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HOUSE BILL NO. 1931

Offered January 9, 2013

Prefiled January 9, 2013

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:4, relating to restrictions on the release of an employee's personal information to union organizers; penalty.*

Patrons—Comstock, Cox, J.A., Dudenhefer, Hodges, Minchew, Morris, Poindexter, Villanueva and Webert

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:4 as follows:

§ 40.1-28.7:4. Releases of employee's personal information; penalty.

A. As used in this section, "personal identifying information" means any of the following items of information about a current or former employee: home telephone number, mobile telephone number, email address, shift times, or work schedule.

B. An employer shall not, unless an exemption described in subsection C applies, knowingly release, communicate, or distribute to any person engaged in union organizing any current or former employee's personal identifying information. A release, communication, or distribution of a current or former employee's personal identifying information shall be presumed to be knowing if the employer has not put in place any policies or procedures to safeguard against such a release, communication, or distribution, including procedures to notify relevant employees of these provisions.

C. The prohibition in subsection B shall not apply to a release, communication, or distribution of personal identifying information that is:

1. Required pursuant to any applicable provision of federal law that preempts the provisions of this section; or

2. Ordered by a court of competent jurisdiction.

D. Any employer who violates the provisions of this section is subject to a civil penalty of \$100 for each violation. Such penalty shall be collected by the Commissioner and the proceeds shall be deposited into the general fund of the Treasury of the Commonwealth. The Commissioner shall prescribe procedures for the payment of proposed penalties that are not contested by employers.