

The Combined Law Enforcement Associations of Texas

Proudly Serving Texas' Finest

The Honorable Greg Abbott
Governor, State of Texas

March 31, 2020

Texas State Capitol
Rm. 28.1
Austin, Texas 78701

Dear Governor Abbott,

Thank you for your friendship, first to all law enforcement, as you have a strong historical record of siding with those of us who risk everything on behalf of protecting and serving our fellow Texans. Secondly, your friendship with our organization specifically, by coming in-person to visit with us about our concerns regarding the myriad of issues that we deal with representing front line officers across Texas. You and I have had open, sometimes pointed dialogue in the presence of our governing body and Executive Director. You've never dodged the opportunity or the debate because although we may have had different viewpoints, we shared the same interests of protecting law enforcement personnel as well as our love for Texas.

As a 32-year law enforcement officer, I also thank you for listening to our concerns regarding law enforcement officers and COVID-19 exposures. The number of officers testing positive for the disease is growing by the day. This country has suffered its first law enforcement Line of Duty Death related to this horrific disease. That's why we are deeply concerned about the language in the statement released by your office yesterday, and I cannot tell you how disappointed I am in the actual content.

Instead of taking the opportunity for an executive order to instruct and direct the Texas Department of Insurance and the Texas Worker's Compensation Commission to rule that any Texas First Responder testing positive for COVID-19 be presumed to have contracted the disease in the Line of Duty, you simply restated known law that already existed.

Other law enforcement unions with known conflicts of interest involving applying for and accepting state funds, some directly overseen and distributed by the Office of the Governor, are already out waving the victory flag as though yesterday's news release actually announced something new or substantive. You and I know that it did not.

We call on you today to immediately take whatever action necessary to move to protect all Texas First Responders and make COVID-19 a covered Presumptive disease under the law. If you do not have the authority, then take whatever action is needed to make sure this happens immediately.

Yesterday's release states that you have waived certain statutory provisions to ensure public safety employees who contract COVID-19 during the course of their employment will be reimbursed for reasonable medical expenses related to their treatment of COVID-19.

Sec. 607.002 of the Government Code addresses reimbursement as such:

Sec. 607.002. REIMBURSEMENT. A public safety employee who is exposed to a contagious disease is entitled to reimbursement from the employing governmental entity for reasonable medical expenses incurred in treatment for the prevention of the disease if:

(1) the disease is not an "ordinary disease of life" as that term is used in the context of a workers' compensation claim;

- (2) the exposure to the disease occurs during the course of the employment; and
- (3) the employee requires preventative medical treatment because of exposure to the disease.

Our concerns and unanswered questions after reading your letter and applicable portions of the Government Code are below:

Will the officer be covered by workers compensation which would entitle them to not only the above expenses, but ALSO to temporary income benefits?

Section 607.054 of the Government code addresses presumptive issues as such:

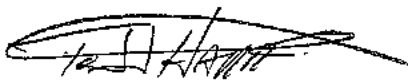
Sec. 607.054. TUBERCULOSIS OR OTHER RESPIRATORY ILLNESS. A firefighter, peace officer, or emergency medical technician who suffers from tuberculosis, or any other disease or illness of the lungs or respiratory tract that has a statistically positive correlation with service as a firefighter, peace officer, or emergency medical technician, that results in death or total or partial disability is presumed to have contracted the disease or illness during the course and scope of employment as a firefighter, peace officer, or emergency medical technician.

Will public safety employees who are positive for COVID-19 be presumed to have contracted the disease in the line of duty?

Will public safety employees who die from COVID-19 be treated as a line of duty death, and will their survivors be entitled to those benefits?

Thank you for your consideration and concern for our first responders. We look forward to continued communication on this matter and the ability to provide feedback to the over 25,000 law enforcement officers we represent through our Board of Directors.

Respectfully,



Todd Harrison
President, CLEAT