

Department of Planning and Budget 2021 Fiscal Impact Statement

1. Bill Number: HB2134

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: Batten

3. Committee: Labor and Commerce

4. Title: Employee classification: disaster; personal protective equipment.

5. Summary: Prohibits the consideration, in any determination regarding whether an individual is an employee or independent contractor, for the purposes of a civil action for employment misclassification, unemployment compensation, and workers' compensation, of the provision of personal protective equipment by a hiring party to the individual in response to a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: It is anticipated that this bill will not result in a fiscal impact to the Virginia Employment Commission.

It is anticipated that this bill will likely increase the number of workers compensation claims in Virginia, but would not have a significant financial impact upon the Workers' Compensation Commission. The number of those claims is not readily determined.

The Department of Labor and Industry (DOLI) has no enforcement authority under the bill or responsibility for any decisions under it. The change is purely in information received in making a decision and will not affect the number of claims for the agencies involved. DOLI may get some calls on the issue but these can be handled with current resources.

Any fiscal impact of this bill on the Department of Human Resource Management and Department of Taxation is not known at this time.

9. Specific Agency or Political Subdivisions Affected: Virginia Employment Commission; Workers' Compensation Commission; Department of Labor and Industry; Department of Human Resource Management; Department of Taxation.

10. Technical Amendment Necessary: No.

11. Other Comments: None.