

## **BILL ANALYSIS**

Senate Research Center  
76R8824 CMR-F

H.B. 2509  
By: Dukes (Shapleigh)  
State Affairs  
5/10/1999  
Engrossed

### **DIGEST**

Under current law, state employees are permitted to take annual leave while receiving workers' compensation benefits. Employees who are injured on the job may receive combined annual leave pay and benefits up to 175 percent of that person's regular salary, with 100 percent coming from regular salary and the remaining 70-75 percent from benefits. Currently, there is a discrepancy between Chapter 2251, Government Code, and Section 408.027, Labor Code. H.B. 2509 would set forth certain requirements for the administration of the workers' compensation system for state employees.

### **PURPOSE**

As proposed, H.B. 2509 set forth certain requirements for the administration of the workers' compensation system for state employees.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 412.042, Labor Code, by amending Subsection (b) and adding Subsection (d), to require the director of the Office of Risk Management (office) to maintain, and make available to the legislature on request, a list of all persons who have received benefits under Chapter 501, the nature and cause of each compensable injury, and the amount paid weekly in income benefits and for medical services, hospital services, and other services. Deletes text regarding a list of certain persons. Makes conforming changes.

SECTION 2. Amends Section 501.044, Labor Code, as follows:

Sec. 501.044. New heading: EFFECT OF SICK LEAVE; ANNUAL LEAVE. Authorizes an employee to elect to use all or any number of weeks of accrued annual leave after the employee's accrued sick leave is exhausted. Provides that the employee is not entitled to income benefits under this chapter until the elected number of weeks of leave have been exhausted, if an employee elects to use annual leave.

SECTION 3. Amends Chapter 501C, Labor Code, by adding Section 501.051, as follows:

Sec. 501.051. PAYMENT OF MEDICAL AND INDEMNITY BENEFITS. Provides that medical benefit and income benefit payments made by the office are subject to this subtitle and are exempt from Chapter 2251, Government Code.

SECTION 4. Amends Section 412.012(c), Labor Code, to delete text regarding an allocation program.

SECTION 5. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 6. Emergency clause.