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HOUSE BILL NO. 445

House Amendments in [] — January 31, 1996

A BILL to amend and reenact § 65.2-510 of the Code of Virginia, relating to workers' compensation; refusal of employment.

Patrons—Van Landingham, Christian, Hull, Jones, D.C., McEachin, Moran, Plum, Scott and Watts

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-510 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-510. Refusal of employment; compensation for partial incapacity.

A. If an injured employee refuses employment procured for him suitable to his capacity, he shall only be entitled to the benefits provided for in §§ 65.2-503 and 65.2-603, excluding vocational rehabilitation services provided for in subdivision A 3 of § 65.2-603, during the continuance of such refusal, unless in the opinion of the Commission such refusal was justified. [*For the purposes of this section, refusal of employment by an injured employee who is pregnant shall be deemed to be justified during such pregnancy and for a six-month period after the birth of such employee's child.*]

B. If an injured employee cures his unjustified refusal by accepting employment suitable to his capacity at a wage less than that originally offered, the employer shall pay or cause to be paid to the injured employee during his partial incapacity pursuant to § 65.2-502, a weekly compensation equal to 66 2/3 percent of the difference between his average weekly wages before his injury and the average weekly wage the employee would have earned by accepting the original proffered light duty employment.

C. A cure of unjustified refusal pursuant to subsection A may not be established if the unjustified refusal lasts more than six months from the last day for which compensation was paid before suspension pursuant to this section; ~~provided~~, however, the ~~aforsaid~~ six-month period may be extended by the number of days a claimant is totally disabled as long as ~~said~~ if the disability commenced during ~~aforsaid~~ such six-month period. [*When an injured employee is precluded from accepting employment as a result of pregnancy, the six-month period for curing the refusal may be tolled during such period as a physician certifies medical disability.*]

ENGROSSED

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