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HOUSE BILL NO. 2479

Offered January 21, 1999

A BILL to amend and reenact § 51.1-1103 of the Code of Virginia, relating to participation in the state employee sickness and disability program.

Patrons—Grayson, Darner and Spruill

Consent to introduce

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:**1. That § 51.1-1103 of the Code of Virginia is amended and reenacted as follows:**

§ 51.1-1103. Participation in the program.

A. All eligible employees commencing employment or who are reemployed on or after January 1, 1999, shall participate in the program. The effective date of participation in the program for such employees shall be their first day of employment.

B. All eligible employees who commenced employment prior to January 1, 1999, may elect to participate in the program. Any election to participate in the program shall be in writing and shall be submitted to the Board during an enrollment period commencing January 1, 1999, and ending on March 31, 1999. Any election to participate in the program shall be irrevocable. Any such eligible employee who does not elect to participate in the program during the enrollment period shall be ineligible to participate in the program for the period of his continued employment by the Commonwealth. Any eligible employee who does not affirmatively elect to participate in the program shall be deemed to have declined to participate in the program. The effective date of participation in the program for electing employees shall be the thirtieth day following the delivery of notice of the election to the Board.

C. Any eligible employee who is employed by an institution of higher education in a faculty position performing teaching, research or administrative duties may elect to participate in the program established under this chapter or under an existing program provided by the institution. For eligible employees who commenced employment prior to January 1, 1999, the election shall be in accordance with subsection B. For eligible employees commencing employment or who are reemployed on or after January 1, 1999, an irrevocable decision to participate in either program established under this chapter or the program provided by the institution shall be made not later than ninety days from the time of entry upon the performance of his duties.

D. In addition to the conditions set forth in subsection B, any eligible employee commencing employment or who is reemployed prior to January 1, 1999, who is a member of the retirement system shall select one of the following options at the time of making his election to participate in the program:

1. To convert his sick leave balance as of the end of the first pay period in calendar year 1999 to service credit under the retirement system on the basis of one month of service for each 173 hours of sick leave, rounded to the next highest month; or

2. To convert his sick leave balance as of the end of the first pay period in calendar year 1999 to disability credits as provided in subsection F.

E. Any participating employee commencing employment prior to January 1, 1999, who elects to participate in the program and is not a member of the retirement system shall convert his sick leave balance as of the end of the first pay period in calendar year 1999 to disability credits as provided in subsection F.

F. Any participating employee converting his sick leave balance as provided in subdivision D 2 or subsection E shall receive one hour of disability credit for each hour of sick leave. Disability credits shall be used to continue periods for which the participating employee receives income replacement during periods of short-term and long-term disability at 100 percent of creditable compensation. Disability credits shall be reduced by one hour for each hour that the participating employee receives short-term or long-term disability benefits, *at the rate of one disability credit for each hour necessary to increase the compensation from eighty or sixty percent of creditable compensation, as applicable, to 100 percent of creditable compensation. The participating employee's disability credits shall be reduced by eight hours in each week that the employee is receiving income replacement at the rate of eighty percent of creditable compensation during a period of short-term or long-term disability, and by sixteen hours in each week that the employee is receiving income replacement at the rate of sixty percent of creditable compensation during a period of short-term or long-term disability.* Upon leaving state service, the employee shall be paid for the balance of such disability credits under the same terms and subject to the

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60 same conditions as are in effect for the conversion of sick leave benefits in the employee's agency on
61 December 31, 1998.

62 G. Eligibility for participation in the program shall terminate upon the earliest to occur of an
63 employee's (i) termination of employment, (ii) death, or (iii) retirement from service. Eligibility for
64 participation in the program shall be suspended during periods that an employee is placed on nonpay
65 status, including leave without pay, if such nonpay status is due to disciplinary action.