



## Recommendation for Action

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**File #:** 22-3192, **Agenda Item #:** 28.

10/13/2022

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### **Posting Language**

Approve a resolution authorizing the extension of line of duty illness leave of absence for Austin Police Department Officer Elijah Neely through February 23, 2023.

### **Lead Department**

Austin Police Department.

### **Fiscal Note**

This item has no fiscal impact.

### **Prior Council Action:**

April 21, 2022 - Council approved Resolution No. 20220421-021, which authorized the extension of line of duty illness leave of absence on a 10-1 vote. Council Member Pool absent.

### **For More Information:**

Robin Henderson, Chief of Staff, Austin Police Department at 512-974-5030.

### **Additional Backup Information:**

The Austin Police Department is requesting that the City Council extend Austin Police Department Officer Elijah Neely's line of duty illness leave through February 23, 2023, at full pay, for an illness he contracted in the line of duty. Texas Local Government Code section 143.073 provides that a municipality shall 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 must be at full pay for a period commensurate with the nature of the line of duty illness or injury. If necessitated by the illness or injury, the leave must continue for at least one year. At the end of the year, the municipality's governing body may extend the line of duty illness or injury leave at full or reduced pay. If the governing body chooses not to extend the leave, or if the person's salary is reduced below 60 percent of the regular monthly salary, the person may be entitled to retire on pension until able to return to duty.

Officer Neely contracted a serious illness in the line of duty on February 11, 2021. Officer Neely was hospitalized for several months with multiple complications related to his illness. Officer Neely has been undergoing treatment and intends to return to full duty as soon as he is able. Officer Neely's initial one-year line of duty illness leave was depleted on approximately February 11, 2022. On April 22, 2022, Council retroactively extended Officer Neely's leave of absence for six months, through August 15, 2022. Council approval of this item would retroactively extend Officer Neely's line of duty illness leave of absence from August 16, 2022, until February 23, 2023, when he will reach the statutory maximum medical improvement (SMMI) pursuant to applicable workers' compensation laws.

### **Strategic Outcome(s):**

Safety.