

Department of Planning and Budget

2021 Fiscal Impact Statement

1. Bill Number: SB1360

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

2. Patron: Jennifer L. McClellan

3. Committee: General Laws and Technology

4. Title: Virginia Human Rights Act; nondiscrimination in employment; sexual harassment and workplace harassment.

5. Summary: Clarifies, by defining sexual harassment and workplace harassment, what constitutes an unlawful employment practice if engaged in by an employer. The bill also provides (i) a nonexhaustive list of factors to consider when determining whether certain conduct constitutes workplace harassment, (ii) that a person claiming to be aggrieved by an unlawful discriminatory practice may file a written complaint with the Division of Human Rights within two years after the occurrence of the alleged unlawful discriminatory practice, and (iii) that an aggrieved person who has been provided a notice of his right to file a civil action for such grievance may do so within one year of receiving such notice and may be awarded reasonable attorney fees, including costs and reasonable litigation expenses if the court or jury finds in his favor. The bill also amends the definition of "employer" to mean a person employing five or more employees, instead of 15 or more employees under current law, for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

6. Budget Amendment Necessary: No, see Item 8.

7. Fiscal Impact Estimates: No, see Item 8.

8. Fiscal Implications: The Office of the Attorney General and Department of Law (OAG) indicates this bill will extend the statute of limitations for filing a complaint and may result in an increase of complaints the Office of Civil Rights (OCR) will need to investigate. The Governor's introduced budget (SB1100) includes funding for this position.

9. Specific Agency or Political Subdivisions Affected: Office of the Attorney General and Department of Law

10. Technical Amendment Necessary: No.

11. Other Comments: Similar to HB2155.