

BILL ANALYSIS

Senate Research Center
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S.B. 65
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Higher Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Higher education employees who are physically assaulted on the job, through no fault of their own, often are forced to take sick leave during their recovery and are at risk of losing a significant portion of their salary. However, school district employees who are victims of physical assault are provided with 100 percent of their weekly pay while recovering from their injury. This legislation extends to higher education employees the same protections against the effects of physical assault that are provided to school district employees.

As proposed, S.B. 65 entitles employees of institutions of higher education to be paid leave following a physical assault during the performance of the employee's regular duties.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.9611, as follows:

Sec. 51.9611. ASSAULT LEAVE FOR EMPLOYEES OF JUNIOR COLLEGE DISTRICT OR UNIVERSITY SYSTEM. (a) Applies definitions provided by Section 61.003 (Definitions) to this section.

(b) Entitles an employee of a junior college district or university system, including an employee of a component institution of a university system, but not including an employee of a medical and dental unit, who is physically assaulted during the performance of the employee's regular duties to the number of days of paid leave necessary for the employee to recuperate from any physical injury that results from the assault, except as provided by Subsection (f). Entitles the employee, notwithstanding any other law, during the period the employee is assigned to assault leave, to be paid at a rate equal to the employee's regular rate of pay, except that the amount of pay is required to be reduced by the amount of any workers' compensation insurance benefits to which the employee is entitled.

(c) Requires the junior college district or university system to immediately assign the employee to assault leave, on the submission of a claim for assault leave. Authorizes the district or system to change the employee's assault leave status and charge the assault leave to which the employee was not entitled against any of the employee's leave or the employee's pay if the employee does not have sufficient accrued leave, after an investigation of the employee's claim and any determination that the employee was not entitled to all or part of the assault leave taken.

(d) Provides that an employee is physically assaulted if the conduct causing injury to the employee contains the elements of an assaultive offense under Section 22.01 (Assault), 22.011 (Sexual Assault), 22.02 (Aggravated Assault), or 22.021 (Aggravated Sexual Assault) of the Penal Code.

(e) Provides that leave provided under this section is in addition to any other leave provided to an employee under a policy adopted under Section 51.961 (Leave Provisions for Employees of University System or Component Institution of System) or otherwise provided to an employee. Prohibits leave taken under this section to which an employee is entitled from being deducted from any accrued leave.

(f) Prohibits the leave period provided by this section from extending beyond the earlier of the date the employee's employment with the junior college district or university system is suspended or ends or the second anniversary of the date of the assault.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2009.