

**RESOLUTION NO. R2021-40**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CREATING A NEW PERSONNEL POLICY, MENTAL HEALTH LEAVE FOR PUBLIC SAFETY EMPLOYEES, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS.**

**Whereas**, the City Council believes its personnel policies should reflect the needs of the City and meet all applicable state and federal labor laws; and

**Whereas**, it is necessary to update, revise, and clarify language in the City of Burnet Personnel Policies consistent with laws, regulations, and industry standard practices; and

**Whereas**, the City of Burnet has previously adopted Ordinance No. 2009-31, Personnel Policy Manual on December 8, 2009; and

**Whereas**, the Personnel Policy Manual was last revised on August 10, 2021; and

**Whereas**, the City Council believes it is in the best interest of the City and its employees to make additional amendments to said Personnel Policy Manual; and

**Whereas**, the City Council has reviewed the proposed amendments to the Personnel Policy Manual and has determined the need to update and clarify those sections.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section 1.** The City Council hereby accepts and adopts the amendment to the Personnel Policy to include section **8.17 Mental Health Leave for Public Safety Employees** as attached hereto as Exhibit "A" with an effective date of September 1, 2021.

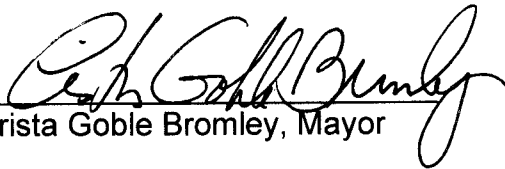
**Section 2.** The findings and recitations set out herein above are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 3.** If any provision of this resolution or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

**Section 4.** That it is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

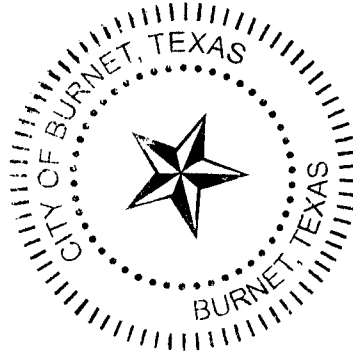
**PASSED AND APPROVED** on this 24<sup>th</sup> day of August 2021.

**CITY OF BURNET, TEXAS**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary



## **Exhibit A - 8.17 Mental Health Leave (Effective 9-1-2021 Resolution 2021-\*\*)**

The City of Burnet is committed to protecting the psychological health, safety, and wellbeing of its Public Safety Employees. The City acknowledges that workplace trauma is a health and safety issue and that by creating a Mental Health Leave Policy for Public safety employees to address employees experiencing a traumatic event we can improve the well-being of the organization.

### **Application**

- a) Mental Health Leave for Public safety employees is intended to provide staff who experience a traumatic event that occurs while on duty, time away from work to receive assistance in dealing with the event that was experienced.

The following are examples that may be considered a traumatic event. As these examples will not encompass all traumatic events public safety employees may potentially encounter, the Police Chief and Fire Chief will evaluate requests for leave under this policy to determine if Mental Health Leave is applicable.

1. Officer involved shooting.
  2. Vehicle crash involving serious injury or death to a public safety employee.
  3. Officer being the victim of a felonious assault.
  4. Line of duty death of a coworker.
  5. Severe trauma or death of a child.
  6. Homicide Scenes.
  7. Incident involving multiple deaths and/or injuries (natural disaster or terrorist attack).
- b) Mental Health Leave provides paid leave for up to 3-twelve hour shifts from work, per traumatic event that occurred while on duty, in order for the employee to seek professional treatment for the handling of the traumatic event in which they were involved.
- c) The Public safety employee will contact the Chief of the department and request the use of the leave in order to obtain mental health assistance. The Chief may consult with the Director of Human Resources prior to granting the leave.
- d) Based upon the information provided to the department administration after the event, Mental Health Leave will be granted if ordered by a mental health professional or the Chief of Police, Fire Chief or designee.
- e) Mental Health Leave hours will be recorded on the timesheet as administrative leave, to provide anonymity. However, the City will keep requests to take mental health leave and any medical information related to mental health leave under this policy confidential to the extent allowed by law and separate from the employee's general personnel file. The agency cannot guarantee anonymity of information that

is otherwise public or necessary to carry out the agency's duties under the law.

- f) Mental Health Leave provides that public safety employees will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health benefit plan benefits for the duration of the leave. While on paid Mental Health Leave, the employee will not be required to use any other paid leave type (vacation, sick, holiday, compensatory time).
- g) An employee on Mental Health Leave may not work a second job, including self-employment or participate in volunteer work.
- h) If additional time off is needed employees may apply for a Leave of Absence or other leave as authorized under the personnel policies. See Personnel Policy 8.10 Leave of Absence.
- i) If a Public safety employee is off work due to Mental Health Leave and the employee qualifies for Family and Medical Leave, it will run concurrently with the Mental Health Leave.
- j) Following use of Mental Health Leave, the City may require a public safety employee to undergo a psychological examination, by a professional of the City's choosing, to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation and as otherwise permitted in accordance with applicable laws. See Personnel Policy 8.16 Health/Medical Examinations/Fitness for Duty.
- k) A list of mental health professionals is available in the Human Resources Department or accessible through the medical carrier's provider directory.

**Definitions** - (Ref. Tex. Loc. Gov't Code 180.008(b).)

"Emergency medical technician" means an individual who is:

- (A) certified as an emergency medical technician under Chapter 773, Health and Safety Code; and
- (B) employed by a political subdivision.

"Fire fighter" means a paid employee of the fire department who:

- (A) holds a position that requires substantial knowledge of firefighting;
- (B) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and
- (C) performs a function listed in Section 143.003(4)(A).

"Peace officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the City.