

Department of Planning and Budget

2002 Fiscal Impact Statement

1. Bill Number SB127

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron Ruff

3. Committee Commerce and Labor

4. Title Employee misconduct and disqualification for unemployment benefits

5. Summary/Purpose: The bill expands the scope of the definition of an employee's misconduct, for the purpose of disqualification for unemployment benefits, to include having in his bodily fluids while at work a nonprescribed controlled substance as established by a confirmed positive test conducted pursuant to a drug testing program conducted by personnel of a probation agency or personnel of any program or agency approved by a probation agency or pursuant to any other drug testing program administered pursuant to an order of a court requiring the employee to remain drug free and to submit to such tests. The drug test results will be available to the Virginia Employment Commission.

The measure also provides that an employer satisfies the burden of proving that an individual was discharged for misconduct if the employer establishes by a preponderance of evidence that the discharge of the individual was the direct result of the employer's bona fide belief that the individual engaged in criminal activity at work.

6. Fiscal Impact Estimates are Not Available: SEE ITEM 8.

7. Budget amendment necessary: No.

8. Fiscal implications: The bill would have a fiscal impact on the Unemployment Trust Fund only to the degree that the further expansion of the definition of misconduct disqualifies people from being eligible for unemployment benefits. However, any fiscal impact would be to the benefit of the trust funds since less benefits would be paid out, but it is not possible to estimate the number of people who would fall under the expanded definition of misconduct and would be disqualified for benefits.

9. Specific agency or political subdivisions affected: Virginia Employment Commission.

10. Technical amendment necessary: No.

11. Other comments: None.

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cc: Secretary of Commerce and Trade