

Agenda item #91

**CITY OF SAN ANTONIO
FIRE DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Sheryl Sculley, City Manager
FROM: Fire Chief Robert Ojeda
SUBJECT: Extension of Line of Duty Leave for Fire Apparatus Operator Mario Montemayor
DATE: June 29, 2006

SUMMARY AND RECOMMENDATIONS

This ordinance would approve an extension of line-of-duty (LOD) leave for Fire Apparatus Operator Mario Montemayor. He was/will be charged accrued sick and annual leave from July 3, 2005 until June 26, 2006 for an on the job injury which occurred while lifting an EMS patient on July 2, 2004. Mr. Montemayor will go off the payroll June 27, 2006 due to having exhausted all available leave. His doctor has scheduled his return to work on or before December 1, 2006. This ordinance would restore/provide three thousand, ninety six (3,096) hours, or one hundred and twenty nine (129) shifts of personal leave. This will allow the Department to consider this period line-of-duty leave.

Council action is required due to Fire Apparatus Operator Mario Montemayor 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 line-of-duty leave.

Staff recommends approval.

BACKGROUND INFORMATION

Mario Montemayor, a Fire Apparatus Operator assigned to Station 42 A Shift in the Emergency Medical Service Division, was injured in the line-of-duty on July 2, 2004, while lifting a large patient on the stretcher. He began losing personal sick and annual leave due to this injury on July 3, 2005. F.A.O. Montemayor suffered lumbar spondylosis, with narrowing of the thecal sac/central canal stenosis. This included far left lateral disc protrusion and/or disco-osteophytic complex at L1-2 and back pain radiating down the left leg. He has been treated with various medications, and has received facet steroid injections for joint pain and trigger point injections for muscular pain. Mr. Montemayor underwent fusion surgery on October 12, 2005. He has continued therapy since July of 2004. He hopes to return to work in a light duty capacity on or before December 1, 2006.

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

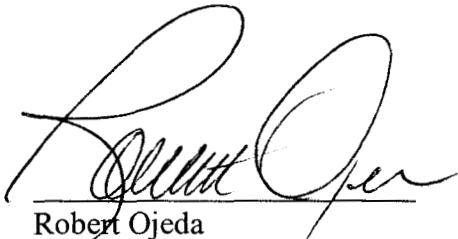
This ordinance will have no fiscal impact on the budget, however, assuming that he would use the restored leave at a future date for another purpose, he would receive payment of \$ 91,641.60 for three thousand, ninety six (3,096) hours, or one hundred and twenty nine (129) shifts.

COORDINATION


Dr. Jorge Flores of the Occupational Health Clinic of the Health Department conducted a medical evaluation of Fire Apparatus Operator Mario Montemayor on June 5, 2006.

SUPPLEMENTARY COMMENTS

None



Robert Ojeda
Fire Chief



Erik J. Walsh
Assistant City Manager

Approved for Council Consideration:



Sheryl Sculley
City Manager

Decision Paper

Mario Montemayor

Request for Extension of LOD Leave

Issue

Mario Montemayor has been an employee of the City of San Antonio for over 25 years. He is a Fire Apparatus Operator (F.A.O.) assigned to EMS unit 842 A. Mr. Montemayor seeks an extension of Line of Duty leave from July 3, 2005 to December 1, 2006, for a back injury suffered on July 2, 2004. This extension would restore/provide 3096 hours or 129 shifts. Most of these hours would allow him to recoup his personal sick and annual leave. As it stands now, Mr. Montemayor will be removed from the payroll beginning June 27, 2006 due to having exhausted all his available leave to that point. This extension requires an approval by City Council. In order to this, the Fire Department has provided a request for ordinance that will include the Fire Chief's recommendation.

Facts

- Date of injury – July 2, 2004.
- F.A.O. Montemayor injured his spine while lifting an extremely heavy patient on the stretcher. F.A.O. Montemayor injured his spine while lifting an extremely heavy patient on the stretcher.
- On Line of Duty leave from July 3, 2004 until July 3, 2005.
- **Clinical diagnosis:** Multilevel lumbar spondylosis most advanced at L4-5, where mild narrowing of the thecal sac/central canal stenosis. Far left lateral disc protrusion and/or disco-osteophytic complex at L1-2. Back pain radiating down the left leg.
- Previous fusion surgery at L5-S1 due to LOD injury 1993
- **Treatment History:** Originally placed on a conservative course of therapy. The pain continued and progressed to radiating into the left testicular area. He received trigger point injections on 9/22/04 and then 2 SI injections on 10/5/04 and 11/16/04 with significant relief of symptoms. Unfortunately, the symptoms gradually increased again. He had a hardware injection on 3/5/05 resolving the back pain at the time. A CT myelogram on 5/10/05 revealed a severe restriction of dye flow at L5-S1 which would require surgery. The insurance carrier denied the surgery. On 10/12/05, he finally had surgery to removed old hardware at L5-S1 and placed new hardware at L4-5. Mario since reports minimal pain.
- Montemayor has continued various physical therapy regimens throughout.
- The original surgery denial by Cambridge insurance lengthened Mr. Montemayor's recovery time.
- Dr. Jorge A. Flores, of the City of San Antonio Occupational Health Clinic, examined FAO Montemayor on June 5, 2006.

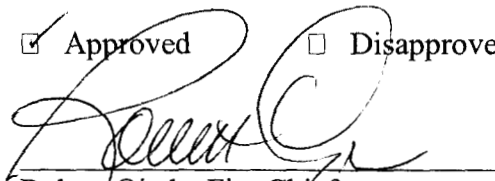
Considerations

- In the case of F.A.O. Montemayor, there was an extensive delay in treatment due to a dispute between the third party administrator and the patient's doctor.
- During discussions with F.A.O. Montemayor, he has displayed an extremely positive attitude, and is very excited about the prospect of returning back to full duty as soon as possible.
- F.A.O. Montemayor hopes to return to work in a light duty capacity, earlier than projected.

Recommendation

Fire Department staff recommends approval.

☒ Approved ☐ Disapproved


Robert Ojeda, Fire Chief

June 14, 2006
Date

SAN ANTONIO METROPOLITAN HEALTH DISTRICT



332 West Commerce
San Antonio, Texas 78205-2489
PHONE (210) 207-8780 FAX (210) 207-8999

Occupational Health &
Employee Wellness Clinic
401 W. Commerce St., Ste. #326
San Antonio, Texas 78207
Phone: 207-8890 / Fax: 207-8902

Robert Ojeda, Fire Chief
115 Auditorium Circle
San Antonio, Texas 78205

Dear Chief Ojeda,

I received an email (attached) from Lt. Kevin Koch requesting an opinion on LOD extension for Mr. Mario Montemayor.

I have reviewed medical records and I examined Mr. Montemayor on 6-7-06. Mr. Montemayor had lumbar spinal fusion surgery on 10-19-05. The average length of time required for rehabilitation from lumbar spinal fusion is approximately 160 days but can range up to 180 days. A designated doctor evaluation dated 1-20-06 estimated Maximum Medical Improvement (MMI) at mid March, 2006. No further medical improvement is anticipated after this date. Statutory MMI will be July 7, 2006.

Because of two low back injuries, I agree with the neurosurgeon who recommended Mr. Montemayor not return to work as an EMS technician which requires bending, stooping and heavy lifting.

If you have any questions or need additional information please contact me at 207-8890.

Sincerely,

Jorge A. Flores, M.D., MPH
Occupational Health &
Employee Wellness

