

SENATE BILL 1943

By Crowe

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-714, is amended by deleting the section and substituting instead the following:

(a)

(1)

(A) If a salaried employee of an LEA or public charter school is absent from the employee's assigned duties as a result of personal injury caused by a physical assault or other violent criminal act committed against the employee while the employee was acting in the course and scope of the employee's employment with the LEA or public charter school, then the LEA or public charter school shall continue to pay the employee's full salary and full benefits, including, but not limited to, health insurance benefits, until the employee is released by the employee's physician to return to work or is determined by the employee's physician to be permanently and totally disabled from returning to work, whichever occurs first.

(B) If an hourly employee of an LEA or public charter school is absent from the employee's assigned duties as a result of personal injury caused by a physical assault or other violent criminal act committed against the employee while the employee was acting in the course and

scope of the employee's employment with the LEA or public charter school, then the LEA or public charter school shall continue to pay the employee an amount representing the average number of hours the employee works for the LEA or public charter school per pay period and the employee's full benefits, including, but not limited to, health insurance benefits, if available to the employee until the employee is released by the employee's physician to return to work or is determined by the employee's physician to be permanently and totally disabled from returning to work, whichever occurs first. An hourly employee is not eligible to receive the continued pay and benefits described in this subdivision (a)(1)(B) if the employee has been employed by the LEA or public charter school for less than one (1) full pay period.

(2) If, at the time of the personal injury, the employee is eligible for workers' compensation or other similar type benefits, then the employee must file a claim for those benefits. Notwithstanding subdivision (a)(1), if an employee receives benefits under a workers' compensation or similar type benefit while the employee is on leave, then the LEA or public charter school must pay the employee the difference between the employee's full salary or average pay, as applicable, and the workers' compensation or similar type benefits received by the employee.

(3) An employee on leave shall not receive more than the employee's full salary or average pay, as applicable, and full benefits the employee is eligible to receive under this subsection (a).

(4) A leave of absence for personal injury resulting from an assault or other violent criminal act shall not be charged to the employee's sick leave,

personal leave, or professional leave accumulated or granted pursuant to this part, if such leave is applicable or available to the employee.

(5) As used in this subsection (a), "full benefits" means the benefits the employee was receiving from the LEA or public charter school when the employee was placed on leave due to the employee's personal injury.

(b) An LEA or public charter school is not required to pay the employee's full salary or average pay, as applicable, and full benefits, or the difference between the employee's full salary or average pay, as applicable, and the workers' compensation or similar type benefits received, if any, under this section for more than one (1) year.

(c) This section does not discourage, diminish, invalidate, or supersede a policy, benefits package, or contract that provides greater benefits or leave for employees injured in the course and scope of the employee's employment with the LEA or public charter school.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it.