

1-1 By: Zaffirini S.B. No. 65
1-2 (In the Senate - Filed November 10, 2008; February 10, 2009,
1-3 read first time and referred to Committee on Higher Education;
1-4 March 9, 2009, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; March 9, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to leave for junior college district or university system
1-9 employees who are physically assaulted while on duty.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
1-12 amended by adding Section 51.9611 to read as follows:

1-13 Sec. 51.9611. ASSAULT LEAVE FOR EMPLOYEES OF JUNIOR COLLEGE
1-14 DISTRICT OR UNIVERSITY SYSTEM. (a) The definitions provided by
1-15 Section 61.003 apply to this section.

1-16 (b) Except as provided by Subsection (f), an employee of a
1-17 junior college district or university system, including an employee
1-18 of a component institution of a university system but not including
1-19 an employee of a medical and dental unit, who is physically
1-20 assaulted during the performance of the employee's regular duties
1-21 is entitled to the number of days of paid leave necessary for the
1-22 employee to recuperate from any physical injury that results from
1-23 the assault. Notwithstanding any other law, during the period the
1-24 employee is assigned to assault leave, the employee is entitled to
1-25 be paid at a rate equal to the employee's regular rate of pay,
1-26 except that the amount of pay must be reduced by the amount of any
1-27 workers' compensation insurance benefits to which the employee is
1-28 entitled.

1-29 (c) On the employee's submission of a claim for assault
1-30 leave, the junior college district or university system, as
1-31 applicable, shall immediately assign the employee to assault leave.
1-32 After an investigation of the employee's claim and any
1-33 determination that the employee was not entitled to all or part of
1-34 the assault leave taken, the district or system may change the
1-35 employee's assault leave status and charge the assault leave to
1-36 which the employee was not entitled against:

1-37 (1) any of the employee's accrued leave; or
1-38 (2) the employee's pay if the employee does not have
1-39 sufficient accrued leave.

1-40 (d) For purposes of this section, an employee is physically
1-41 assaulted if the conduct causing injury to the employee contains
1-42 the elements of an assaultive offense under Section 22.01, 22.011,
1-43 22.02, or 22.021, Penal Code.

1-44 (e) Leave provided under this section is in addition to any
1-45 other leave provided to an employee under a policy adopted under
1-46 Section 51.961 or otherwise provided to an employee. Leave taken
1-47 under this section to which an employee is entitled may not be
1-48 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 junior
1-52 college district or university 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, 2009.

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