

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 838

An Act to amend and reenact § 2.1-725 of the Code of Virginia, relating to the Virginia Human Rights Act.

[S 1025]

Approved May 5, 1995

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-725 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-725. Causes of action not created; exception.

A. Nothing in this chapter creates, nor shall it be construed to create, an independent or private cause of action to enforce its provisions, *except as specifically provided in subsections B and C of this section.* ~~Nor shall the policies or provisions of this chapter be construed to allow tort actions to be instituted instead of or in addition to the current statutory actions for unlawful discrimination.~~

B. *No employer employing more than five but less than fifteen persons shall discharge any such employee on the basis of race, color, religion, national origin or sex, or of age if the employee is forty years or older.*

C. *The employee may bring an action in a general district or circuit court having jurisdiction over the employer who allegedly discharged the employee in violation of this section. Any such action shall be brought within 180 days from the date of the discharge. The court may award up to twelve months' back pay with interest at the judgment rate as provided in § 6.1-330.54. However, if the court finds that either party engaged in tactics to delay resolution of the complaint, it may (i) diminish the award or (ii) award back pay to the date of judgment without regard to the twelve-month limitation.*

In any case where the employee prevails, the court shall award attorney's fees from the amount recovered, not to exceed twenty-five percent of the back pay awarded. The court shall not award other damages, compensatory or punitive, nor shall it order reinstatement of the employee.

D. *Causes of action based upon the public policies reflected in this chapter shall be exclusively limited to those actions, procedures and remedies, if any, afforded by applicable federal or state civil rights statutes or local ordinances. Nothing in this section or § 2.1-715 shall be deemed to alter, supersede, or otherwise modify the authority of the Council on Human Rights or of any local human rights or human relations commissions established pursuant to §§ 15.1-37.3:8 and 15.1-783.1 or subject to the provisions of § 2.1-724.*