28, 2012.

ISSUE:

Fire Engineer Robert Fullerton, seeks an extension of Line of Duty leave from June 8, 2011 to July 22, 2012 and from August 20, 2012 to October 27, 2012 for injuries suffered on June 8, 2010. This extension will restore 1002 hours, or 41.75 shifts, of his accrued leave. Chapter 143 gives the City Council the authority to grant the extension of line-of-duty leave.

ALTERNATIVES:

Without approval by the City Council to grant the extension of line-of duty leave, Fire Engineer Fullerton would be required to utilize accrued leave for an injury which occurred during the performance of his official duties with the City of San Antonio.

FISCAL IMPACT:

This extension would have no immediate fiscal impact; however, the value of one thousand and two (1002) hours, or forty-one and three quarter (41.75) shifts of accrued leave based on current Collective Bargaining Agreement rates, would be \$26,713.32.

RECOMMENDATION:

Fire Department staff recommends approval of this Ordinance to extend the Line of Duty (LOD) for Fire Engineer Robert Fullerton.