

By: Zaffirini

S.B. No. 65

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(c) On the employee's submission of a claim for assault leave, the junior college district or university system, as

1 applicable, shall immediately assign the employee to assault leave.
2 After an investigation of the employee's claim and any
3 determination that the employee was not entitled to all or part of
4 the assault leave taken, the district or system may change the
5 employee's assault leave status and charge the assault leave to
6 which the employee was not entitled against:

7 (1) any of the employee's accrued leave; or
8 (2) the employee's pay if the employee does not have
9 sufficient accrued leave.

10 (d) For purposes of this section, an employee is physically
11 assaulted if the conduct causing injury to the employee contains
12 the elements of an assaultive offense under Section 22.01, 22.011,
13 22.02, or 22.021, Penal Code.

14 (e) Leave provided under this section is in addition to any
15 other leave provided to an employee under a policy adopted under
16 Section 51.961 or otherwise provided to an employee. Leave taken
17 under this section to which an employee is entitled may not be
18 deducted from any accrued leave.

19 (f) The leave period provided by this section may not extend
20 beyond the earlier of:

21 (1) the date the employee's employment with the junior
22 college district or university system is suspended or ends; or

23 (2) the second anniversary of the date of the assault.

24 SECTION 2. Section 51.9611, Education Code, as added by
25 this Act, applies only to leave based on conduct that occurs on or
26 after the effective date of this Act. Leave based on conduct that
27 occurs before the effective date of this Act is governed by the law

1 in effect on the date the conduct occurred, and that law is
2 continued in effect for that purpose.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2009.