

1-1 By: Zaffirini S.B. No. 67
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Higher Education;
1-4 March 7, 2011, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; March 7, 2011, 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
1-19 including an employee of a medical and dental unit, who is
1-20 physically assaulted during the performance of the employee's
1-21 regular duties is entitled to the number of days of paid leave
1-22 necessary for the employee to recuperate from any physical injury
1-23 that results from the assault. Notwithstanding any other law,
1-24 during the period the employee is assigned to assault leave, the
1-25 employee is entitled to be paid at a rate equal to the employee's
1-26 regular rate of pay, except that the amount of pay must be reduced
1-27 by the amount of any workers' compensation insurance benefits to
1-28 which the employee is entitled to compensate the employee for
1-29 employee pay lost as a result of the assault.

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 to which an employee is entitled may not be
1-49 deducted from any accrued leave.

1-50 (f) The leave period provided by this section may not extend
1-51 beyond the earlier of:

1-52 (1) the date the employee's employment with the junior
1-53 college district or university system is suspended or ends; or

1-54 (2) the second anniversary of the date of the assault.

1-55 SECTION 2. Section 51.9611, Education Code, as added by
1-56 this Act, applies only to leave based on conduct that occurs on or
1-57 after the effective date of this Act. Leave based on conduct that
1-58 occurs before the effective date of this Act is governed by the law
1-59 in effect on the date the conduct occurred, and that law is
1-60 continued in effect for that purpose.

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

2-1 Act takes effect September 1, 2011.

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