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HOUSE JOINT RESOLUTION NO. 103
AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 21, 2014)

(Patron Prior to Substitute—Delegate Jones)

Directing the Joint Legislative Audit and Review Commission to study Virginia's Line of Duty Act. Report.

WHEREAS, Virginia's Line of Duty Act, initially enacted to provide a one-time death benefit payment, has undergone significant expansion in the last 18 years for state employees, in terms of both the type and amount of benefits that are provided and the persons who are eligible to receive those benefits; and

WHEREAS, the total cost of fully funding these benefits has also escalated dramatically; and

WHEREAS, the recipients of benefits under Virginia's Line of Duty Act may also receive benefits from other state and federal programs, including pension payments, disability payments under their pension plan, undergraduate tuition waiver benefits, workers' compensation wage replacement, medical benefits, and burial, death, disability, and educational benefits under the federal Public Safety Officers' Benefits Act, as well as additional assistance from numerous other public and private programs and foundations; and

WHEREAS, while some other states' benefit programs require the coordination of applicable federal and state benefits, Virginia's Line of Duty Act has no similar requirements; and

WHEREAS, after a year of study, the Line of Duty Act Working Group in December 2012 concluded that "[v]ery real financial constraints threaten the sustainability of Line of Duty Act benefits" but made no recommendations, noting that "further deliberation is needed prior to implementation of any reforms"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study Virginia's Line of Duty Act. The Joint Legislative Audit and Review Commission shall study the current implementation of the Act, the current and projected future costs of benefits awarded thereunder, and the advisability of coordinating those benefits with additional benefits paid under other state and federal programs.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) examine how claims for benefits under Virginia's Line of Duty Act are being administered, whether benefits covered under the act should be modified, and whether all provisions of the law are being enforced and complied with so that predictable results in accordance with the law are assured; (ii) determine whether the current appeals process provided under Virginia's Line of Duty Act protects the rights of applicants, beneficiaries, and employers; (iii) determine the current and projected future costs of fully funding all benefits payable under Virginia's Line of Duty Act for the next 10 years and project the premiums that will need to be charged in each of the next 10 years to employers participating in the State Fund to ensure the full funding of benefits covered thereby, whether a shared liability pool of those covered is better than each locality paying a premium, and how the VRS Life Insurance loan should be paid back; (iv) review programs utilized by other states to provide benefits similar to those available under Virginia's Line of Duty Act; compare the administration and funding of those states' programs and the amount, type, and cost of benefits provided thereunder; and determine whether and how those programs provide for the coordination of benefits available; (v) review other benefit programs within Virginia to determine if aspects of those could be implemented under Virginia's Line of Duty Act to make benefit administration under the Act more efficient; and (vi) make recommendations for improvement of the administration of claims under Virginia's Line of Duty Act or, if the current system is best, for the possible coordination of benefits payable thereunder, if needed.

The Commission shall also examine the role of employers and their treatment of employees who are permanently injured or killed in the line of duty and whether employers should be required to keep injured employees in an alternative position, such as active or inactive (comparable to their position when they were injured or killed), if they have two years or less before their normal retirement date. In addition, the Commission shall also consider the role of a review board to help determine eligibility and review questionable or disputed claims, where the claimant has not been approved for disability retirement by VRS, Social Security, or Workers' Compensation.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Accounts and State Comptroller. All agencies of the Commonwealth, local governments, and public safety stakeholder groups shall provide assistance to the Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by

60 November 30, 2014, and for the second year by November 30, 2015, and the chairman shall submit to
61 the Division of Legislative Automated Systems an executive summary of its findings and
62 recommendations no later than the first day of the next Regular Session of the General Assembly for
63 each year. Each executive summary shall state whether the Commission intends to submit to the General
64 Assembly and the Governor a report of its findings and recommendations for publication as a House or
65 Senate document. The executive summaries and reports shall be submitted as provided in the procedures
66 of the Division of Legislative Automated Systems for the processing of legislative documents and
67 reports and shall be posted on the General Assembly's website.