

BILL ANALYSIS

Senate Research Center
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S.B. 51
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Education
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Higher education employees who are physically assaulted on the job, at no fault of their own, are often 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.

As proposed, S.B. 51 extends the same protections against the effects of physical assault to higher education employees that are provided to school district employees.

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) Provides that the definitions provided in Section 61.003 apply to this section.

(b) Entitles an employee of a junior college district (district) or university system (system), including an employee of a component institution of a system, who is physically assaulted during the performance of regular duties to take paid leave as necessary for recuperation from any physical injury. Entitles the employee to be paid regularly during assault leave, but requires the amount of pay to be reduced by the amount of any workers' compensation insurance benefits received, notwithstanding any other law. Provides that this section does not apply to an employee of a medical or dental unit or as provided in Subsection (f).

(c) Requires the district or system to immediately assign an employee to assault leave once a claim has been submitted. Authorizes the district or system to change the employee's assault leave status and charge the leave against any accrued leave or pay, if the employee does not have sufficient accrued leave, if it is determined after an investigation that the employee was not entitled to the assault leave.

(d) Provides that an employee is physically assaulted if the conduct causing injury 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), Penal Code.

(e) Provides that any leave given under this section is in addition to any other leave provided by a policy adopted under Section 51.961 (Leave Provisions For Employees Of University System Or Component Institution Of System). Prohibits the deduction of assault leave from any accrued leave.

(f) Prohibits the assault leave period from extending beyond the date employment is suspended or ends, or beyond the second anniversary of the assault date.

SECTION 2. Makes the application of Section 51.9611, Education Code, as added by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2007.