



# MEMORANDUM

Council Agenda  
Item No. XI. AA.1&2  
9/27/2022

## The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

1. Resolution approving the request for salary continuation for Lieutenant Zachery Moore while he continues to require rehabilitation to recover from an on-the-job injury, for up to an additional six months (1044 hours), or until September 27, 2023, whichever should occur first; and providing an effective date of September 27, 2022;

AND/OR

2. Enter into executive session to discuss confidential and medical information related to the application, as authorized by 25 O.S. (2021) §307 (B)(7).

### **Background:**

Lieutenant Zachery Moore was employed by the Fire Department on April 29, 2011. He was promoted to Lieutenant on November 30, 2000. On March 17, 2022, Lieutenant Zachery Moore was injured while engaged in firefighting duties. He has been undergoing medical treatment and rehabilitation since that time. The incident occurred through no fault of Lieutenant Zachery Moore.

The City of Oklahoma City has paid Lieutenant Zachery Moore's regular salary for six calendar months (which is 1044 OJI leave hours) of medically necessary time off since the date of his occupational injury. In 1993, the Oklahoma Legislature amended Title 11 Section §49-111 Oklahoma Firefighters Pension and Retirement System laws and §50-116.1 of the Oklahoma Police Pension and Retirement System laws to grant municipalities the option of extending the period of salary continuation to injured firefighters and police officers for up to an additional six months not to exceed a total of 12 months. This salary continuation is available because the employee is covered by one of the Public Safety Retirement Systems.

Council adopted standardized guidelines on November 20, 2001 to evaluate salary continuation requests in order to assure salary continuation is granted to assist employees to return to work in the near future after injury leave benefits have been exhausted. On March 18, 2008, Council adopted a resolution to amend the guidelines to evaluate requests for salary continuation to recover from an on-the-job injury for firefighters and police officers up to an additional six months. The amended guidelines for evaluating requests for salary continuation and benefits are amended as follows:

1. Any extension of salary and benefits should be based upon:
  - Medical evidence from a treating physician supporting a reasonable expectation the employee will be able to return to work as a police officer or firefighter;
  - Medical evidence supporting a projected return-to-work date that does not exceed an additional 1044 hours of leave within 12 calendar months from the date of the approval of a salary continuation request; and
  - A listing of any anticipated physical limitations on the employee's ability to perform the essential functions of a firefighter/police officer.
2. Any salary continuation period requires the employee return to work upon receiving a medical release to return to work within the extension period or upon expiration of the salary continuation period, whichever occurs first.
3. Any application for extension of salary and benefits should be based upon a certification of a serious medical injury including:
  - Verification of a reported on-the-job injury in which an employee has exhausted the 1044 hours of injury leave;
  - The employee is still being actively treated for the injury; and
  - The treating physician has not declared the employee to be at Maximum Medical Improvement (MMI).
4. Any extension of salary and benefits authorized for a Fire Department employee should also be based on the availability of an assignment into which the employee can be placed upon return to duty, taking into consideration any limitations on the employee's capabilities as a result of the on-the-job injury.
5. No application for extension of salary and benefits will be entertained if the City has contested the occurrence of an on-the-job injury or illness covered under Title 85 of the Oklahoma Statutes. In the event the workers' compensation court determines an on-the-job injury has occurred, the application can be renewed at that point in time.

The request for salary extension for Lieutenant Zachery Moore meets the guidelines listed and management recommends the request for salary continuation be approved. If Council would like to discuss specific medical information related to this request for salary continuation, the Council can retire to executive session to do so.

**Review:**

Fire Department

**Recommendation:** Resolution be adopted.