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HOUSE BILL NO. 1061

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on February 6, 2018)

(Patron Prior to Substitute—Delegate Tran)

A *BILL to amend and reenact §§ 2.2-2905, 51.5-72, and 51.5-75 of the Code of Virginia, relating to blind or vision impaired; rehabilitative manufacturing and service industries.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2905, 51.5-72, and 51.5-75 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2905. Certain officers and employees exempt from chapter.

The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;
2. Officers and employees of the Supreme Court and the Court of Appeals;
3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
4. Officers elected by popular vote or by the General Assembly or either house thereof;
5. Members of boards and commissions however selected;
6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;
7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;
8. The presidents and teaching and research staffs of state educational institutions;
9. Commissioned officers and enlisted personnel of the National Guard;
10. Student employees at institutions of higher education and patient or inmate help in other state institutions;
11. Upon general or special authorization of the Governor, laborers, temporary employees, and employees compensated on an hourly or daily basis;
12. County, city, town, and district officers, deputies, assistants, and employees;
13. The employees of the Virginia Workers' Compensation Commission;
14. The officers and employees of the Virginia Retirement System;
15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute, the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of the Department of Human Resource Management as requiring specialized and professional training;
16. Employees of the Virginia Lottery;
17. ~~Production workers for the Virginia Industries~~ *Employees of the Department for the Blind Sheltered Workshop programs and Vision Impaired's rehabilitative manufacturing and service industries who have a human resources classification of industry worker;*
18. Employees of the Virginia Commonwealth University Health System Authority;
19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy or administration. An employee serving in either one of these two positions shall be deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;
21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
22. Officers and employees of the Virginia Port Authority;
23. Employees of the Virginia College Savings Plan;
24. Directors of state facilities operated by the Department of Behavioral Health and Developmental Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to

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60 § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure
61 (§ 2.2-3000 et seq.);

62 25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as
63 state employees for purposes of participation in the Virginia Retirement System, health insurance, and
64 all other employee benefits offered by the Commonwealth to its classified employees;

65 26. Employees of the Virginia Indigent Defense Commission;

66 27. Any chief of a campus police department that has been designated by the governing body of a
67 public institution of higher education as exempt, pursuant to § 23.1-809; and

68 28. The Chief Executive Officer, agents, officers, and employees of the Virginia Alcoholic Beverage
69 Control Authority.

70 **§ 51.5-72. Establishment of rehabilitative manufacturing and service industries; expenditures.**

71 The Department may (i) establish, equip and maintain ~~schools for~~ *rehabilitative* manufacturing and
72 service ~~industrial training industries~~ for the employment of suitable blind persons, (ii) pay its employees
73 suitable wages and contribute five percent of the creditable compensation of those employees who elect
74 to participate in a before-tax payroll deduction to a tax deferred retirement savings plan established
75 under the United States Internal Revenue Code for nonprofit agencies, and (iii) devise means for the sale
76 and distribution of the products thereof. However, any expenditures made under §§ 51.5-63, 51.5-66, and
77 51.5-72 through 51.5-76 shall not exceed the annual appropriation or the amount received by way of
78 bequest or donation during any one year, and no part of the funds appropriated by the Commonwealth
79 for the purposes of §§ 51.5-63, 51.5-66, and 51.5-72 through 51.5-76 shall be used for solely charitable
80 purposes.

81 **§ 51.5-75. Use of earnings of rehabilitative manufacturing and service industries; record of**
82 **receipts and expenditures.**

83 In furtherance of the purposes of §§ 51.5-63, 51.5-66, and 51.5-72 through 51.5-76, the Department
84 shall have authority to use any receipts or earnings that accrue from the operation of ~~industrial schools~~
85 ~~and workshops~~ *rehabilitative manufacturing and service industries* as provided in such sections, but a
86 detailed statement of receipts or earnings and expenditures shall be carefully kept.