Department of Planning and Budget
2001 Fiscal Impact Statement

1. **Bill Number** HB2464

   House of Origin ☒ Introduced ☐ Substitute ☒ Engrossed

   Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. **Patron** O'Brien

3. **Committee** General Laws

4. **Title** Dept. of Employment Dispute Resolution; review of grievance hearings.

5. **Summary/Purpose:** This legislation seeks to clarify the appellate rights of employees working for the Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS); the Department of Corrections (DOC); and the Department of Juvenile Justice (DJJ). Implementation of this legislation will provide these agencies' employees with grievance procedure rights similar to those enjoyed by all other state employees.

6. **Fiscal Impact is:** INDETERMINATE.

7. **Budget amendment necessary:** No

8. **Fiscal implications:** Although the fiscal impact of this legislation cannot be determined, its fiscal impact is expected to be very limited. According to the Department of Employment Dispute Resolution's (DEDR) staff, a right of appeal to the circuit courts and Court of Appeals was created for all state employees involved in grievance hearings on July 1, 2000. Prior to the implementation of those appellate rights, DEDR staff estimated all state employees' appeals would add at most 50 additional cases to the circuit court dockets and far fewer additional cases to the Virginia Court of Appeals' docket. Based upon this agency's experience with the state personnel affected by this legislation, its adoption would do little to alter that caseload estimate.

   For example, §2.1-116.07:1 of the Code of Virginia currently requires that DEDR's director review the decisions rendered in grievances involving DMHMRSAS employees before either DMHMRSAS or its employees appeal those decisions to the circuit courts and Court of Appeals. However, in the two years since the creation of this provision, DEDR staff report their director has not been requested to review a single hearing officer's decision by either DMHMRSAS or its employees. Consequently, it would appear that there may be very few appellate cases involving DMHMRSAS employees disciplined for alleged patient abuse, or that the agency and its employees already exercise the right to appeal grievance decisions to the circuit courts and Court of Appeals. Therefore, should this procedural hurdle be eliminated, that action should have only a limited impact on the number of cases DMHMRSAS employees appeal to the courts.

   Similarly, DEDR's staff do not believe that the Court of Appeals' workload would be significantly affected by extending the appellate rights of DOC and DJJ employees.

Currently, § 2.1-116.08 of the Code of Virginia restricts DOC and DJJ employees' exercise of their appellate rights to hearings before the circuit courts. In contrast, all other state employees can appeal hearing officers' decisions to both the circuit courts and Court of Appeals. DEDR staff report that in their experience with the appellate proceedings initiated by DOC and DJJ staff at the circuit court level, the extension of these employees' appellate rights would add no more than one or two cases per year to the Court of Appeals' workload. Given this experience, it would seem that providing these employees with additional appellate rights could only minimally impact the operations of DEDR, DOC, DJJ, and the Court of Appeals.

9. **Specific agency or political subdivisions affected:** This legislation affects the Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS); the Department of Corrections (DOC); the Department of Juvenile Justice (DJJ); the Department of Employment Dispute Resolution (DEDR), Virginia's circuit courts, and the Court of Appeals.

10. **Technical amendment necessary:** No.

11. **Other comments:** This bill is similar to SB 962.

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cc: Secretary of Administration
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