

1. Title

Injury Leave for Peace Officers

2. Policy

Sec. 1 Purpose. The purpose of this policy is to provide guidance for The University of Texas System Administration and System institutions concerning the granting of Injury Leave for commissioned Peace Officers injured in the line of duty.

Sec. 2 Policy Statement. The University of Texas System recognizes the importance of retaining qualified Peace Officers. Pursuant to Texas Government Code § 661.902 and Texas Labor Code § 408.105, Peace Officers employed by The University of Texas System Administration or System institution who sustain an injury in the line of duty are entitled to Injury Leave in lieu of compensation income benefits which accrue pursuant to Title 5, Labor Code, and are determined to be unable to work due to those injuries by the U. T. System Workers' Compensation Plan ("Plan")

Sec. 3 Adoption of Policies and Procedures for Injury Leave for Qualifying Officers. U. T. System Administration and each System institution that employs Peace Officers shall modify its existing policies and procedures to create a process for granting and administering Injury Leave that meets the requirements set by this policy, including:

3.1 Eligibility. Any individual employed as a Peace Officer by U. T. System Administration or a System institution is entitled to Injury Leave upon proof of an injury sustained due to the nature of the officer's duties and that occurs during the course of the officer's performance of duty, and that the officer is Disabled. However, a Peace Officer is not entitled to Injury Leave under this subsection if the Employing Institution determines that:

- (a) the officer's own gross negligence contributed to the officer's injury; or
 - (b) the injury was related to the performance of routine office duties.
- 3.2 Components of Injury Leave. A Peace Officer on Injury Leave shall, for the entire period in which he or she is on Injury Leave:
- (a) be placed on Emergency Leave status and receive his or her regular salary;
 - (b) remain eligible to participate in, and to have his or her eligible dependents continue to participate in, the U. T. System Employee Group Insurance Plan ("EGIP") under the applicable terms and conditions of the EGIP applicable to active employees;
 - (c) not be required to take annual or sick leave while on Emergency Leave status; and
 - (d) be subject to any other rights and duties applicable to an employee on Emergency Leave status under applicable laws and System and institutional policies.
- 3.3 Duration. Injury Leave shall terminate on the earliest of:
- (a) the date that the Peace Officer has completed a total of one year on Injury Leave status due to the incident;
 - (b) the date that the Peace Officer reaches Maximum Medical Improvement pursuant to the Texas Labor Code; or

- (c) the date that the Peace Officer is no longer Disabled pursuant to the Texas Labor Code.
- 3.4 Role of the Office of Human Resources. The employing institution's Office of Human Resources shall:
- (a) work with the Office of Risk Management to determine if the Workers' Compensation Plan has confirmed that the injury that is the basis for the Injury Leave request occurred during the course and scope of the Peace Officer's duties as an employee of the institution;
 - (b) evaluate the circumstances of the Peace Officer's injury, with concurrence from the Office of Director of Police (ODOP), to determine if the injury was the result of the Peace Officer's negligence or routine office duties;
 - (c) if the injured officer is an employee of U. T. System Administration, the determination requires approval of the Chancellor in consultation with the Director of ODOP;
 - (d) place Peace Officers eligible for Injury Leave on Emergency Leave status;
 - (e) work with the Office of Risk Management to determine if a Peace Officer on Injury Leave has been determined to have met Maximum Medical Improvement or to be no longer Disabled pursuant to the Texas Labor Code; and
 - (f) remove Peace Officers who are no longer eligible from Injury Leave status.

- 3.5 Responsibilities of Peace Officers with Regard to Injury Leave.
- (a) A Peace Officer requesting placement on Injury Leave under this policy must submit a request to the Human Resource office of his or her employing institution along with evidence of a medical examination by a U. T. System approved workers' compensation provider supporting disability in relation to the injury and a recommendation for a specific period of leave.
 - (b) A Peace Officer on Injury Leave must provide and/or permit access to, as applicable, updated and accurate information required by the employing institution to verify the Peace Officer's continued eligibility for Injury Leave.
 - (c) A Peace Officer on Injury Leave must utilize the employing institution's employee grievance process to contest any decision made by the employing institution with regard to his or her eligibility for Injury Leave.

Sec. 4 Impact on Eligibility for Workers' Compensation or Other Benefits.

- 4.1 Nothing in this policy shall be construed to limit a Peace Officer's eligibility for workers' compensation medical benefits under Title 5, Labor Code.
- 4.2 A Peace Officer is not eligible for disability retirement benefits under Texas Government Code Chapter 824 during the leave period.
- 4.3 A Peace Officer is entitled to any workers' compensation income benefits to which the Peace Officer is entitled pursuant to Title 5, Labor Code after the discontinuation or exhaustion of Injury Leave granted to the Peace Office under this section.

Sec. 5 Return to Work. The employing institution's return to work policies shall apply to any Peace Officer who was injured in the course and scope of employment.

3. Definitions

Disabled- unable to work in one's capacity as a Peace Officer due to a compensable injury at wages equivalent to a pre-injury wage.

Emergency Leave- Employee leave authorized under Texas Government Code § 661.902(b), Emergency Leave.

Injury Leave- Emergency Leave, including the right to salary continuation, to Peace Officers employed The University of Texas System who are injured in the line of duty and Disabled and therefore have good cause for taking Emergency Leave under Texas Government Code § 661.902(b), and granted under the authority of Texas Labor Code § 408.105.

Maximum Medical Improvement- The earliest date after which, based on a reasonable medical probability, further medical recovery from or lasting improvement from an injury can no longer reasonably be anticipated as defined in Texas Labor Code Section 401.011(30).

Peace Officer – an employee of a System institution who is commissioned to serve as a peace officer under Article 2.12, Code of Criminal Procedure and Section 51.203, Texas Education Code.

4. Relevant Federal and State Statutes

[Code of Criminal Procedure Article 2.12, Who are Peace Officers](#)

[Texas Education Code Section 51.203, Campus Peace Officers](#)

[Texas Government Code Chapter 824, Benefits](#)

[Texas Government Code Section 661.902\(b\), Emergency Leave](#)

[Texas Labor Code Section 401.011\(30\), Maximum Medical Improvement](#)

[Texas Labor Code Chapter 503, Workers' Compensation Insurance Coverage for Employees of The University of Texas System and Employees of Institutions of The University of Texas System](#)

[Texas Labor Code Section 408.105, Salary Continuation In Lieu of Temporary Income Benefits](#)

5. Relevant System Policies, Procedures, and Forms

<http://utsystem.edu/offices/risk-management/employer-responsibilities>

6. System Administration Offices Responsible for Policy

Office of Risk Management

7. Dates Approved or Amended

November 24, 2014