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**HOUSE BILL NO. 2594**

Offered January 12, 2005

Prefiled January 12, 2005

*A BILL to amend and reenact §§ 51.1-212 and 51.1-1100 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 51.1-213.1, relating to the Virginia Law Officers' Retirement System.*

Patrons—Weatherholtz and Carrico

Referred to Committee on Appropriations

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 51.1-212 and 51.1-1100 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 51.1-213.1 as follows:**

**§ 51.1-212. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Employee" means any (i) member of the Capitol Police Force as described in § 30-34.2:1, (ii) campus police officer appointed under the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23, (iii) game warden in the Department of Game and Inland Fisheries appointed under the provisions of Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, (iv) special agent of the Department of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.), (v) law-enforcement officer employed by the Virginia Marine Resources Commission as described in § 9.1-101, (vi) correctional officer as the term is defined in § 53.1-1, and including correctional officers employed at a juvenile correction facility as the term is defined in § 66-25.3, (vii) ~~any~~ parole officer appointed pursuant to § 53.1-143, ~~and~~ (viii) ~~any~~ commercial vehicle enforcement officer employed by the Department of State Police, and (ix) *deputy sheriff of a political subdivision that participates in the Virginia Retirement System, whose salary, as fixed by the Compensation Board pursuant to § 15.2-1609.2, is reimbursed by the Compensation Board, and who is employed by a sheriff's office that is accredited by the Virginia Law Enforcement Professional Standards Commission or by the Commission on Accreditation for Law Enforcement Agencies, provided that (a) the sheriff elects for such deputy sheriffs within his political subdivision to participate by notifying the Compensation Board and the Virginia Retirement System of such; (b) such deputy sheriffs shall not participate in the retirement system provided by this chapter while at the same time participating in the retirement benefit coverage pursuant to § 51.1-138; and (c) upon such deputy sheriffs' participation in the retirement system provided by this chapter there will be no deputy sheriff within the same locality who is not provided retirement benefits equivalent to the benefits provided by this chapter, without regard to whether the deputy sheriff's salary is fixed and reimbursed by the Compensation Board.*

"Member" means any person included in the membership of the Retirement System as provided in this chapter.

"Normal retirement date" means a member's sixtieth birthday.

"Retirement System" means the Virginia Law Officers' Retirement System.

**§ 51.1-213.1. Contributions for deputy sheriffs.**

*A. The election by the sheriff for participation of deputy sheriffs as set forth in § 51.1-212 shall be made by August 1 of any year for an effective date of participation the following July 1.*

*B. Funding shall be provided by the Compensation Board for participation of eligible deputy sheriffs.*

*C. For employer rate determination purposes under this chapter, deputy sheriffs as defined in § 51.1-212 shall constitute a group separate and apart from other employees.*

**§ 51.1-1100. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Act" means the Virginia Workers' Compensation Act (§ 65.2-100 et seq.).

"Company" means an insurance company issuing a long-term disability insurance policy purchased by the Board pursuant to this chapter.

"Disability" means a partial disability or total disability.

"Disability benefit" means income replacement payments payable to a participating employee under a short-term or long-term disability benefit program pursuant to this chapter. Disability benefits do not include benefits payable under the Act.

"Eligible employee" means (i) a state employee as defined in § 51.1-124.3 who is a member of the retirement system, (ii) an employee as defined in § 51.1-201, (iii) an employee as defined in § 51.1-212 *except for a deputy sheriff*, or (iv) a qualifying part-time employee. Any person participating in a plan

59 established pursuant to §§ 51.1-126, 51.1-126.1, 51.1-126.4, 51.1-126.5, 51.1-502.1, or § 51.1-502.3 shall  
60 not be an eligible employee. Employees of the University of Virginia Medical Center covered under the  
61 basic insurance policies purchased by the Medical Center shall not be considered eligible employees  
62 under this chapter, unless the University of Virginia Board of Visitors, or a duly authorized agent or  
63 representative of the Board of Visitors, purchases such insurance policies from the Virginia Retirement  
64 System.

65 "Existing employee" means an employee who elected to participate in the Virginia Sickness and  
66 Disability Program.

67 "Partial disability" exists during the first ~~twenty-four~~ 24 months following the occurrence or  
68 commencement of an illness or injury when an employee is earning less than ~~eighty~~ 80 percent of his  
69 predisability earnings and, as a result of an injury or illness, is (i) able to perform one or more, but not  
70 all, of the essential job functions of his own job on an active employment or a part-time basis or (ii)  
71 able to perform all of the essential job functions of his own job only on a part-time basis.

72 "Participating employee" means any eligible employee required or electing to participate in the  
73 program.

74 "Program" means the program providing sick leave, family and personal leave, short-term disability,  
75 and long-term disability benefits for participating employees established pursuant to this chapter.

76 "Qualifying part-time employee" means any person who would qualify as a state employee as defined  
77 in § 51.1-124.3 but, rather than being regularly employed full time on a salaried basis, is regularly  
78 employed part time for at least ~~twenty~~ 20 hours but less than ~~forty~~ 40 hours per week on a salaried  
79 basis.

80 "State service" means the employee's total period of state service as an eligible employee, including  
81 all periods of classified full-time and classified part-time service and periods of leave without pay, but  
82 not including periods during which the employee did not meet the definition of an eligible employee.

83 "Total disability" exists (i) during the first ~~twenty-four~~ 24 months following the occurrence or  
84 commencement of an illness or injury if an employee is unable to perform all of his essential job  
85 functions or (ii) after ~~twenty-four~~ 24 months following the occurrence or commencement of an illness or  
86 injury if an employee is unable to perform any job for which he is reasonably qualified based on his  
87 training or experience and earning less than ~~eighty~~ 80 percent of his predisability earnings.

88 "Work-related injury" means an injury, as such term is defined in § 65.2-101, to a participating  
89 employee for which benefits are payable under the Act and the Commonwealth is the employer for  
90 purposes of the Act.

91 In addition to the definitions listed above, the definitions listed in § 51.1-124.3 shall apply to this  
92 chapter except as otherwise provided.