

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
FIRE DEPARTMENT**

TO: Mayor and City Council
FROM: Fire Chief Robert Ojeda
THROUGH: Terry M. Brechtel, City Manager
COPIES: Christopher J. Brady, Assistant City Manager, File
SUBJECT: Extension of Line of Duty Leave for Fire Apparatus Operator Mario Montemayor
DATE: December 18, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance would approve an extension of line-of-duty (LOD) leave for Fire Apparatus Operator Mario Montemayor. He was charged accrued personal leave from March 26, 2003 to date, and will continue to be charged through his projected return to full duty on April 15, 2004. The injury occurred while transporting an EMS patient on March 23, 2002. This extension will restore one thousand, three hundred and sixty-seven (1,367) hours, or fifty-seven (57) shifts, of the personal sick and annual leave he used from March 26, 2003 to December 18, 2003, and allow the Fire Department to consider this period line of duty leave. It will also classify the time from December 18, 2003 to April 15, 2004 as LOD leave. This equates to seven hundred and twenty (720) hours, or thirty (30) shifts.

Council action is required due to his using more than one year of leave to recover from an on-duty injury. The Local Government Code, Chapter 143, gives the City Council the authority to grant the extension of LOD leave.

Staff recommends approval.

BACKGROUND INFORMATION

Mario Montemayor, a Fire Apparatus Operator assigned to Unit 842 A in the Emergency Medical Service Division, was injured in the line-of-duty on March 23, 2002. He injured his cervical and lumbar spine in a fall over a curb while transporting an extremely heavy patient on a backboard. The injury is associated with neck, left shoulder, and lumbar spinal pain, radiating down the right leg, as well as numbness in both feet and his left arm. Surgery was performed on his left shoulder on June 16, 2003. The surgery included removing bone spurs and repairing ligament tissue to reduce chronic pain and return range of motion. His attending physician, Dr. Brad Burdin, has indicated that after recovering from shoulder surgery, FAO Montemayor's injury to the lower spine could be addressed. FAO Montemayor began losing personal leave due

to this injury on March 26, 2003. Dr. Burdin anticipates Montemayor returning to full duty by April 15, 2004.

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.

FISCAL IMPACT

This ordinance will have no fiscal impact on the budget, however, assuming that FAO Montemayor would use the restored leave at a future date for another purpose, he would receive payment of \$34,188.67 for one thousand, three hundred and sixty-seven (1,367) hours, or fifty-seven (57) shifts, of the personal sick and annual leave he used from March 26, 2003 to December 18, 2003.

COORDINATION

Dr. Michael Ciepiela, an independent physician chosen by the Worker's Compensation Administrator, examined FAO Montemayor on October 29, 2002 and reviewed all records in his case. He concluded that the injuries Montemayor had were directly related to his fall while transporting a patient. Dr. Jorge Flores, of Occupational Health, also examined FAO Montemayor on October 1, 2003. Dr. Flores reviewed all of Montemayor's medical records and concluded that the treatment and return-to-work seemed appropriate for this case.

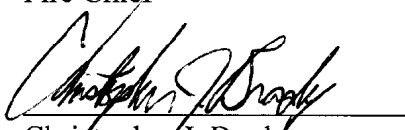
SUPPLEMENTARY COMMENTS

None

SIGNATURES

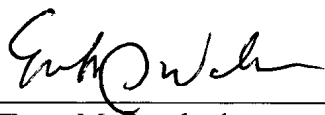


Robert Ojeda
Fire Chief



Christopher J. Brady
Assistant City Manager

Approved:



Terry M. Brechtel
City Manager