

LD7542492

SENATE BILL NO. 1025

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Woodrum
on February 22, 1995)

(Patron Prior to Substitute—Senator Benedetti)

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

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-725 of the Code of Virginia is amended 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. ~~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., except as specifically provided in subsections B and C of this section.~~

B. No person employing more than five but less than fifteen persons shall discharge any such employee on the grounds of race, color, religion, national origin, or sex.

C. The employee may bring an action in a general district or circuit court having jurisdiction over the person 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 back pay with interest at the judgment rate as provided in § 6.1-330.54 and attorney's fees, not to exceed twenty-five percent of the back pay awarded, to successful claimants.

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 civil rights statutes and 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 commission established pursuant to §§ 15.1-37.3:8, 15.1-783.1 or subject to the provisions of § 2.1-724.