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SENATE JOINT RESOLUTION NO. 123

Offered January 11, 2006

Requesting the Virginia Employment Commission to study the feasibility of providing trailing spouse coverage with respect to certain civilian employees of the Department of Defense. Report.

Patrons—Ticer, Edwards, Houck, Howell, Lambert, Marsh, Puller and Whipple

Referred to Committee on Rules

WHEREAS, pursuant to § 60.2-618 of the Code of Virginia, an unemployed individual is disqualified for unemployment compensation benefits if he or she left work voluntarily without good cause, and "good cause" specifically does not include leaving work with an employer to accompany or to join his or her spouse in a new locality; and

WHEREAS, this provision creates a hardship for families that must relocate frequently pursuant to change-of-duty orders; and

WHEREAS, the General Assembly has considered so-called "trailing spouse" legislation that would provide that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany his or her spouse, who is on active duty in the military or naval services of the United States, to a new military assignment pursuant to a permanent change-of-duty order from which the employee's place of employment is not reasonably accessible; and

WHEREAS, several states, including California, Rhode Island, and Washington, do not disqualify "trailing spouses" for unemployment compensation benefits; and

WHEREAS, the Virginia Employment Commission has estimated the impact on the Unemployment Trust Fund of trailing spouse legislation for spouses of military personnel; and

WHEREAS, many civilian employees of the Department of Defense are required to execute mobility agreements, which provide that, as with military personnel, the employee will relocate to a new duty station at the discretion of the employing agency; and

WHEREAS, prior to considering whether to propose trailing spouse legislation for Department of Defense civilian employees who are subject to mobility agreements, the General Assembly requires information regarding the number of persons that would be affected and the potential cost to the Unemployment Trust Fund; and

WHEREAS, the Virginia Employment Commission has the capability to provide the information needed to assess the feasibility of extending trailing spouse legislation to such families; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia Employment Commission be requested to study the feasibility of providing trailing spouse coverage with respect to certain civilian employees of the Department of Defense.

In conducting its study, the Virginia Employment Commission shall determine the impact on the Unemployment Trust Fund of legislation that would provide that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany his or her spouse, who is a civilian employee of the Department of Defense and has executed a mobility agreement requiring the spouse to relocate at the direction of the employing agency, to a new assignment from which the employee's place of employment is not reasonably accessible. The Virginia Employment Commission shall also provide information (i) addressing the number of Virginia residents who are civilian Department of Defense employees that are bound by a mobility agreement and whose families would be affected by such a measure, (ii) comparing the repercussions that face civilian Department of Defense employees who breach a mobility agreement with the repercussions facing military personnel for violation of a change-of-duty order, (iii) regarding the eligibility of trailing spouses of civilian Department of Defense employees bound by a mobility agreement for unemployment benefits in other states, and (iv) on other aspects of the issue that are relevant to its consideration by the General Assembly.

All agencies of the Commonwealth shall provide assistance to the Virginia Employment Commission for this study, upon request.

The Virginia Employment Commission shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2007 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

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