

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number:** HB1099

<b>House of Origin</b>	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
<b>Second House</b>	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

**2. Patron:** Herring

**3. Committee:** Committee Referral Pending

**4. Title:** Employment discrimination; liability.

**5. Summary:** Expands the circumstances creating an individual cause of action regarding employment discrimination by employers with more than five but fewer than 15 employees. Currently, discharging an employee on the basis of race, national origin, sex, and other status is actionable. This legislation adds that the failure or refusal to hire or other discrimination against an individual on such a basis is actionable, and prohibits discrimination based on sexual orientation. Currently, discrimination against employees 40 years old or older is actionable if the employer has fewer than 15 employees; this measure increases the maximum to 20 employees. The measure adds that demonstrated compliance by an employer with any federal law or regulation is an affirmative defense to any claim. Remedies for cases involving violations other than those involving discharging employees are expanded to include injunctions and other equitable relief.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** None

**8. Fiscal Implications:** The Council on Human Rights indicates that this legislation has no fiscal impact.

According to the Department of Human Resource Management, it is unclear if this bill would result in any additional claims, and thus fiscal impact, to the Commonwealth.

**9. Specific Agency or Political Subdivisions Affected:** Council on Human Rights,  
Department of Human Resource Management

**10. Technical Amendment Necessary:** no

**11. Other Comments:** n/a

**Date:** 1/12/12

**Document:** G:\2012 FIS's\HB1099.DOC

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