



Policy Revision Request

Requestor Name RM Staff at the request of COS Emp # 4647

This revision applies to Existing Policy 02-20-24

If new, recommended section _____

This revision is necessary to comply with Best Practices

Whom does this revision affect? Department

This revision has an unbudgeted financial impact of \$ 0

Brief reason for the revision:

ES wishes to clarify MHL policy and narrow the scope of what will be approved, and shift the approval/denial process to non-sworn/APD HR.

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.

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) Scope of employment response to major disasters or incidents that result in death or severe trauma.

~~A multiple casualty incident.~~

(e) An in-custody death.

2. Traumatic events generally will not include the following types of events:

- (a) Administration of discipline or a reprimand
- (b) Receipt of a negative personnel evaluation
- (c) Engaging in or witnessing a Level 3-4 response to resistance incident
- (d) All incidents that are minor in nature

- (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. Supervisors should be familiar with circumstances that qualify for leave under this section and proactively remind officers that they are eligible.

- (a) The supervisor or the officer shall complete ~~form PD0118 Mental Health Leave~~ the Public Safety Administration Leave for Sworn Personnel Request Form and ~~submit the form through the chain-of-command up to the Commander for approval.~~ submit the form to apdhrworkerscompensation@austintexas.gov for final review and approval. The request shall be marked as "High Importance" by the sender in Outlook and be treated as a priority matter by HR. ~~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 and submit it to~~ APD Human Resources personnel up to and including the Chief of Police or his/her designee, may review and evaluate events not listed as traumatic for Mental Health Leave on a case-by-case basis.

(c) Upon approval, ~~the supervisor will code the officer's timesheet with PSL.~~ APD Human Resources will notify the requesting officer of the approval, and contact the officer's direct supervisor to confirm that the officer's timesheet is accurately coded 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.~~

1. Upon being notified of the officer's approved PSL the supervisor and the officer will also complete, as "Incident Only," all required workers' compensation forms outlined in GO 956 On-Duty Injury and Illness and submit it to apdhrworkerscompensation@austintexas.gov.

~~(e)~~(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.

~~(d)~~(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~~begin more after than 30 days from the traumatic event.
- (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~~ the Public Safety Administration Leave for Sworn Personnel Request Form and submitted to the Chief or ~~his~~ designee through the officer's chain of command. The request may be ~~granted~~approved -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~~submit the form to apdhrworkerscompensation@austintexas.gov for final review. 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) With the exception of the requesting officer, 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 or request mental health services (Victim Services, Peer Support, Chaplain, etc).

- (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.