

VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

CHAPTER 413

An Act to amend and reenact § 51.1-1100 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 51.1-1101.1 and 51.1-1101.2, relating to sickness and disability plans.

[H 1755]

Approved March 25, 1999

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-1100 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 51.1-1101.1 and 51.1-1101.2 as follows:

§ 51.1-1100. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Act" means the Virginia Workers' Compensation Act (§ 65.2-100 et seq.).

"Company" means an insurance company issuing a long-term disability insurance policy purchased by the Board pursuant to this chapter.

"Disability" means a partial disability or total disability.

"Disability benefit" means income replacement payments payable to a participating employee under a short-term or long-term disability benefit program pursuant to this chapter. Disability benefits do not include benefits payable under the Act.

"Eligible employee" means (i) a state employee as defined in § 51.1-124.3 who is a member of the retirement system, (ii) an employee as defined in § 51.1-201, or (iii) a qualifying part-time employee, or (iv) an employee of a local public school board or political subdivision where such local public school board or political subdivision has elected to participate in the program. Any person participating in a plan established pursuant to §§ 51.1-126, 51.1-126.1, ~~51.1-126.2~~, 51.1-502.1, 51.1-502.2 or § 51.1-502.3 shall not be an eligible employee.

"Partial disability" exists when, as a result of an injury or illness, an employee is (i) able to perform one or more, but not all, of the material and substantial duties of his own or any other job on an active employment or a part-time basis or (ii) able to perform all of the material and substantial duties of his own or any other job on a part-time basis. An employee shall be eligible for partial disability benefits if he is earning twenty percent or more of his predisability earnings.

"Participating employee" means any eligible employee required or electing to participate in the program.

"Program" means the program providing sick leave, family and personal leave, short-term disability, and long-term disability benefits for participating employees established pursuant to this chapter.

"Qualifying part-time employee" means any person who would qualify as a state employee as defined in § 51.1-124.3 but, rather than being regularly employed full time on a salaried basis, is regularly employed part time for at least twenty hours but less than forty hours per week on a salaried basis.

"Total disability" exists (i) during the first twenty-four months following the occurrence or commencement of an illness or injury if an employee is unable to perform his normal job duties, or (ii) after twenty-four months following the occurrence or commencement of an illness or injury if an employee is unable to perform the main duties of any job for which he is reasonably qualified based on his training or experience and earning less than twenty percent of his predisability earnings.

"Work-related injury" means an injury, as such term is defined in § 65.2-101, to a participating employee for which benefits are payable under the Act and the Commonwealth is the employer for purposes of the Act.

In addition to the definitions listed above, the definitions listed in § 51.1-124.3 shall apply to this chapter except as otherwise provided.

§ 51.1-1101.1. *Participation by local systems.*

A. Any local government that has elected to participate directly in the Virginia Retirement System may elect to participate in the program.

B. Any local government electing to participate shall be responsible for the cost of participating in the program.

C. Any local government employee whose employment began on or prior to the date that the local government elects to participate in the program, shall be given an option to participate in the program or to continue coverage under any existing sickness and disability program under which he is covered.

§ 51.1-1101.2. *Authorization to implement sickness and disability plan.*

The Board shall have the authority to establish a plan for the purpose of implementation of § 51.1-1101.1.

2. That the provisions of this act shall not become effective unless reenacted by the 2000 Session of the General Assembly.