

# 1998 RECONVENED SESSION

ENROLLED

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend the Code of Virginia by adding a section numbered 2.1-196.2, relating to the Comptroller; recovery of improper payments to state employees.*

[H 1203]

Approved

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

**1. That the Code of Virginia is amended by adding a section numbered 2.1-196.2 as follows:**

*§ 2.1-196.2. Recovery of certain improper payments to state employees.*

*If any officer or employee of the Commonwealth, whether or not exempt from the provisions of Chapter 10 (§ 2.1-110 et seq.) of this title, contrary to any applicable statute, regulation or written policy of the Commonwealth, obtains or authorizes any other officer or employee to obtain any compensation or other payment to which an employee is not entitled, and upon the written request of his employer, fails or refuses to return or reimburse such compensation or payment, then both the employee who received the payment to which he was not entitled and the employee who authorized the payment shall be liable for repayment to the employer. Liability will not attach unless such authorization was given with actual or constructive knowledge that the recipient employee was not entitled to such compensation or payment.*

*As long as he remains an officer or employee of the Commonwealth, and liability is admitted, his employer may recover such compensation or payment from any compensation or other payments to which the officer or employee is entitled as an administrative offset pursuant to § 2.1-733. However, such offset shall not exceed the amount allowed pursuant to § 8.01-512.3. If such officer or employee leaves state service, liability is disputed or recovery cannot be accomplished, the employer may request the Attorney General to bring an action for restitution pursuant to this section, and the court may award the prevailing party costs and reasonable attorneys' fees.*

*The provisions of this section shall not apply to good faith disbursements made to beneficiaries of the Virginia Retirement System.*

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