

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB553

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

2. Patron: Vivian E. Watts

3. Committee: Rules

4. Title: Policies against workplace harassment; legislative branch.

5. Summary: Requires each legislative branch agency to adopt and implement the Commonwealth Workplace Harassment Policy established by the Department of Human Resource Management. The bill provides that the Policy applies to legislative branch employees, including General Assembly members and members-elect, when undertaking meetings with other state employees, contract employees, applicants for employment, customers, vendors, members of the media, members of the public, volunteers, or lobbyists or when conducting or performing election activities in the scope of official duties.

Under the bill, a victim of alleged workplace harassment will be able to file a complaint against a legislative branch employee, other than a member of the General Assembly, in accordance with the procedures of the Policy or with the Division of Human Rights in the Office of the Attorney General. The Division of Human Rights is authorized to investigate the complaint and use any other powers with regard to the complaint granted to it under law. The bill requires each house of the General Assembly to adopt rules governing procedures and disciplinary sanctions for General Assembly members and members-elect violating policies against workplace harassment.

The 2018 Session of the General Assembly enacted legislation requiring full-time legislative branch employees to complete a sexual harassment training course once every two calendar years beginning January 1, 2020. In addition to other differences, this bill broadens the scope of training for legislative branch employees and provides for punitive damages if a party complaining of workplace harassment demonstrates that the defendant engaged in a discriminatory practice with malice or reckless indifference. The bill has a delayed effective date of January 1, 2021.

6. Budget Amendment Necessary: See Item 8.

7. Fiscal Impact Estimates: See Item 8.

8. Fiscal Implications: The Senate indicates this bill presents no fiscal impact. The House of Delegates indicates the only fiscal impact of this bill would be legal fees associated with potential lawsuits the Clerk's Office would be responsible for paying. It is unknown what these fees would be.

No fiscal impact is expected for legislative agencies to adhere to the Commonwealth Workplace Harassment Policy as it has already been developed by the Department of Human Resource Management.

9. Specific Agency or Political Subdivisions Affected: General Assembly, Legislative Staff, Legislative Branch Agencies, Department of Human Resource Management

10. Technical Amendment Necessary: No.

11. Other Comments: