

RESOLUTION NO. 2024-35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING SECTION 9.04 “WORKERS’ COMPENSATION” OF THE PERSONNEL AND ADMINISTRATIVE REGULATIONS MANUAL TO PROVIDE FOR UPDATED REGULATIONS; AMENDING CHAPTER 9 “EMPLOYEE BENEFITS” TO ADD SECTION 9.11 “LINE OF DUTY INJURY POLICY”; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Breckenridge (the “City Commission”) has adopted a Personnel and Administrative Regulations Manual (“PARM”) to govern rules and benefits of employment with the City of Breckenridge;

WHEREAS, the City Commission wishes to amend Section 9.04 of the PARM to update the workers’ compensation policy; and

WHEREAS, pursuant to House Bill 471 of the Texas Legislature, effective June 12, 2023, the City Commission wishes to adopt a line of duty injury policy for the City’s first responders.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

SECTION 1. Amendment of Section 9.04. Chapter 9 “Employee Benefits”, Section 9.04 “Workers’ Compensation” of the City’s Personnel and Administrative Regulations Manual is hereby amended as shown in the attached **Exhibit “A”**.

SECTION 2. Addition of Section 9.11. Chapter 9 “Employee Benefits” of the City’s Personnel and Administrative Regulations Manual is hereby amended to add Section 9.11 “Line of Duty Injury Policy” as shown in the attached **Exhibit “B”**.

SECTION 3. this Resolution shall take effect immediately upon its adoption by the City Commission.

PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Breckenridge this the 5th day of November 2024.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

S E A L

EXHIBIT "A"

9.04 Worker's Compensation

- A. Any City employee becomes eligible for Workers' Compensation when they are injured in the scope of their employment for the City of Breckenridge.
- B. When the attending physician has instructed the employee, in writing, to remain off the job until the physician releases the employee to return to work, Texas state law prescribes that an employee shall receive Workers' Compensation payments during the recovery and recuperation period. An injured employee is entitled to medical aid and hospital services which are required at the time of injury, and at any time, thereafter, as may be necessary to cure and relieve the effects of the injury.
- C. The Human Resources Department is responsible for administering leave under their policy, pursuant to the requirements of state law, and the City's Workers' Compensation program.
- D. For general government employees, during the first twelve (12) weeks of such injury leave, the leave shall run concurrently with Family and Medical Leave, where applicable, the employee shall be allowed to use any accrued leave to make up the difference between workers' compensation and full pay up to twelve (12) weeks of injury leave.
- E. If the employee exhausts their benefits under the Family Medical Leave Act and is unable to perform the essential duties of their assigned position at the end of twelve (12) weeks, reasonable accommodations may be made by the City to temporarily modify the employee's duties to allow the employee to return to the workplace, unless such a modification would create an unreasonable hardship to the City. If reasonable accommodations cannot be made and an employee is unable to perform the essential duties of their assigned position at the end of twelve (12) weeks, they may be terminated. Part-time and seasonal employees who lack sufficient accrued leave may be eligible for an unpaid leave of absence, not to exceed twelve (12) weeks.
- F. While on injury leave, an employee shall continue to earn vacation and sick leave at the regular rate and shall remain eligible for health insurance benefits; however, the employee's portion of any additional premiums, supplemental insurance and dependent coverage must continue to be paid by the employee during such leave.
- G. This policy does not apply to sworn Public Safety Employees (Police, Fire and EMS). See instead, Line of Duty Injury Policy.
- H. An employee who is physically able and who fails to report by the end of the employee's current shift any injury to their supervisor, however minor, and fails to take such first aid treatment as may be necessary, may not be eligible for injury leave. When an employee is injured on the job, the supervisor shall contact the Human Resources Department and request completion of a Workers' Compensation First Report of Injury (TWCC-1) immediately. When an accident causes serious bodily injury or death to an employee, the supervisor shall notify their Department Head, the Human Resources

Department, the Financial Services Department, and the City Manager immediately.

I. No employee may return to work from an injury involving lost time without first obtaining a physician's release. The physician's release must be forwarded to the Human Resources Department.

J. An employee injured in the scope of their employment for the City may be subject to alcohol/substance screenings.

K. An employee who is unable to return to work shall contact the Human Resources Department every Friday until the doctor has released the employee to return to work. It is the employee's responsibility to provide updated reports and communication to the City while receiving treatment for a Worker's Compensation injury.

EXHIBIT "B"

9.11 LINE OF DUTY INJURY POLICY

A. Line of Duty injuries for Police, Fire, and EMS shall be managed in accordance with Texas Local Government Code Chapter 177A. Police, Fire, and EMS workers who sustain a line-of-duty injury shall be provided with a leave of absence at full pay for a period commensurate with the nature of the line-of-duty illness or injury for up to one year from the date of injury. Full pay will be provided as Temporary Income Benefits received by the employee from the City's Worker's Compensation Insurance provider plus a supplemental wage to equal the employee's regular pay or salary at the employee's regular schedule. Full pay under this section does not include overtime, even if regularly incurred when the employee is actively working. At the end of the leave of absence, the City Commission may extend the leave of absence at full or reduce pay in response to a request by the employee.

B. In the event the employee is temporarily disabled by a line of duty injury or illness and requires additional leave beyond the leave of absence and any extension granted by the City Commission has expired, the person may use accumulated sick leave, vacation time and other accrued benefits before the employee shall be placed on temporary leave. Another firefighter, police officer, or EMS employee, as applicable, may voluntarily do the work of the injured firefighter, police officer, or EMS employee so that the temporarily disabled employee continues to receive wages and benefits while on temporary leave. In order to facilitate recovery, employees on temporary leave are prohibited from working off-duty or ancillary jobs for other employers.

C. If able, a firefighter, police officer or EMS employee may return to light duty while recovering from a temporary disability. If medically necessary, the light duty assignment may continue for at least one year.

D. After recovery from a temporary disability, the employee shall be reinstated at the same rank and with the same seniority the employee held before going on temporary leave.

E. In the event that the employee is determined to be permanently disabled during any part of this process, and will be unable to perform the essential functions of the employee's position with or without an accommodation, the department head, in conjunction with Human Resources and with the approval of the City Manager, will make the necessary arrangements for the employee's retirement under the on-the-job disability clause of any coverage provided by the City, including the Texas Municipal Retirement System (TMRS).