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HOUSE BILL NO. 1069

House Amendments in [] — February 7, 2014

A *BILL to amend and reenact § 2.2-3007 of the Code of Virginia, relating to the Department of Human Resource Management; grievance procedures for certain employees of the Departments of Corrections and Juvenile Justice.*

Patron Prior to Engrossment—Delegate Taylor

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-3007 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-3007. Certain employees of the Departments of Corrections and Juvenile Justice.**

A. Employees of the Departments of Corrections and Juvenile Justice who work in institutions or juvenile correctional centers or have client, inmate, or resident contact and who are terminated on the grounds of client, inmate, or resident abuse, criminal conviction, or as a result of being placed on probation under the provisions of § 18.2-251, may appeal their termination only through the [*applicable grievance resolution steps procedure*; *Department of Human Resource Management applicable grievance procedures, which shall not include successive grievance steps or the formal hearing provided in § 2.2-3005.*]

B. If no resolution is reached by the conclusion of the last grievance step, the employee may advance the grievance to the circuit court of the jurisdiction in which the grievance occurred for a de novo hearing on the merits [*of the termination*]. In its discretion, the court may refer the matter to a commissioner in chancery to take such evidence as may be proper and to make a report to the court. Both the grievant and the respondent may call upon witnesses and be represented by legal counsel or other representatives before the court or the commissioner in chancery. Such representatives may examine, cross-examine, question and present evidence on behalf of the grievant or respondent before the court or commissioner in chancery without being in violation of the provisions of § 54.1-3904.

C. A termination shall be upheld unless shown to have been unwarranted by the facts or contrary to law or policy.

ENGROSSED

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