

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 519

An Act to amend and reenact § 58.1-1902 of the Code of Virginia, relating to worker misclassification; debarment procedures.

[S 1354]

Approved March 26, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1902 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1902. Debarment; civil penalty.

A. Whenever the Department determines, ~~after notice to the employer,~~ that an employer failed to properly classify an individual as an employee under the provisions of § 58.1-1900, the Department shall notify ~~all public bodies and covered institutions of the name of the employer~~ *such employer of the determination. This notification shall serve as an action by the Department with respect to debarment that allows the employer to apply for relief pursuant to §§ 58.1-1821 and 58.1-1825.*

B. Upon an employer's subsequent violations of subsection A, *and after all rights of administrative and judicial appeals have been exhausted or the time period for bringing such appeals has expired,* the Department shall provide notice to all public bodies and covered institutions *of the name of such employer.* Public bodies and covered institutions shall not award a contract to such employer or to any firm, corporation, or partnership in which the employer has an interest in the following manner:

1. For a period of up to one year, as determined by the Department, from the date of the notice *provided pursuant to this subsection* for a second offense.

2. For a period of up to three years, as determined by the Department, from the date of the notice *provided pursuant to this subsection* for a third or subsequent offense.