

**CITY OF SAN ANTONIO**

CONSENT AGENDA  
ITEM NO. **45**

**FIRE DEPARTMENT**

**INTERDEPARTMENTAL MEMORANDUM**

**TO:** Mayor and City Council

**FROM:** Fire Chief Robert Ojeda

**THROUGH:** Terry M. Brechtel, City Manager

**COPIES:** J. Rolando Bono, Deputy City Manager, File

**SUBJECT:** Extension of Line of Duty Leave for Fire Apparatus Operator David K. Vakey

**DATE:** June 26, 2003

**SUMMARY AND RECOMMENDATIONS**

This ordinance would approve an extension of line-of-duty leave for Fire Apparatus Operator (FAO) David Kirk Vakey. FAO Vakey was charged accrued personal sick leave from January 26, 2001 to October 20, 2001 for an injury suffered on January 25, 2000 when a patient assaulted him. This ordinance will restore one thousand, six hundred and eight (1,608) hours, or sixty-seven (67) shifts, of his personal leave, and will allow the Department to consider that period as line-of-duty leave.

Staff recommends approval.

**BACKGROUND INFORMATION**

Fire Apparatus Operator (FAO) David Kirk Vakey, as a paramedic assigned to the Emergency Medical Services Division, was injured on January 25, 2000 when a patient assaulted him during treatment. FAO Vakey received trigger point injections in April 2000 and epidural steroid injections in May, June and July 2000. A lumbar discogram was performed in September 2000. IDET (intradiscal electro thermo therapy) surgery was performed on his back in November 2000. Vakey received facet injections in May 2001. He received work conditioning and work hardening June through August 2001. An additional six weeks of therapy were needed due to numbness and tingling in his left leg. FAO Vakey used personal leave from January 26, 2001 through October 20, 2001. FAO Vakey was returned to full duty on October 21, 2001. This extension restores one thousand, six hundred and eight (1,608) hours, or sixty-seven (67) shifts, of his accrued personal leave.

On May 12, 2003, the SAFD Personnel Office received notice from city physician Dr. Jorge Flores, of the Health Department, that after reviewing FAO Vakey's medical records and pertinent medical literature he concurred that the time off was commensurate with the nature of the injury.

### **POLICY ANALYSIS**

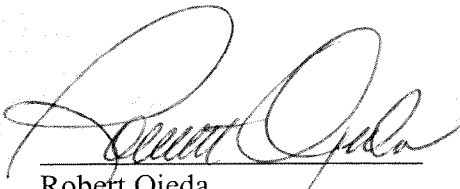
Approval of this ordinance is only within the authority of the City Council. The Local Government Code, Chapter 143, gives the City Council the authority to grant the extension of line-of-duty leave beyond one year.

### **FISCAL IMPACT**


This ordinance will have no fiscal impact on the budget, however, assuming that he would use the restored leave at a future date for another purpose, he would receive payment of \$ 34,813.20 for one thousand, six hundred and eight (1,608) hours, or sixty-seven (67) shifts.

### **COORDINATION**

This item has been coordinated with the Occupational Health Clinic of the Health Department.



Robert Ojeda  
Fire Chief



J. Rolando Bono  
Deputy City Manager

Approved:



Terry M. Brechtel  
City Manager