

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 65.2-510 of the Code of Virginia, relating to workers' compensation;*  
3 *refusal of employment.*

4  
5 Approved

[H 445]

6 **Be it enacted by the General Assembly of Virginia:**

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

8 § 65.2-510. Refusal of employment; compensation for partial incapacity.

9 A. If an injured employee refuses employment procured for him suitable to his capacity, he shall  
10 only be entitled to the benefits provided for in §§ 65.2-503 and 65.2-603, excluding vocational  
11 rehabilitation services provided for in subdivision A 3 of § 65.2-603, during the continuance of such  
12 refusal, unless in the opinion of the Commission such refusal was justified.

13 B. If an injured employee cures his unjustified refusal by accepting employment suitable to his  
14 capacity at a wage less than that originally offered, the employer shall pay or cause to be paid to the  
15 injured employee during his partial incapacity pursuant to § 65.2-502, a weekly compensation equal to  
16 66 2/3 percent of the difference between his average weekly wages before his injury and the average  
17 weekly wage the employee would have earned by accepting the original proffered light duty  
18 employment.

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

ENROLLED

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