

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 2.1-114.7:2, relating to the*
3 *Virginia Personnel Act.*

4 [H 2089]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 2.1-114.7:2 as follows:**8 *§ 2.1-114.7:2. Rights of state employees on leave without pay-layoff.*

9 *A. Effective January 1, 1995, any employee of the Commonwealth who is placed on leave without*
10 *pay-layoff shall be permitted to displace an employee with less seniority if he is deemed qualified*
11 *pursuant to policies adopted by the Department of Personnel and Training. For an employee whose*
12 *reassignment within his agency is not possible because (i) there is no available position for which the*
13 *employee is qualified or (ii) the position offered to the employee requires relocation or a reduction in*
14 *salary, shall be entitled to exercise his preferential employment rights for any vacant position in his*
15 *agency for which he is qualified so long as he applies for the position and presents his preferential*
16 *hiring form on or before the closing date for applications.*

17 *B. An employee on leave without pay-layoff shall be hired for the position if he is deemed minimally*
18 *qualified and the agency does not select one of its current employees to fill the position. In the event*
19 *that more than one employee on leave without pay-layoff exercises his preferential employment rights,*
20 *the position shall be awarded to the most senior, minimally qualified employee.*

21 *C. Preferential hiring rights pursuant to this section shall exist until the earlier of (i) one calendar*
22 *year from the date the employee is placed on leave without pay-layoff or (ii) the date the employee is*
23 *rehired by the agency from which he was laid off.*

ENROLLED

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