

# 1996 SESSION

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## HOUSE BILL NO. 136

Offered January 10, 1996

*A BILL for the relief of Evelyn J. Williams.*

Patron—Ruff

Referred to Committee on Claims

Whereas, Evelyn J. Williams was a loyal employee of the Commonwealth for 12 years, working in Mecklenburg County for the Department of Corrections as a correctional officer; and

Whereas, Mecklenburg is a maximum security facility where the most violent offenders are housed; and

Whereas, correctional officers are exposed to threats, physical violence, inhumane conduct by inmates towards them, and administrative pressures, and as a result many quit their jobs because of the stress involved; and

Whereas, Ms. Williams began experiencing high blood pressure or hypertension in 1984 and was prescribed medication after seeking medical attention; and

Whereas, Ms. Williams continued to work with high blood pressure until May 1992, at which time she used medical leave until November 1992; and

Whereas, Ms. Williams was granted a conditional leave of absence until December 15, 1992, which was extended through January 31, 1993, based on her medical condition; and

Whereas, Ms. Williams was terminated on March 1, 1993 after her physician informed the facility that she would be unable to return to work as a corrections officer, would have to be on light duty, and should have her blood pressure monitored on any job; and

Whereas, aware that Mecklenburg had accommodated other male correctional officers with medical problems, Ms. Williams requested a different assignment within the facility but was denied; and

Whereas, Ms. Williams applied for regular disability retirement based on her hypertension but was denied by the Virginia Retirement System based on the Medical Board's recommendation; and

Whereas, Ms. Williams was denied disability retirement benefits on two subsequent appeals; and

Whereas, denial was based on the finding pursuant to § 51.1-156 (E) of the Code of Virginia that although Ms. Williams' hypertension was a "permanent" condition while at work, it was not a permanent condition of everyday living; and

Whereas, Ms. Williams continues to be treated for hypertension, for which there is no cure, and continues to take medication; and

Whereas, Ms. Williams is over 50 years old, has been denied her livelihood, and has been denied relief by the State in the form of disability after years of loyal service under undesirable employment conditions; and

Whereas, there is no other means for Evelyn J. Williams to obtain relief except by action of this body; now, therefore,

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

1. § 1. That there is hereby allocated to Evelyn J. Williams from the general funds appropriated to the Virginia Retirement System, a lump sum payment to be determined by the Virginia Retirement System, based on the present value of the stream of payments Evelyn J. Williams would have received had she been granted permanent disability retirement benefits. The payment shall be made by check issued by the State Treasurer on warrant of the Comptroller to Evelyn J. Williams, upon execution by her of a release of all claims she may have against the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision in connection with the aforesaid occurrence.

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