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SENATE BILL NO. 427

Offered January 8, 2020

Prefiled January 7, 2020

A BILL to amend the Code of Virginia by adding a section numbered 40.1-27.3, relating to employee protection; discharge for protective order prohibited.

Patron—Saslaw

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 a section numbered 40.1-27.3 as follows:****§ 40.1-27.3. Discharge of employee for protective order prohibited.**

A. For the purposes of this section, "employer" includes the Commonwealth and all agencies and political subdivisions, including school boards, thereof.

B. No employer shall discharge, take other retaliatory personnel action, or otherwise discriminate against an employee solely on the basis that such employee has filed for or has been issued an emergency protective order or a preliminary protective order against the employer or another employee of such employer pursuant to § 19.2-152.8 or 19.2-152.9.

C. Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of this section may, within 60 days after such violation occurs, file a complaint with the Commissioner alleging such discharge or discrimination. The employee shall be prohibited from seeking relief under this section if he fails to file such complaint within the 60-day time period. Upon receipt of such complaint, the Commissioner shall cause such investigation to be made as he deems appropriate. If, upon such investigation, he determines that the provisions of this section have been violated, he shall attempt by conciliation to have the violation abated without economic loss to the employee. In the event a voluntary agreement cannot be obtained, the Commissioner shall bring an action in a circuit court having jurisdiction over the person charged with the violation. The court shall have jurisdiction, for cause shown, to restrain violations and order appropriate relief, including rehiring or reinstatement of the employee to his former position with back pay plus interest at a rate not to exceed eight percent per annum. Should the Commissioner, based on the results of his investigation of the complaint, refuse to issue a charge against the person that allegedly discriminated against the employee, the employee may bring action in a circuit court having jurisdiction over the person allegedly discriminating against the employee, for appropriate relief.

INTRODUCED

SB427