

By: Noriega

H.B. No. 322

A BILL TO BE ENTITLED

AN ACT

relating to the use of sick and annual leave benefits by a state employee who sustains a compensable injury.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 501.044, Labor Code, is amended to read as follows:

Sec. 501.044. ~~[EFFECT OF]~~ SICK AND ~~[LEAVE,]~~ ANNUAL LEAVE BENEFITS. (a) While an employee is receiving income benefits under this chapter, the [An] employee may elect to use previously accrued sick leave benefits, whether statutory or contractual, in an amount equal to the difference between the benefits under this chapter and the weekly compensation that the employee was receiving before the injury that resulted in the claim ~~[before receiving income benefits. If an employee elects to use sick leave, the employee is not entitled to income benefits under this chapter until the employee has exhausted the employee's accrued sick leave].~~

(b) After an employee's accrued sick leave benefits are exhausted under Subsection (a), the [An] employee may elect to use previously ~~[all or any number of weeks of]~~ accrued annual leave benefits, whether statutory or contractual, in an amount equal to the difference between the benefits under this chapter and the weekly compensation that the employee was receiving before the injury that resulted in the claim ~~[after the employee's accrued~~

1 ~~sick leave is exhausted. If an employee elects to use annual leave,~~
2 ~~the employee is not entitled to income benefits under this chapter~~
3 ~~until the elected number of weeks of leave have been exhausted].~~

4 (c) Sick or annual leave benefits used under this section
5 shall be deducted proportionately from the employee's sick or
6 annual leave balance, as applicable.

7 SECTION 2. Section 505.060, Labor Code, is amended to read
8 as follows:

9 Sec. 505.060. ~~[EFFECT OF]~~ SICK AND ~~[LEAVE,]~~ ANNUAL LEAVE
10 BENEFITS. (a) While an employee is receiving income benefits
11 under this chapter, the [An] employee may elect to use previously
12 accrued sick leave benefits, whether statutory or contractual, in
13 an amount equal to the difference between the benefits under this
14 chapter and the weekly compensation that the employee was receiving
15 before the injury that resulted in the claim ~~[before receiving~~
16 ~~income benefits. If an employee elects to use sick leave, the~~
17 ~~employee is not entitled to income benefits under this chapter~~
18 ~~until the employee has exhausted the employee's accrued sick~~
19 ~~leave].~~

20 (b) After an employee's accrued sick leave benefits are
21 exhausted under Subsection (a), the [An] employee may elect to use
22 previously [all or any number of weeks of] accrued annual leave
23 benefits, whether statutory or contractual, in an amount equal to
24 the difference between the benefits under this chapter and the
25 weekly compensation that the employee was receiving before the
26 injury that resulted in the claim ~~[after the employee's accrued~~
27 ~~sick leave is exhausted. If an employee elects to use annual leave,~~

1 ~~the employee is not entitled to income benefits under this chapter~~
2 ~~until the elected number of weeks of leave have been exhausted].~~

3 (c) Sick or annual leave benefits used under this section
4 shall be deducted proportionately from the employee's sick or
5 annual leave balance, as applicable.

6 SECTION 3. This Act takes effect September 1, 2003.

7 SECTION 4. The changes in law made by this Act apply only to
8 a claim for workers' compensation benefits based on a compensable
9 injury that occurs on or after the effective date of this Act. A
10 claim based on a compensable injury that occurs before that date is
11 governed by the law in effect on the date that the compensable
12 injury occurred, and the former law is continued in effect for that
13 purpose.