

CITY OF FRISCO PERSONNEL POLICIES
SECTION: LEAVE

Subject: **MENTAL HEALTH LEAVE FOR POLICE/FIRE DEPARTMENT EMPLOYEES POLICY**

Effective Date: 04/05/2022

Approved By: Ord 2022-04-13

Revision Date:

I. STATEMENT OF PURPOSE:

The purpose of this policy is to provide guidance in following Chapter 614.015 of the Texas Local Government Code regarding the use of paid mental health leave for authorized peace officers who experienced a traumatic event in the scope of employment with the City of Frisco. The City of Frisco is expanding on this guidance to include all eligible employees working for both, the Frisco Police Department and Frisco Fire Department. Mental health leave is designed to be a resource available for eligible employees to support staff in maintaining a healthy state of mind while at work and at home, however, requesting or taking leave is not a requirement for every traumatic event.

II. ELIGIBILITY:

This policy applies to all eligible employees within the City of Frisco Police Department and Fire Department. The Resiliency Coordinator for the Frisco Police Department, or person identified by the Police Chief, will be responsible for communicating and implementing this policy within the police department. The designated administrators identified by the Fire Chief, will be responsible for communicating and implementing this policy within the Fire Department.

III. DEFINITIONS:

“Confidentiality” refers to a duty of an individual to refrain from sharing confidential information with others about an employee applying for and/or taking mental health leave under this policy, in accordance with applicable state or federal laws and regulations.

“Law Enforcement Agency” means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

“Mental Health Professional” refers to a person who by education and experience is professionally qualified to provide counselling interventions designed to facilitate individual achievement of human development goals and remediate mental, emotional, or behavioral disorders, and associated distresses, which interfere with mental health and development. This person must be licensed to provide services in the State of Texas.

"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 and is licensed by the Texas Commission on Law Enforcement.

"Police / Fire Department Employee" refers to any employee classified as a full-time employee working for the City of Frisco Police or Fire Department.

"Scope of Employment" means an activity of any kind or character that has to do with and originates in the work, business, trade, or profession of the employer and that is performed by an employee while engaged in or about the furtherance of the affairs or business of the employers.

"Traumatic Event" means an event, series of events, incident, or set of circumstances that is experienced by the employee, during the scope of employment, as physically harmful, emotionally harmful, or life-threatening and that has the potential to cause lasting adverse effects on the employee's functioning and mental, physical, social, or emotional well-being outside of the typical setting for the position. Examples include, but are not limited to:

- Any officer involved shooting;
- Any investigations by an employee involving deaths or serious bodily injury of individuals;
- Any investigations by an employee involving abuse of individuals;
- The death, injury, catastrophic illness of a coworker;
- Any EMS or Fire call for service that involves death or serious injury of a patient or individual;
- Witnessing a sudden violent death;
- Any employee that experiences a natural disaster such as hurricane, tornado or flood;
- Experiencing or witnessing any life-threatening injury or illness;
- Witnessing severe human suffering; and/or
- Experiencing any physical or sexual assault.

IV. **USAGE**

The use of paid mental health leave may be granted after an employee experiences a traumatic event during the scope of employment and in accordance with departmental and City policies and procedures. Paid mental health leave is to be used to receive assistance in dealing with the traumatic event that was experienced. Eligible employees must provide a written request for paid mental health leave to their supervisor or Department Director. For each traumatic event, mental health leave may be granted via the process and for the period noted below.

Paid mental health leave shall be administered at the discretion of the Department Director, or his/her designee, and will base his/her decision upon the information provided to him/her after the event occurs, or as otherwise ordered by a mental health professional.

Upon receipt of a written mental health leave request, the Designated Administrators will notify the City's Human Resources Department. The Designated Administrators will:

- a. Review the request.
- b. Determine if the request qualifies for mental health leave.
- c. Approve or deny the request.
- d. Set the length of leave.
- e. Render a decision on the granting of the leave no later than (5) five working days following the receipt of the request by the Designated Administrators: and
- f. Notify Human Resources of the determination.

Employees who meet all eligibility requirements are entitled to up to five (5) days (40 hours) or three (3) 24-hour shifts (for personnel on a 24/28 shift schedule) of paid mental health leave, per identified traumatic event. All mental health leave taken pursuant to this policy will run concurrently with FMLA or City LOA for eligible employees.

Mental health leave beyond five (5) continuous days or three (3) 24-hour shifts, shall adhere to the City's regular leave policy, and employees will need to contact the City's leave of absence administrator to initiate a new and/or continuation of claim, if applicable.

Eligible employees must submit documentation supporting the request for mental health leave to the Designated Administrator in order to be considered for mental health leave and/or continuation of mental health leave. The following will suffice as documented justification:

- a. Physician note.
- b. Therapist/Counselor note

Prior to returning to work, the Eligible Employee must provide a letter of clearance by his/her mental health professional indicating he/she is released to return to work with or without reasonable accommodations.

V. **IMPACT ON BENEFITS AND OTHER LEAVE**

Applicable employees on paid mental health leave will continue to be eligible for all employment benefits, seniority, and compensation, including continuing their special

pays, leave accrual, pension benefits and eligibility for healthcare plan benefits for the duration of the leave. While on mental health leave, and once the Mental Health Leave Request Form is approved, the City will not reduce an eligible employee's sick leave balance, vacation leave balance, holiday leave balance or other paid leave balances in connection with paid mental health leave taken in accordance with this policy. Any sick leave used prior to the approval of the Mental Health Leave Request Form will be reinstated to the employee's sick leave balance.

VI. **CONFIDENTIALITY**

The City/department will keep requests to take mental health leave and any medical information related to mental health leave under this policy confidential, in accordance with applicable state or federal laws and regulations. Any request for mental health leave by an Eligible Employee shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the Eligible Employee's immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer or supervisor who becomes aware of behavioral changes and suggests an Eligible Employee seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline. Confidentiality may be waived by the Eligible Employee seeking mental health leave. Confidentiality may be waived under circumstances which indicate the Eligible Employee is a danger to himself or herself or others and department personnel must confer with mental health professionals, in accordance with applicable state and federal laws and regulations. Information will be kept separate from the Eligible Employee's general personnel file and will only be shared with those entitled to access in accordance with state and federal laws and regulations. The City cannot guarantee anonymity of information that is otherwise public or necessary to carry out the City's duties in accordance with applicable state and federal laws and regulations. Supervisors or coworkers that participate in gossip or violations of that confidentiality may be subject to disciplinary action. If a supervisor becomes aware of a violation of confidentiality by another member of the department then that supervisor shall take appropriate action to address or report the violation.

VII. **OTHER EMPLOYMENT DURING LEAVE PROHIBITED:**

Under no circumstances may an employee on paid mental health leave, paid quarantine leave, FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment during the period of leave unless expressly authorized in writing in advance by the Department Director and Human Resources Director.