

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB1143

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|------------------------|--|-------------------------------------|------------------------------------|
| 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: Byron

3. Committee: Commerce and Energy

4. Title: Virginia Overtime Wage Act.

5. Summary: Provides that for the purposes of the Virginia Overtime Wage Act, the term "employee" does not include certain persons excluded from the definition of "employee" under the federal Fair Labor Standards Act (the federal act). The bill provides that an employer may assert an exemption to the overtime requirement of the Virginia Overtime Wage Act for employees who meet certain exemptions set forth in the federal act. The bill also provides that a public agency, as defined in the federal act, may provide an employee compensatory time off in lieu of overtime compensation, in accordance with the federal act.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary, Indeterminate. See item 8.

8. Fiscal Implications: It is anticipated that this bill will not have a state fiscal impact.

According to the Department of
Human Resource Management, the provision to allow public agencies to provide
compensatory leave in lieu of overtime compensation aligns with established state policy.
Therefore, there is no identifiable direct fiscal impact for state agencies.

Impact estimates from the Department of Labor and Industry are not yet available.

9. Specific Agency or Political Subdivisions Affected: Department of Labor and Industry

10. Technical Amendment Necessary: No

11. Other Comments: None