

11103072D

## HOUSE BILL NO. 2207

Offered January 12, 2011

Prefiled January 12, 2011

A *BILL to amend and reenact §§ 51.1-1100 and 51.1-1101 of the Code of Virginia, and to repeal §§ 51.1-1104, 51.1-1105, 51.1-1107, and 51.1-1108 of the Code of Virginia, relating to state employees; sick leave and family and personal leave.*

Patron—Comstock

Referred to Committee on Appropriations

**Be it enacted by the General Assembly of Virginia:****1. That §§ 51.1-1100 and 51.1-1101 of the Code of Virginia are amended as follows:**

§ 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, or (iv) a qualifying part-time employee. Any person participating in a plan 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 not be an eligible employee. Employees of the University of Virginia Medical Center covered under the basic insurance policies purchased by the Medical Center shall not be considered eligible employees under this chapter, unless the University of Virginia Board of Visitors, or a duly authorized agent or representative of the Board of Visitors, purchases such insurance policies from the Virginia Retirement System.

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

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

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

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

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

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

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

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

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

§ 51.1-1101. Short-term and long-term disability program; disability insurance policies.

A. The Board shall develop, implement, and administer a ~~sick leave~~, short-term disability, and

INTRODUCED

HB2207

59 long-term disability benefits program in accordance with the provisions of this chapter. The Board is  
60 authorized to delegate or assign to any person any of the duties required to be performed by the Board  
61 pursuant to this chapter. The Board is authorized to purchase long-term disability insurance policies for  
62 participating employees. The policies shall be purchased from and carried with a disability insurance  
63 company which is authorized to do business in the Commonwealth. Each policy shall contain a  
64 provision stipulating the maximum expense and risk charges that are determined by the Board to be on  
65 a basis consistent with the general level of charges made by disability insurance companies under  
66 policies of long-term disability insurance issued to large employers. The Board may require that the  
67 policies have reinsurance with a disability insurance company incorporated or organized under the laws  
68 of and authorized to do business in the Commonwealth. This section is not intended to abrogate the  
69 final authority of the Director of the Department of Human Resource Management under subdivision 13  
70 of § 2.2-1201 to establish and interpret personnel policy and procedures; ~~such as the sick leave policy.~~

71 B. Notwithstanding the provisions of subsection A, the Board may self-insure long-term disability  
72 benefits in accordance with the standards set forth in § 51.1-124.30.

73 **2. That §§ 51.1-1104, 51.1-1105, 51.1-1107, and 51.1-1108 of the Code of Virginia are repealed.**