

2006 SESSION

INTRODUCED

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SENATE BILL NO. 377

Offered January 11, 2006

Prefiled January 11, 2006

A *BILL to amend and reenact §§ 44-93.1 and 44-93.5 of the Code of Virginia, relating to reservists called to active duty; health insurance.*

Patrons—McDougle; Delegate: Englin

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 44-93.1 and 44-93.5 of the Code of Virginia are amended and reenacted as follows:

§ 44-93.1. Supplement of military pay and additional life insurance benefits for employees of Commonwealth or political subdivisions.

A. In addition to the paid military leave provisions of § 44-93, the Commonwealth or any political subdivision of the Commonwealth may supplement the military pay of its officers and employees who are reservists or national guard members called to federally funded military duty in an amount necessary to bring their total salary, inclusive of their base military pay, to the level earned at the time they were called to federally funded military duty. The employer *shall continue to provide any health insurance benefits to such officers and employees, and any dependents who were covered under the officer or employee's health insurance benefits prior to being called to federally funded military duty, and* may also, in its discretion, continue to provide any ~~health insurance~~ and other existing benefits to such officers and employees.

B. In addition to any other benefit provided by law, if an employee of the Commonwealth or of any political subdivision has been called to federal active duty services under Title 10 of the United States Code, the Commonwealth shall provide an additional death benefit in the amount of \$20,000 to be paid if the employee is killed in action in any armed conflict while serving with any reserve component of the Army, Navy, Marine Corps, Air Force, or Coast Guard or with any unit of these respective services of the United States. *In addition, the dependents of such employee shall be eligible to continue to be covered under the employee's health insurance plan in the same manner as they were covered prior to the employee being called to federally funded military duty for a period of 12 months after the employee's death.*

§ 44-93.5. Penalties for denial.

If any employer fails or refuses to comply with the provisions of §§ 44-93, 44-93.1, 44-93.2, 44-93.3 and 44-93.4, the circuit court having jurisdiction over the employer's place of business may, upon the filing of a motion, petition, or other appropriate pleading by the employee, require the employer to comply with §§ 44-93, 44-93.2, 44-93.3 and 44-93.4 and to compensate the employee for any loss of wages or benefits suffered by reason of the employer's unlawful failure or refusal. Upon request of the affected employee, the Attorney General may represent personally or through one of his assistants, such employee denied the benefits of §§ 44-93, 44-93.1, 44-93.2, 44-93.3 and 44-93.4 while in the performance of state active duty.

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