

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: HB1076

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

2. Patron: Yancey

3. Committee: Commerce and Labor

4. Title: Employment; break to express breast milk.

5. Summary: Requires employers, including the Commonwealth and its political subdivisions, to provide reasonable unpaid break time each day to an employee who needs to express breast milk for the employee's infant child. An employer is exempt from this requirement if providing the break time would unduly disrupt its operations. An employer is also required to make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where such an employee can express breast milk in privacy. No penalty is provided for a violation of this requirement.

6. Budget Amendment Necessary: Item 115 (HB30/SB30). See Item 8, below.

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

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2016			
2017	\$47,440	0	GF
2018	\$47,440	0	GF
2019	\$47,440	0	GF
2020	\$47,440	0	GF
2021	\$47,440	0	GF
2022	\$47,440	0	GF

8. Fiscal Implications: The above reflects the bill's anticipated impact to the Department of Labor and Industry for costs related to enforcing the provisions of this bill. Under the provisions of this bill, the Labor Law Division in the Department of Labor and Industry (DOLI) would have to begin enforcement July 1, 2016, and would need one additional half-time inspector to conduct inspections. The DOLI impact is for regulatory enforcement of the bill.

The Fair Labor Standards Act (FLSA) entitles non-exempt employees to breaks to express milk. This bill covers exempt employees not covered under FLSA. DOLI expects the agency will respond to inquiries and inspections for employees who are exempt from FLSA.

Beginning in FY 2017, DOLI anticipates that an additional \$47,440 from the general fund, annually, to hire a wage employee to address the additional workload in the Labor Law Division.

According to the Department of Human Resource Management, it is anticipated that this bill will not have a fiscal impact on state government agencies covered by the Virginia Personnel Act. State policy already provides for reasonable break periods consistent with the definitions within this bill. Also, the Fair Labor Standards Act (FLSA) was amended by the Patient Protection and Affordable Care Act in March 2010 to require employers to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. This bill is consistent with the FLSA amendments that agencies have had in place since at least 2010.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.