

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-4201 of the Code of Virginia, relating to the Fair Employment*  
3 *Contracting Act; sexual harassment policy.*

4 [H 1228]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-4201 of the Code of Virginia is amended and reenacted as follows:**8 **§ 2.2-4201. Required contract provisions.**9 All contracting agencies shall include in every government contract of over \$10,000 the following  
10 provisions:

11 During the performance of this contract, the contractor agrees as follows:

12 1. The contractor will not discriminate against any employee or applicant for employment because of  
13 race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide  
14 occupational qualification reasonably necessary to the normal operation of the contractor. The contractor  
15 agrees to post in conspicuous places, available to employees and applicants for employment, notices  
16 setting forth the provisions of this nondiscrimination clause, including the names of all contracting  
17 agencies with which the contractor has contracts of over \$10,000.18 2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of  
19 the contractor, state that such contractor is an equal opportunity employer. However, notices,  
20 advertisements and solicitations placed in accordance with federal law, rule or regulation shall be  
21 deemed sufficient for the purpose of meeting the requirements of this chapter.22 3. *If the contractor employs more than five employees, the contractor shall (i) provide annual*  
23 *training on the contractor's sexual harassment policy to all supervisors and employees providing*  
24 *services in the Commonwealth, except such supervisors or employees that are required to complete*  
25 *sexual harassment training provided by the Department of Human Resource Management, and (ii) post*  
26 *the contractor's sexual harassment policy in (a) a conspicuous public place in each building located in*  
27 *the Commonwealth that the contractor owns or leases for business purposes and (b) the contractor's*  
28 *employee handbook.*29 The contractor shall include the provisions of ~~the~~ subdivisions 1 ~~and~~, 2, ~~and~~ 3 in every subcontract or  
30 purchase order of over \$10,000, so that such provisions shall be binding upon each subcontractor or  
31 vendor.32 Nothing contained in this chapter shall be deemed to empower any agency to require any contractor  
33 to grant preferential treatment to, or discriminate against, any individual or any group because of race,  
34 color, religion, sex, or national origin on account of an imbalance that may exist with respect to the  
35 total number or percentage of persons of any race, color, religion, sex, or national origin employed by  
36 such contractor in comparison with the total number or percentage of persons of such race, color,  
37 religion, sex, or national origin in any community or in the Commonwealth.38 **2. That the Department of Human Resource Management be directed to develop procedures for (i)**  
39 **determining whether an employee of a contractor with state government spends significant time**  
40 **working with or in close proximity to state employees and (ii) if so, requiring such contractor**  
41 **employee to complete any sexual harassment training also provided to state employees if the**  
42 **contractor employee has not received such training within the calendar year in which he begins**  
43 **work on the contract.**

ENROLLED

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