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SENATE BILL NO. 737

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on February 8, 2016)

(Patron Prior to Substitute—Senator Obenshain)

A BILL to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 55.3, consisting of sections numbered 2.2-5514 and 2.2-5515, relating to public employers; award of leave from official duties for the benefit of any professional association, labor union or labor organization; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 55.3, consisting of sections numbered 2.2-5514 and 2.2-5515, as follows:

CHAPTER 55.3.

PUBLIC EMPLOYEE LEAVE TO BENEFIT CERTAIN ORGANIZATIONS PROHIBITED.

§ 2.2-5514. Public employees; authorization of administrative leave for certain activities prohibited.

A. As used in this section, "professional association" means an organization of public employees of one or more professions that has been granted tax exempt status under § 501(c)(5) of the Internal Revenue Code and that represents, advocates, or negotiates on its members' behalf with a public employer for increased pay, benefits, grievance rights, or employment protection for those members. "Professional association" does not include any organization whose purposes are limited to providing continuing education, exchanging useful professional information, producing educational or reference materials, sponsoring conferences, or offering similar activities for the mutual benefit of the organization's members and their public employers.

B. No public employer shall award paid leave or work time to any public employee specifically to permit the employee to directly or indirectly work for or on behalf of a professional association, labor union, or labor organization.

C. The provisions of this section shall not apply to constitutional officers as defined in § 15.2-102 or their appointees as described in § 15.2-1603.

§ 2.2-5515. Penalty.

Any public employer who knowingly violates any provision of this chapter is guilty of a Class 5 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

SENATE SUBSTITUTE

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