

1-1 By: Zaffirini S.B. No. 51
1-2 (In the Senate - Filed November 13, 2006; January 23, 2007,
1-3 read first time and referred to Subcommittee on Higher Education;
1-4 April 4, 2007, reported favorably from Committee on Education by
1-5 the following vote: Yeas 8, Nays 0; April 4, 2007, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to leave for junior college district or university system
1-10 employees who are physically assaulted while on duty.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
1-13 amended by adding Section 51.9611 to read as follows:

1-14 Sec. 51.9611. ASSAULT LEAVE FOR EMPLOYEES OF JUNIOR COLLEGE
1-15 DISTRICT OR UNIVERSITY SYSTEM. (a) The definitions provided by
1-16 Section 61.003 apply to this section.

1-17 (b) Except as provided by Subsection (f), an employee of a
1-18 junior college district or university system, including an employee
1-19 of a component institution of a university system, but not
1-20 including an employee of a medical and dental unit, who is
1-21 physically assaulted during the performance of the employee's
1-22 regular duties is entitled to the number of days of paid leave
1-23 necessary for the employee to recuperate from any physical injury
1-24 that results from the assault. Notwithstanding any other law,
1-25 during the period the employee is assigned to assault leave, the
1-26 employee is entitled to be paid at a rate equal to the employee's
1-27 regular rate of pay, except that the amount of pay must be reduced
1-28 by the amount of any workers' compensation insurance benefits to
1-29 which the employee is entitled.

1-30 (c) On the employee's submission of a claim for assault
1-31 leave, the junior college district or university system, as
1-32 applicable, shall immediately assign the employee to assault leave.
1-33 After an investigation of the employee's claim and any
1-34 determination that the employee was not entitled to all or part of
1-35 the assault leave taken, the district or system may change the
1-36 employee's assault leave status and charge the assault leave to
1-37 which the employee was not entitled against:

1-38 (1) any of the employee's accrued leave; or
1-39 (2) the employee's pay if the employee does not have
1-40 sufficient accrued leave.

1-41 (d) For purposes of this section, an employee is physically
1-42 assaulted if the conduct causing injury to the employee contains
1-43 the elements of an assaultive offense under Section 22.01, 22.011,
1-44 22.02, or 22.021, Penal Code.

1-45 (e) Leave provided under this section is in addition to any
1-46 other leave provided to an employee under a policy adopted under
1-47 Section 51.961 or otherwise provided to an employee. Leave taken
1-48 under this section may not be deducted from any accrued leave.

1-49 (f) The leave period provided by this section may not extend
1-50 beyond the earlier of:

1-51 (1) the date the employee's employment with the
1-52 district or system is suspended or ends; or

1-53 (2) the second anniversary of the date of the assault.

1-54 SECTION 2. Section 51.9611, Education Code, as added by
1-55 this Act, applies only to leave based on conduct that occurs on or
1-56 after the effective date of this Act. Leave based on conduct that
1-57 occurs before the effective date of this Act is governed by the law
1-58 in effect on the date the conduct occurred, and that law is
1-59 continued in effect for that purpose.

1-60 SECTION 3. This Act takes effect immediately if it receives
1-61 a vote of two-thirds of all the members elected to each house, as
1-62 provided by Section 39, Article III, Texas Constitution. If this
1-63 Act does not receive the vote necessary for immediate effect, this
1-64 Act takes effect September 1, 2007.

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