



**PUBLIC SAFETY COMMISSION
RECOMMENDATION 20240909-005**

Date: September 9, 2024

Subject: Workers Compensation Program for Public Safety Sworn Staff

Motioned by: Commissioner Nguyễn

Seconded by: Vice Chair Ruttan

Recommendation: The Public Safety Commission recommends

WHEREAS, the Austin Public Safety Commission is tasked with providing recommendations to the Austin City Council;

WHEREAS, representatives from The Austin Firefighters Association, The Austin Emergency Medical Services Association and the Austin Police Association provided presentations, witnesses, and materials on the current challenges with the City of Austin Workers Compensation program;¹

WHEREAS, all three public safety departments are facing significant staffing challenges;

WHEREAS, all three public safety departments use overtime to mitigate staffing shortages at a premium labor cost to the City of Austin;

WHEREAS, prompt resolution of claims and obtaining medical treatment is key to enabling employees to return to work;

WHEREAS, of the 1260 current AFD sworn hires 63 are on limited/no duty status due to a workers comp injury representing 5%;

WHEREAS, of the 572 current ATCEMS sworn hires 9 are on limited/no duty status due to a workers comp injury representing 1.6%;

WHEREAS, of the 1470 current APD sworn hires 37 are on limited/no duty status due to a workers comp injury representing 2.5%;

¹ Austin Public Safety Commission Regular Meeting, August 5, 2024, Item 4
<https://austintx.new.swagit.com/videos/311493>

WHEREAS, delayed recovery creates a reduced capacity in delivering emergency services to the community.

WHEREAS, 13.2% of AFD claims, 17.5% of ATCEMS, and 16% of APD workers compensation claims are denied;²

WHEREAS, the City of Austin is self-insured and ultimately responsible for all decisions on workers' compensation claims;³

WHEREAS, if workers compensation claims are denied the appeals process is lengthy during which the employee's medical needs remain unaddressed and the city's short-staffing due to injury is unresolved;

WHEREAS, delayed recovery creates a reduced capacity in delivering emergency services to the community.

WHEREAS, if a workers compensation claim is ultimately denied, the only recourse is coverage of medical claims through the City of Austin's employee health insurance plan which the City of Austin is also responsible and self-insured;

WHEREAS, a slow and perceived hostile workers compensation program is detrimental to employee morale, retention, and well being;

WHEREAS, former sworn public safety personnel are bound by same worker's compensation program and entitled to continued coverage for injuries sustained on the job;

WHEREAS, the contract with Sedgwick, the Third Party Administrator of the workers compensation program, is set to expire in March 2025 providing an opportunity to improve the program.⁴

BE IT RECOMMENDED BY THE PUBLIC SAFETY COMMISSION OF THE CITY OF AUSTIN THAT:

- The City of Austin adopt a policy of presumptive disability for all current and former public safety personnel injured on the job to have full workers compensation coverage for their injuries and ensuing care needed to facilitate their return to work when possible pending the final decision on cases.
- The City of Austin exercise its override authority in claim denials to expedite coverage of claims and sworn personnel's return to work as determined by the employee's authorized treating physician.
- The City of Austin shall provide all three departments the necessary additional resources to assist employees with their workers compensation claims and awareness of process.

² <https://services.austintexas.gov/edims/document.cfm?id=433590>

³ <https://services.austintexas.gov/edims/document.cfm?id=433590>

⁴ <https://services.austintexas.gov/edims/document.cfm?id=433590>

- The City of Austin shall provide all three departments access to online portal and electronic communications for the monitoring and tracking of their claims.
- The City of Austin will establish a panel of physicians with sufficient numbers, expertise and capacity to provide prompt evaluation and treatment of employees and their claims;
- Any new contract considered with a Third Party Administrator prioritize recommended care plans by employee's authorized physicians and require active measures to minimize the number of outstanding workers compensation claims over three (3) months.
- The City of Austin will ensure that pre-existing conditions are not used as a basis for claim denials.

Vote:

For: Chair Ramírez, Vice Chair Ruttan, Commissioners Bernhardt, Hermesmeier, Holmes, Nguyễn, Orr, Smith

Abstain: Commissioner Sierra-Arévalo

Absent: Commissioner Reyes

Attest:

Christi Vitela

Public Safety Commission Staff Liaison