

RESOLUTION NO. 2021-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUERO AMENDING THE CITY OF CUERO PERSONNEL POLICIES MANUAL, BY CHANGING ARTICLE V, “WORKING HOURS, ATTENDANCE AND LEAVE”, SECTION 5.05, “SICK LEAVE”, SUB-PARAGRAPH ENTITLED “MENTAL HEALTH LEAVE FOR FIRST RESPONDERS”.

WHEREAS, the Cuero City Council approved, by resolution, the City of Cuero, Texas, Personnel Policies Manual on December 1, 2009 and thereafter approved, by resolution, a revised, amended and updated Personnel Policies Manual on November, 17, 2016; and

WHEREAS, Article I, Section 1.07 does allow for amendments to the Employee Handbook, also known as the City of Cuero Personnel Policy Manual, to be approved by resolution of the City Council;

WHEREAS, this City Council, after careful review of the Personnel Policy Manual, and due to Senate Bill 1359 requiring a mental health leave policy for law enforcement agencies and based upon the recommendation of a review by city staff, has determined that said manual is in need of amendment; and

WHEREAS, that section in need of amendment is **Article V, “Working Hours, Attendance and Leave” Section 5.05, “Sick Leave”, Sub-Paragraph Entitled “Mental Health Leave for First Responders”**, to be amended as follows;

MENTAL HEALTH LEAVE FOR FIRST RESPONDERS

The City provides paid time off for full time first responders (police officers, communication officers, firefighters, and/or emergency management personnel) who have experienced or suffered trauma, due to a traumatic event in the scope of employment. This paid time off should be used to seek assistance in overcoming adverse effects of such an experience.

Trauma results from an event, series of events or a set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual’s functioning and mental, physical, social, emotional, or spiritual well being (Substance Abuse and Mental Health Services Administration)

Traumatic Event – a natural or man-made event which causes trauma.

A full time first responder who suffers trauma because of a traumatic event in the scope of employment may be granted mental health leave upon written request to the City Manager or the City Manager’s designee. The City Manager or designee shall grant or deny the request for mental health leave within 24-hours of receiving the request. If denied, the reason(s) for the denial must be enumerated in writing.

Approved personnel shall be eligible for up to one (1) workweek (40 hours maximum) of paid Mental Health Leave. This time may be taken consecutively or in a minimum of one (1) workday segments. These workday segments may be eight, ten, twelve, or twenty four-hour periods and will correspond to the employee’s normally assigned schedule.

Personnel shall not be granted more than 40 hours of Mental Health Leave within the City's fiscal year. Nothing in this policy shall prevent an employee who needs more time from using other leave time or benefits available to them as employees of the City of Cuero.

As with sick leave used for personal illness, employees taking mental health leave may not work outside employment for the duration of the leave.

Mental Health Leave is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation.

To maintain anonymity for the reason of absence, any mental health leave used under this policy shall be entered as "administrative leave with pay" in the City payroll system and no reason for the administrative leave shall be documented on the entry.

The Letter requesting leave as well as the City Manager's or designee response granting or denying such leave shall be forwarded, along with dates of the leave and the hours taken, to Human Resources to be included in the employee's file.

The City of Cuero Human Resources Department will coordinate and provide mental health services and contacts for employees who have been approved for mental health leave.

Prior to returning to work, the city may request the employee to submit to a fitness for duty as a requirement in order to return to work.

WHEREAS, this City Council does hereby amend and supplement the City of Cuero's Personnel Policy Manual as provided herein; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CUERO, TEXAS, THAT the City of Cuero, Texas, Personnel Policies Manual adopted December 1, 2009, as revised amended and updated on November 17, 2016 be further amended, revised and supplemented as follows:

SECTION ONE. The Article V, "Working Hours, Attendance and Leave" Section 5.05 "Sick Leave" Sub-Paragraph Entitled "Mental Health Leave for First Responders" is amended to state as follows;

MENTAL HEALTH LEAVE FOR FIRST RESPONDERS

The City provides paid time off for full time first responders (police officers, communication officers, firefighters, and/or emergency management personnel) who have experienced or suffered trauma, due to a traumatic event in the scope of employment. This paid time off should be used to seek assistance in overcoming adverse effects of such an experience.

Trauma results from an event, series of events or a set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being (Substance Abuse and Mental Health Services Administration)

Traumatic Event – a natural or man-made event that causes trauma.

A full time first responder who suffers trauma as a result of a traumatic event in the scope of employment may be granted mental health leave upon written request to the City Manager or the City Manager's designee. The City Manager or designee shall grant or deny the request for mental health leave within 24-hours of receiving the request. If denied, the reason(s) for the denial must be enumerated in writing.

Approved personnel shall be eligible for up to one (1) workweek (40 hours maximum) of paid Mental Health Leave. This time may be taken consecutively or in a minimum of one (1) workday segments. These workday segments may be eight, ten, twelve, or twenty four-hour periods and will correspond to the employee's normally assigned schedule.

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Prior to returning to work, the city may request the employee to submit to a fitness for duty as a requirement in order to return to work.

SECTION TWO. All articles and sections not amended hereby shall remain unchanged.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER 2021

SARA POST MEYER, MAYOR

ATTEST:

**JENNIFER ZUFELT
CITY SECRETARY**