

VIRGINIA ACTS OF ASSEMBLY -- 2004 RECONVENED SESSION

CHAPTER 1019

An Act to amend and reenact § 51.1-1110 of the Code of Virginia, relating to the Virginia Sickness and Disability Program.

[S 628]

Approved April 21, 2004

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-1110 of the Code of Virginia is amended and reenacted as follows:

§ 51.1-1110. Short-term disability benefit.

A. Short-term disability benefits for participating employees shall commence upon the expiration of a seven-calendar-day waiting period. The waiting period shall commence the first day of a disability or of maternity leave. If an employee returns to work for one day or less during the seven-calendar-day waiting period but cannot continue to work, the periods worked shall not be considered to have interrupted the seven-calendar-day waiting period. Additionally, the seven-calendar-day waiting period shall not be considered to be interrupted if the employee works ~~twenty~~ 20 hours or less during the waiting period. ~~Short term~~ Short-term disability benefits payable as the result of a catastrophic disability or major chronic condition shall not require a waiting period.

B. Except as provided in subsection D and § 51.1-1131, short-term disability coverage shall provide income replacement for a percentage of a participating employee's creditable compensation during the period specified below that an employee is disabled, on maternity leave, or takes periodic absences due to a major chronic condition, as determined by the Board or its designee, based on the number of months of state service as an eligible employee, as follows:

Months of state service	Work days of 100% replacement of creditable compensation	Work days of 80% replacement of creditable compensation	Work days of 60% replacement of creditable compensation
Less than 60	5	20	100
60 to 119	25	25	75
120 to 179	25	50	50
180 or more	25	75	25

C. Creditable compensation during periods an employee receives short-term disability benefits shall include general salary increases awarded during the period of short-term disability coverage.

D. An employee's disability credits may be used, on a day for day basis, to extend the period an employee receives short-term disability benefits paid at 100 percent of replacement of creditable compensation.

E. Short-term disability benefits shall be payable only during periods of (i) total disability, (ii) partial disability, (iii) maternity leave, or (iv) periodic absences due to a major chronic condition as defined by the Board or its designee.

F. Notwithstanding any other provision of this section, short-term disability benefits for elective medical procedures, including but not limited to surgery, shall not be payable during the first six months of employment or reemployment as an eligible employee without approval of the employer. The employee shall give reasonable advance notice to his immediate supervisor and the employer shall not unreasonably withhold authorization for such medically necessary absences.

2. That the provisions of this act shall not apply to short-term disability benefits for which payment began prior to July 1, 2004.