

FIREFIGHTER SALARY CONTINUATION

The Oklahoma Attorney General has determined that the employer cannot deduct from a firefighter's accumulated leave in order to pay the salary continuation required by state law. The AG reasons that to do so would result in the employer's obligation being met by the firefighter. This would contradict the clear and unmistakable language of state law. A similar provision affecting police officers is found in 11 O.S. Section 50-116.1. See 2008 OK AG 4.

Title 11 O.S. Section 49-111 requires the municipal employer to continue the firefighter's full salary for up to six months when he/she, on account of sickness or temporary disability caused in the discharge of his/her duty, is unable to perform the member's duties. At the option of the employer, the salary can be continued for up to twelve months.

If the firefighter's injury is a burn injury caused or sustained while in the discharge of the member's duty, the salary continuation is up to twelve months with the option to increase payments for up to eighteen months. If the firefighter is eligible for workers compensation and the salary continuation is greater than TDD benefits, he/she must transfer the benefits to the municipal employer.

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