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HOUSE JOINT RESOLUTION NO. 683

Offered January 9, 2013

Prefiled January 9, 2013

Requesting the Workers' Compensation Commission to study the impact of expanding occupational disease presumptions to correctional officers. Report.

Patron—Morefield

Referred to Committee on Rules

WHEREAS, subsection B of § 65.2-402 of the Virginia Workers' Compensation Act (the Act) (§ 65.2-100 et seq. of the Code of Virginia) provides a rebuttable presumption that hypertension and heart disease causing the death of, or a health condition or impairment that results on the total or partial disability of, certain public safety employees are occupational diseases suffered in the line of duty that are covered by the Act; and

WHEREAS, § 65.2-402.1 of the Act provides a rebuttable presumption that hepatitis, tuberculosis, and certain other infectious diseases causing the death of, or a health condition or impairment that results on the total or partial disability of, certain public safety employees are occupational diseases suffered in the line of duty that are covered by the Act; and

WHEREAS, these rebuttable presumptions apply to many public safety employees, including members of the State Police Officers' Retirement System; members of county, city, or town police departments; sheriffs and deputy sheriffs; Capitol Police officers; and campus police officers; and

WHEREAS, these rebuttable presumptions do not apply to correctional officers; now, therefore, be it RESOLVED by the House of Delegates, the Senate concurring, That the Workers' Compensation Commission be requested to study the impact of expanding occupational disease presumptions to correctional officers.

In conducting its study, the Workers' Compensation Commission shall (i) determine the risks of hypertension, heart disease, and the infectious diseases covered by § 65.2-402.1 resulting from conditions of employment within correctional facilities; (ii) identify which employees in state correctional facilities and employees of local and regional jails face employment-related risks of hypertension, heart disease, and the infectious diseases covered by § 65.2-402.1 that are heightened to the same extent as, or to a greater extent than, such risks faced by, other public safety employees who are currently covered by the presumptions established by subsection B of § 65.2-402 and § 65.2-402.1; (iii) quantify the fiscal impact on the Commonwealth and local and regional governments of expanding the presumptions established by subsection B of § 65.2-402 and § 65.2-402.1 to the employees of state correctional facilities and employees of local and regional jails whose employment results in heightened risks of hypertension, heart disease, and the infectious diseases covered by § 65.2-402.1; and (iv) identify operational and public policy implications of such an expansion of the presumptions established by subsection B of § 65.2-402 and § 65.2-402.1.

Technical assistance shall be provided to the Workers' Compensation Commission by the Department of Corrections, the Department of Planning and Budget, and operators of local and regional jails. All agencies of the Commonwealth shall provide assistance to the Workers' Compensation Commission for this study, upon request.

The Workers' Compensation Commission shall complete its meetings by November 30, 2013, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2014 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

INTRODUCED

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