

Department of Planning and Budget 2021 Fiscal Impact Statement

1. **Bill Number:** SB1362ES1

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

2. **Patron:** Lewis

3. **Committee:** Education and Health

4. **Title:** Employers; reporting outbreaks of COVID-19; emergency.

5. **Summary:** Requires employers to report to the Department of Health upon determination that a worksite cluster has occurred at a workplace with 50 or more employees. The Department of Health shall make a report available to the public on a website maintained by the Department, provided that the release of such information does not violate the provisions of § 32.1-41 of the Code of Virginia. Such information shall include the name of the employer at which a worksite cluster has been reported and the number of confirmed cases of COVID-19 reported by such employer. The bill requires the State Department of Health to compile such reports and to make a weekly report available to the public with the compiled information. The bill defines “worksite cluster” as five or more cases with illness onset or initial positive results within a 14-day period and a likely epidemiologic linkage between cases. The bill defines "likely epidemiologic linkage" to mean verification by the Department that the confirmed cases were in close proximity in the same worksite setting for a sufficient time period, that the timing of contact fits with likely timing of exposure, and that it is more likely than not that the worksite was the source of exposure for identified cases. The bill contains an emergency clause.

6. **Budget Amendment Necessary:** Yes, item 299

7. **Fiscal Impact Estimates:** See item 8.

8. **Fiscal Implications:** The expenditure impact for FY 2023 – FY 2027 cannot be determined as it is unknown if the current or other related health emergencies will exist beyond FY22. At a minimum, the Department of Health has identified \$96,000 in impacts in FY2022, as described below.

For the purposes of the bill, “employer” has the same meaning as defined by § 40.1-2 of the Code of Virginia. According to § 40.1-2, the definition of "Employer" means an individual, partnership, association, corporation, legal representative, receiver, trustee, or trustee in bankruptcy doing business in or operating within this Commonwealth who employs another to work for wages, salaries, or on commission and shall include any similar entity acting directly or indirectly in the interest of an employer in relation to an employee.” This would be significant increase in the number of reports that VDH anticipates they would receive.

Furthermore, the bill would require that VDH compile these reports and make a weekly report available to the public with the compiled information. To capture and report on this data from all entities, VDH has estimated that a Virginia Outbreak Surveillance System Data Analyst (contractor) would be necessary in FY2021. The contractor would be responsible for conducting analysis of outbreak data including the development of reports and visualizations for operational internal use or external public facing websites. VDH would contract for this position at an annual rate of \$96,000.

9. Specific Agency or Political Subdivisions Affected: The Virginia Department of Health.

10. Technical Amendment Necessary: No.

11. Other Comments: None.