

2013 SESSION

INTRODUCED

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SENATE BILL NO. 879

Offered January 9, 2013

Prefiled January 4, 2013

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-205.2, relating to the establishment of an Employee Misclassification Task Force.*

Patron—Puckett

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-205.2 as follows:

§ 2.2-205.2. *Employee Misclassification Task Force created; membership; duties.*

A. There is hereby created the Employee Misclassification Task Force (Task Force). The Task Force shall be composed of the Secretary of Commerce and Trade, or his designee; the Director of the Department of Human Resource Management, or his designee; the Tax Commissioner, or his designee; the Commissioner of the Department of Labor and Industry, or his designee; and representatives of the Virginia Employment Commission and the Virginia Workers' Compensation Commission. The Secretary shall serve as chair.

B. The Task Force shall:

1. Develop and recommend legislation to provide a clear and consistent definition of "employee," to ensure conformance with relevant federal tax laws;

2. Develop procedures for sharing information between state agencies;

3. Develop materials to educate workers and employers regarding the definition of "employee" and the consequences of misclassification;

4. Publicize methods for individuals to report suspected misclassification and to seek clarification under the existing and any new definitions;

5. Consider appropriate enforcement mechanisms; and

6. Identify additional resources that may be required to detect and prevent employee misclassification.

C. The Task Force shall report annually its activities, findings, and recommendations to the Governor and the General Assembly.

2. That the provisions of this act shall expire on July 1, 2018.

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