

By: Weber

H.B. No. 3403

A BILL TO BE ENTITLED

AN ACT

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

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

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

(b) In addition to all other days of leave provided by this section or by the school district, an employee of a school district who is the victim of an intentional physical assault by a student ~~[physically assaulted]~~ during the performance of the employee's regular duties is entitled to the number of days of leave necessary to recuperate from all physical injuries sustained as a result of the assault. At the request of an employee, the school district must immediately assign an employee to assault leave and, on investigation of the claim, may change the assault leave status and charge the leave against the employee's accrued personal leave or against an employee's pay if insufficient accrued personal leave is available. Days of leave taken under this subsection may not be deducted from accrued personal leave. The period provided by this subsection may not extend more than one year ~~[two years]~~ beyond the date of the assault. Notwithstanding any other law, assault leave policy benefits due to an employee shall be coordinated with temporary income benefits due from workers' compensation so that 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 September 1, 2011.