



Policy Revision Request

Requestor Name Jerry Cantu Emp # 6111

This revision applies to New Policy

If new, recommended section 954

This revision is necessary to comply with State Law (attach)

Whom does this revision affect? Department

This revision has an unbudgeted financial impact of \$ 0

Brief reason for the revision:

S.B. 1359 Mental Health Leave

- (a) Requires each law enforcement agency to develop and adopt a policy allowing the use of mental health leave by the peace officers employed by the agency who experience a traumatic event in the scope of that employment.
- (b) Requires that the mental health leave policy adopted under this section:
 1. provide clear and objective guidelines establishing the circumstances under which a peace officer is granted mental health leave and may use mental health leave;
 2. entitle a peace officer to mental health leave without a deduction in salary or other compensation;
 3. enumerate the number of mental health leave days available to a peace officer; and
 4. detail the level of anonymity for a peace officer who takes mental health leave.

Document the changes or additions to the policy below. Please include the specific policy number. ~~Red strikethroughs~~ are used for deletions and blue underlined for text insertions. Please email completed forms to APDPolicy@austintexas.gov. Use this email for any related questions or issues for policy.

954 MENTAL HEALTH LEAVE (MHL)

954.1 PURPOSE AND SCOPE

This order outlines "Mental Health Leave" (MHL) as defined by Texas Government Code 614; Subchapter A-1 Mental Health Leave. "A Law Enforcement agency shall develop and adopt a policy allowing the use of mental health leave by the peace officers employed by the agency who experience a traumatic event in the scope of that employment." Any officer who experiences a traumatic event in the scope of employment is eligible for MHL.

This Order intends to implement the City of Austin Human Resources Division policy regarding Mental Health Leave for Peace Officers.

954.1.1 Definitions

(a) **Traumatic Event** - An event that occurs within a peace officer's scope of employment that causes the peace officer physical, emotional, and/or psychological harm, including vicarious trauma, and which has the potential to interfere with the peace officer's ability to perform their duties effectively. Traumatic events that occur within a peace officer's scope of employment can have varying degrees of severity and effect on any individual. Each peace officer may experience the same

type of traumatic event differently. Below is a non-exhaustive list of possible examples of traumatic events in the course and scope of employment that can affect a peace officer's mental health.

1. Traumatic events may include, but are not limited to, the following:

- (a) An Officer-involved shooting.
- (b) A serious injury or death of an employee in the line of duty.
- (c) A serious injury or death of any person as a result of police action.
- (d) A multiple casualty incident.
- (e) An in-custody death.

(b) **Mental Health Professional** - A State of Texas licensed: general practitioner, social or mental health worker, counselor, psychotherapist, psychologist, or psychiatrist.

(c) **Mental Health Leave (MHL)** - Administrative leave with pay granted in response to a traumatic event that occurred within the scope of the peace officer's employment.

954.2 SUPERVISOR RESPONSIBILITY

(a) Supervisors shall ensure the employee is aware of the Mental Health Leave policy.

(b) A supervisor who becomes aware of behavioral changes in an employee directly involved in a traumatic event should suggest that the employee seek the assistance of a mental health professional, contact Peer Support and/or utilize the Department's Mental Health Leave policy.

954.3 REQUESTING MENTAL HEALTH LEAVE

Any officer directly involved in a traumatic event within the scope of their employment shall be entitled to and may request mental health leave. An officer requesting MHL shall inform their immediate supervisor as soon as practical but no later than 30 days after the traumatic event or when the officer knew or should have known of the trauma.

(a) The officer shall complete form PD0118 Mental Health Leave and submit the form through the chain-of-command up to the Commander for approval. The request shall be treated as a priority matter, and a decision on granting the leave shall be made no later than 24 hours following the submission of the request.

(b) The supervisor and the employee will also complete, as "Incident Only," all required workers' compensation forms outlined in GO 956 On-Duty Injury and Illness.

(c) Upon approval, the supervisor will code the officer's timesheet with PSL. The supervisor will submit a copy of the form PD0118 Mental Health Leave to Risk Management for archive at apdriskmanagement@austintexas.gov and the workers' compensation forms to apdhrworkerscompensation@austintexas.gov.

(d) An officer on approved Mental Health Leave will not work LERE and shall adhere to the restrictions per GO 958.9 Restrictions While On Limited Duty and Extended Limited Duty.

(e) Officers shall not have reduced salaries or benefits due to requesting, receiving, or being placed on MHL. MHL is deemed non-productive time.

954.4 DURATION OF MENTAL HEALTH LEAVE

An officer directly involved in a traumatic event within the course and scope of their employment may receive up to 40 working hours per qualifying traumatic event.

(a) Mental Health Leave shall be taken consecutively upon approval and will not be taken separately or at a later date.

(b) An officer may request an extension of their MHL under certain circumstances. A request for an extension shall be made on form PD0118 Mental Health Leave and submitted to the Chief or his designee through the officer's chain of command. The request may be granted provided the officer articulates specific, compelling reasons for the extension. Regardless of whether the request for an extension is approved or denied, the chain of command shall email the form to apdriskmanagement@austintexas.gov. The request for an extension should be submitted within 24 hours of the MHL ending or within a reasonable time to allow the request to be reviewed for approval.

- (c) The Chief or his designee may grant an extension of up to three (3) working days upon review of the request. Officers who have requested an extension and been approved must provide a "Return to Work" form from a Health professional releasing them to return to duty.
- (d) Officers unable to return to duty after an extension of MHL has been granted shall be treated under workers compensation.
 - 1. Following the use of all allotted Mental Health Leave hours or any cumulative allotted hours through workers compensation, the Chief may require the officer to undergo a Fit-for-Duty or psychological examination by a Mental Health Professional. This determines the officer's well-being and ensures they are mentally capable of performing their duties as outlined in Texas Local Government Code 143.081.

954.5 CONFIDENTIALITY

- (a) Any request for Mental Health Leave shall be treated as strictly confidential by all parties involved. The request and/or approval shall not be discussed or disclosed outside the employee's immediate chain of command and only as necessary to facilitate the use of the leave.
- (b) Confidentiality may be waived under circumstances that indicate the employee is a danger to themselves or others. Department personnel must confer with Mental Health Professionals to ensure the employee's safety.
- (c) Supervisors or coworkers participating in gossip or violating confidentiality may be subject to disciplinary action. If a supervisor becomes aware of a confidentiality violation by an employee, then that supervisor shall take appropriate action to address or report the violation.