

CITY OF SANDY OAKS, TEXAS

RESOLUTION NO. 2021-135

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS AMENDING THE POLICY ON MILITARY LEAVE, APPROVING A POLICY ON PAID QUARANTINE LEAVE FOR PEACE OFFICERS, AND APPROVING A POLICY ON MENTAL HEALTH LEAVE FOR PEACE OFFICERS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Sandy Oaks, Texas (“City”) adopted a Personnel Policy Manual providing for the policies of the City regarding employees and the City’s and employees’ duties regarding employment; and

WHEREAS, the City adopted a personnel policy manual for the Sandy Oaks Police Department (“Department”) for peace officers of the City regarding the policies of the Department regarding peace officers and the Department’s and peace officers’ duties regarding employment;

WHEREAS, the City Council finds it to be in the public’s interest and necessary for the public’s health, safety, and welfare that the employee manuals be updated from time to time to reflect current and changing state and federal law related to the City’s employees; and

WHEREAS, the 87th Texas Legislature enacted House Bill 1589 regarding paid military leave for employees, House Bill 2073 regarding paid quarantine leave for certain employees, and Senate Bill 1359 related to mental health leave for peace officers; and

WHEREAS, the City Council finds that the policies attached hereto as Exhibits A, B, and C are in compliance with House Bill 1589, House Bill 2073, and Senate Bill 1359, respectively, and should be approved, adopted, and incorporated into the City’s Personnel Policies Manual and personnel policy manual for the Department;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby found to be true and correct legislative and factual findings of the City Council of the City and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2. APPROVAL OF AMENDED MILITARY LEAVE POLICY. The City Council hereby approves the amended Employee Leave Policy—Military Leave attached hereto as Exhibit A and incorporates such policy as amended into the City’s Personnel Policies Manual effective September 1, 2021.

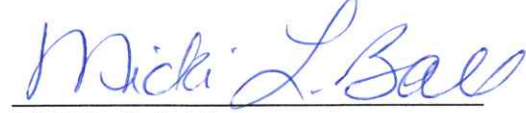
SECTION 3. APPROVAL OF PAID QUARANTINE LEAVE POLICY FOR PEACE OFFICERS. The City Council hereby approves the Paid Quarantine Leave Policy for Peace Officers attached hereto as Exhibit B and incorporates it into the City’s Personnel Policies Manual effective immediately.

SECTION 4. APPROVAL OF MENTAL HEALTH LEAVE POLICY FOR PEACE OFFICERS. The City Council hereby approves the Mental Health Leave Policy for Peace Officers attached hereto as Exhibit C and incorporates it into the Sandy Oaks Police Department Personnel Policies Manual effective September 1, 2021.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately from and after the passage and approval of this Resolution.

PASSED AND APPROVED on this 12th day of August, 2021.

CITY OF SANDY OAKS, TEXAS



Micki L. Ball, Mayor

ATTEST:


Charlotte Rabe, City Clerk

Exhibit A

EMPLOYEE LEAVE POLICY

Military Leave

The City shall comply with the Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA) and Texas Government Code section 437.202 concerning the treatment of City employees with military obligations.

An employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence from the employee's duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 workdays in a fiscal year. During a leave of absence, the person may not be subjected to loss of PTO.

The City shall provide written notice of the number of workdays of paid leave to which an employee described by the above subsection is entitled each fiscal year and, if applicable, the number of workdays of paid leave to which an employee is entitled to carry forward each fiscal year.

The employee is entitled to carry forward from one fiscal year to the next the net balance of unused accumulated leave that does not exceed 45 workdays.

The City shall, on the request of an employee described in Government Code 473.202(a), provide to that employee a statement that contains: (1) the number of workdays for which the employee claimed paid leave under in that fiscal year; and (2) if the statement is provided to an employee: (A) the net balance of unused accumulated leave for that fiscal year that the employee is entitled to carry forward to the next fiscal year; and (B) the net balance of all unused accumulated leave under to which the employee is entitled.

Employees are required to notify their immediate supervisor as soon as possible when orders are received for annual military training, active duty, emergency duty, or any other military activity where his/her presence is required. Employees are also required to notify the Policy Administrator as soon as possible to coordinate issues regarding their pay, benefits, re-employment rights and submission of official orders for the record.

An employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team called to state active duty by the governor or another appropriate authority in response to a disaster is entitled to a paid leave of absence from the person's duties for each day the person is called to active duty during the disaster, not to exceed seven (7) workdays in a fiscal year. During a leave of absence under this subsection, the person may not be subjected to loss of PTO. For purposes of this subsection, "disaster" has the meaning assigned by Texas Government Code Section 418.004.

For more information, see the Uniformed Service Employment and Reemployment Rights Act of 1994, 38 USC 4301 et seq. and Texas Government Code section 437.202.

EXHIBIT B

PAID QUARANTINE LEAVE POLICY FOR PEACE OFFICERS

Statement of Purpose and Applicability

Pursuant to Texas Local Government Code Section 180.008, the City of Sandy Oaks hereby adopts this paid quarantine leave policy for peace officers who are employed by, appointed by, or elected to the city and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

Definitions

- (1) "Health authority" means a physician appointed by the City or Bexar County to administer state and local laws relating to public health within the city's jurisdiction.
- (2) "Paid quarantine leave" means: (1) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits provided by the city; and (2) if applicable, reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation costs.
- (3) "Peace officer" means police officers licensed by the Texas Commission on Law Enforcement and employed by the City.

Quarantine Leave

A City of Sandy Oaks peace officer who is ordered to quarantine or isolate by the person's supervisor or the City's or County's health authority due to a possible or known exposure to a communicable disease while on duty is entitled to receive paid quarantine leave for the duration of the leave.

No Reduction in Compensation and Benefits

The City will not reduce a peace officer's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance (PTO) in connection with paid quarantine leave taken in accordance with this policy.

If a peace officer is ordered to quarantine under the conditions set forth in this policy, the peace officer will receive all employment benefits and compensation for the duration of the leave, including paid leave accrual, pension benefits, and health benefit plan benefits that the peace officer would customarily be provided on paid leave.

Reimbursement for Expenses

If the peace officer is ordered to quarantine under the conditions as set forth in this policy, the peace officer may request reimbursement for reasonable costs related to the quarantine, including lodging, medical treatment and transportation by submitting a reimbursement request to the Mayor within five (5) days after returning from the leave ordered under this policy. A peace officer may be required to provide receipts or proof of payment with the request and reserves and may be denied reimbursement that the City deems unreasonable or unrelated to quarantine.

EXHIBIT C

MENTAL HEALTH LEAVE POLICY FOR PEACE OFFICERS

Purpose

The purpose of this policy is to allow the use of mental health leave by the peace officers employed by the Sandy Oaks Police Department (the "Department") who experience a traumatic event while on duty in compliance with Government Code section 614.015.

Applicability

This policy applies to licensed peace officers employed by the Department.

Conditions

An officer shall be allowed up to 5 days or 40 hours of paid mental health leave per calendar year, subject to the following conditions: (1) the leave is (a) approved by the employee's supervisor or the Chief of Police; or (b) ordered by a mental health professional; and (2) the leave is taken as a result of a traumatic event that occurred while on duty.

Anonymity

The Department 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 Department cannot guarantee anonymity of information that is otherwise public or necessary to carry out the agency's duties under the law.

Effect on Paid Leave Balances

The Department will not reduce an eligible employee's PTO balance for mental health leave taken under this policy.