

By: Weber

H.B. No. 49

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to personal leave provided for a school district employee  
3 who is a victim of certain assaults.

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

5 SECTION 1. Section 22.003(b), Education Code, is amended to  
6 read as follows:

7 (b) In addition to all other days of leave provided by this  
8 section or by the school district, an employee of a school district  
9 who is the victim of an intentional physical assault by a student  
10 [~~physically assaulted~~] during the performance of the employee's  
11 regular duties is entitled to the number of days of leave necessary  
12 to recuperate from all physical injuries sustained as a result of  
13 the assault. At the request of an employee, the school district  
14 must immediately assign an employee to assault leave and, on  
15 investigation of the claim, may change the assault leave status and  
16 charge the leave against the employee's accrued personal leave or  
17 against an employee's pay if insufficient accrued personal leave is  
18 available. Days of leave taken under this subsection may not be  
19 deducted from accrued personal leave. The period provided by this  
20 subsection may not extend more than one year [~~two years~~] beyond the  
21 date of the assault. Notwithstanding any other law, assault leave  
22 policy benefits due to an employee shall be coordinated with  
23 temporary income benefits due from workers' compensation so that  
24 the employee's total compensation from temporary income benefits

1 and assault leave policy benefits equals 100 percent of the  
2 employee's weekly rate of pay.

3 SECTION 2. Section 22.003(b), Education Code, as amended by  
4 this Act, applies only to an employee assaulted on or after the  
5 effective date of this Act. An employee assaulted before the  
6 effective date of this Act is governed by the law in effect on the  
7 date of the assault, and the former law is continued in effect for  
8 that purpose.

9 SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect on the 91st day after the last day of the  
14 legislative session.