



City Manager's Office

Inter-Office Correspondence

Date: May 31, 2013

To: Mayor and Members of the City Council

From: Tom Higgins, City Manager *[Signature]*

Subject: Line-of-Duty Injury Benefits

On July 9, 2013, City Council will be asked to consider requests for extension of line of duty injury pay by Officers Ramsey and Lambing. In preparation for that decision, staff has prepared a detailed explanation of the benefits that they receive.

The City of Fort Worth provides a variety of resources for sworn personnel injured in the line of duty including workers compensation benefits, line of duty injury leave pay, and retirement benefits. Workers Compensation coverage includes temporary or lifetime income benefits (TIBS or LIBS), full medical coverage for the remainder of his or her life, and additional support as warranted. In addition, Chapter 143 of the Texas Local Government Code provides civil service employees line of duty injury leave pay for up to one year following an injury in order to ensure that the employees receive full pay during their recoveries. The Fort Worth City Council has routinely extended these benefits beyond the one year when deemed appropriate to allow officers additional recovery time. Finally, the City of Fort Worth Employees Retirement Fund includes a line-of-duty disability retirement that includes a pension benefit calculated as if the employee had worked until his or her normal retirement date.

Currently, the City employs two civil service employees who were catastrophically injured in the line of duty, thereby qualifying them for Workers Compensation LIBS. The City has also paid these employees Chapter 143 line of duty injury leave pay in a manner that is contrary to state law.

1. Police Officer Lisa Ramsey was injured in the line of duty on January 1, 2003. She is currently off work due to her injury and is drawing line of duty injury leave pay of \$77,292.80 annually, plus workers' compensation Lifetime Income Benefits (LIBS) of \$35,373.00 annually. Her total pay from these sources is \$112,665.80 annually. Her normal base pay is \$77,292.80 annually; thus, Officer Ramsey's current payments are \$35,373 more than her normal base pay annually. In addition to these income benefits, \$2.8 million has been paid for expenses related to her injury.
2. Police Officer Richard Lambing was injured in the line of duty on July 8, 2010. Officer Lambing is off work and is currently drawing line of duty injury leave of absence pay of \$77,292.80 annually and workers' compensation LIBS of \$40,196.00 annually. Officer Lambing's total pay from these sources is \$117,488.80 annually. His normal base pay is \$77,292.80 annually; this, Officer Lambing's current income is \$40,196 more than his

normal base pay annually. In addition to these income benefits, \$2.0 million has been paid for expenses related to his injury.

Texas Labor Code, §504.051, requires workers' compensation benefit payments made by a municipality to be offset by payments for line of duty injury leave of absence full pay under Texas Local Government Code, §143.073. In establishing these benefits, the Texas Legislature did not intend for an employee to simultaneously receive both benefits. Compliance with the law will still provide for full-pay and inflation protection for each of these officers.

Both Officers Ramsey and Lambing may continue their employment with the City, with or without a reasonable accommodation, by accessing their two-plus years of accumulated leave time and continue to receive LIBS. If they choose to use their leave time they are eligible to continue to receive LIBS. If Officer Ramsey elects this option she will continue to receive \$112,665.80 annually; and if Officer Lambing elects this option he will continue to receive \$117,488.80 annually for at least two more years, with 3% annual LIBS increases and step increases authorized by the Meet and Confer Agreement.

A second option for each officer is to medically retire instead of using his or her accrued leave and take the eligible leave as a lump sum payment. If Officer Ramsey medically retired now she would continue to receive LIBS (\$35,373) plus Retirement (\$45,588) totaling \$80,961 annually. If Officer Lambing medically retired now he would continue to receive LIBS (\$40,196) plus Retirement (\$57,120) totaling \$97,316 annually.

A third option is to return to work and continue to receive LIBS, if eligible. If Officer Ramsey is able to return to work and perform the essential functions of a City job, she would continue to receive LIBS in addition to her normal salary. As an alternative, if Officer Ramsey is able to work less than full-time in an approved position that meets her restrictions, she could supplement her income by using accumulated leave benefits while continuing to receive LIBS. Due to the nature of Officer Lambing's qualification for LIBS, which is different from Officer Ramsey's, he would no longer qualify for LIBS if he returned to work. The attached document outlines the financial impact of each of the choices.

If you have any additional questions, please contact Susan Alanis, Assistant City Manager, at 817.392.8180.

SUMMARY OF OPTIONS

Officer Ramsey	Normal Base Pay	Current	Disability Retirement	Continue Working as Sworn and/or Using Accrued Leave
Lifetime Income Benefits (LIBS)	\$ 0	\$ 35,373	\$ 35,373	\$ 35,373
Disability Retirement Benefits	0	0	45,588	0
Earned Income/Leave Usage	77,293	38,646	0	77,293
Line-of-Duty Injury Leave	<u>0</u>	<u>38,646</u>	<u>0</u>	<u>0</u>
TOTAL	\$ 77,293	\$112,665	\$ 80,961	\$ 112,666

Officer Lambing	Normal Base Pay	Current	Disability Retirement	Continue Using Accrued Leave
Lifetime Income Benefits (LIBS)	\$ 0	\$ 40,196	\$ 40,196	\$ 40,196
Disability Retirement Benefits	0	0	57,120	0
Leave Usage	77,293	0	0	77,293
Line-of-Duty Injury Leave	<u>0</u>	<u>77,293</u>	<u>0</u>	<u>0</u>
TOTAL	\$ 77,293	\$ 117,489	\$ 97,316	\$ 117,489