

September 11, 2000
OPINION 00-284

Mr. Jessie Bellard
Opelousas Fire & Police
Civil Service Board
318 North Court Street
Opelousas, LA 70570

71-1-1 Municipal Fire & Police Civil Service
R.S. 33:1995; R.S. 33:2214
Firefighter is entitled to fifty-two week period for sick leave. No specific amount of time must be served on the job between sick leave periods. The fifty-two week sick leave period is not restricted to one calendar year. In contrast, the sick leave authorized policemen limits the fifty-two weeks to one calendar year. Both firemen and policemen are entitled to sick leave benefits even though the injury or illness may have occurred off-duty.

Dear Mr. Bellard:

You raise the following hypothet in your correspondence to this office:

A fireman or a police officer took a year of sick leave for a back injury. This injury occurred and the leave was taken five years ago. The injury has reoccurred. Does it matter whether the injury occurred while the individual was on-duty or off-duty? Is that employee entitled to another year of sick leave?

R.S. 33:1995 authorizes sick leave for firemen and provides:

§ 1995. Sick leave

Every fireman in the employ of a municipality, parish or fire protection district to which this sub-part applies, shall be entitled to full pay during sickness or incapacity not brought about by his own negligence or culpable indiscretion for a period of not less than fifty-two weeks.

R.S. 33:2214 authorizes sick leave for policemen and pertinently provides:

§ 214. Annual vacation; sick leave; recovery from third persons

* * * * *

B. (1) Each employee of the police departments of the municipalities covered by this Subpart, except the city of Westwego, shall be entitled to and given with full pay a sick leave aggregating not less than fifty-two weeks during any calendar year when the conditions actually warrant. Any police department employee who draws such full pay during sick

leave shall have such pay decreased by the amount of worker's compensation benefits actually received by such employee.

A fireman is entitled to sick leave benefits even though the injury or illness may have occurred while he was off-duty. See Attorney General Opinion 87-295. The same rule applies to policemen. See Attorney General Opinions 78-1379 and 80-471.

Attorney General Opinion 81-286 is responsive to the second part of your inquiry. R.S. 33:2214(B) limits the fifty-two week period of sick leave to one calendar year. In contrast, R.S. 33:1995 makes no such limitation. Thus, as per this office in Opinion 81-286, "if after complete recuperation and return to active service the fireman is taken ill or incurs serious injury, he would be again entitled to the benefit provided at Section 1995."

Should you have further questions, please contact this office.

Very truly yours,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY:

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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Date Received:
Date Released: September 11, 2000

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL