

Department of Planning and Budget

2015 Fiscal Impact Statement

1. Bill Number: HB2089

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Keam

3. Committee: Courts of Justice

4. Title: Employment; abusive work environment.

5. Summary: Prohibits an employer from (i) permitting an employee to be subjected to an abusive work environment, (ii) subjecting an employee to an abusive work environment, or (iii) retaliating against an employee because the employee brings or participates in an action, investigation, or proceeding related to the abusive work environment. The measure also prohibits the employer's agent or a coworker from subjecting an employee to an abusive work environment. The bill defines "abusive work environment" as a workplace in which an employee is subjected to abusive conduct severe enough to cause physical or psychological harm. The bill provides that an aggrieved employee may bring a private cause of action. In such a proceeding the court may order injunctive relief, reinstatement, removal of any offending party from the employee's work environment, compensation for lost wages, benefits, and other remuneration; compensation for medical costs and emotional duress; punitive damages; and reasonable costs and attorney fees. Punitive damages are not allowed if the violation does not include an adverse employment action against the employee or result in lost work time, earnings, or other benefits.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8, below.

8. Fiscal Implications: It is anticipated that any expenditure impact to the Department of Labor and Industry can be absorbed with existing resources. The bill does not require enforcement but DOLI expects the agency will respond to inquiries.

According to the Department of Human Resource Management, this bill should have no fiscal impact on state government agencies covered by the Virginia Personnel Act. State Policy already prohibits the behaviors and actions as defined in this bill and provides aggrieved employees access to a broad range of workplace dispute resolution avenues.

9. Specific Agency or Political Subdivisions Affected: Department of Labor and Industry; Department of Human Resource Management; all state agencies; localities; court system.

10. Technical Amendment Necessary: No.

11. Other Comments: None.