

# 1997 SESSION

INTRODUCED

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## HOUSE BILL NO. 2890

Offered January 20, 1997

*A BILL to amend and reenact § 65.2-308 of the Code of Virginia, relating to retaliatory discharge of person claiming workers' compensation.*

Patron—Cranwell

Referred to Committee on Labor and Commerce

**Be it enacted by the General Assembly of Virginia:**

**1. That § 65.2-308 of the Code of Virginia is amended and reenacted as follows:**

§ 65.2-308. Discharge of employee for exercising rights prohibited; civil action; relief.

A. No employer or person shall discharge an employee solely because the employee intends to file or has filed a claim under this title or has testified or is about to testify in any proceeding under this title. The discharge of a person who has filed a fraudulent claim is not a violation of this section.

B. The employee may bring an action in a circuit court having jurisdiction over the employer or person who allegedly discharged the employee in violation of this section *within three years of the date of discharge*. The court shall have jurisdiction, for cause shown, to restrain violations and order appropriate relief, including actual damages and attorney's fees to successful claimants and the rehiring or reinstatement of the employee, with back pay plus interest at the judgment rate as provided in § 6.1-330.54. *The employee shall be entitled to a trial by jury on the issues of actual damages and attorney's fees.*

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