

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ADOPTING NEW PERSONNEL POLICIES REGARDING QUARANTINE LEAVE AND MENTAL HEALTH LEAVE FOR CERTAIN PERSONNEL, AS REQUIRED BY RECENT LEGISLATION; MAKING FINDINGS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Regular Session of the 87th Texas Legislature adopted two (2) bills that impact certain existing Town personnel policies, as more fully described herein; and

WHEREAS, House Bill 2073 provides, in part, that municipalities must develop and implement a paid quarantine leave policy for firefighters, peace officers, detention officers and emergency medical technicians when any of said individuals are required to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty and moreover, such quarantine leave (1) must be paid leave without any charge to accrued leave; and (2) said individuals must continue to receive all employment benefits, such as health plan and pension/retirement benefits; and

WHEREAS, Senate Bill 1359 provides, in part, that law enforcement agencies must develop and implement a policy allowing the use of mental health leave by peace officers who experience a traumatic event in the scope of that employment and moreover, such mental health leave (1) must be without any deduction in salary or other compensation; and (2) specify the number of mental health leave days available to a peace officer; and

WHEREAS, the Governor has signed both House Bill 2073 and Senate Bill 1359; and

WHEREAS, the attached quarantine leave and mental health leave policies, attached hereto as Exhibit A and Exhibit B, respectively, are in full compliance with the foregoing legislation; and

WHEREAS, the Town Council hereby adopts the attached quarantine leave and mental health leave policies for inclusion in the Town's Personnel Policies.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

The Town Council hereby adopts the attached quarantine leave and mental health leave policies for inclusion in the Town's Personnel Policies.

SECTION 3

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 4

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5

This Ordinance shall become effective after its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS THE 14TH DAY OF SEPTEMBER, 2021.

APPROVED:

Ray Smith, Mayor

ATTEST:

Robyn Battle, Interim Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney