

1995 SESSION

HOUSE SUBSTITUTE

LD3453100

HOUSE BILL NO. 1170

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 13, 1994)

(Patron Prior to Substitute—Delegate Miller)

A BILL to amend and reenact § 2.1-725 of the Code of Virginia, relating to the Virginia Human Rights Act.

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-725 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-725. Causes of action not created.

A. Nothing in this chapter creates, nor shall it be construed to create, an independent or private cause of action to enforce its provisions. Nor shall the policies or provisions of this chapter be construed to allow tort actions to be instituted instead of or in addition to the current statutory actions for unlawful discrimination. *Except as provided herein, the sole and exclusive remedy for claims arising under the public policies contained in this chapter shall be those afforded by applicable federal civil rights statutes.*

B. *Notwithstanding the provisions of this section, it shall be unlawful discrimination for an employer to terminate an employee upon the basis of race, color, religion, national origin, sex, age, marital status or disability. If an employee alleges unlawful discrimination, and federal procedures are available, the employee's sole and exclusive remedies shall be those afforded by the applicable federal laws but an action may be brought in a state court of competent jurisdiction. If an employee does not have standing to pursue federal procedures, and the employee alleges that the basis for termination is unlawful discrimination, as the sole and exclusive remedy under state law, the employee may file an action in a state court of competent jurisdiction upon exhaustion of any available administrative remedies. In such case, the state court shall be limited to awarding remedies which would be afforded by applicable federal laws even though the employee otherwise lacks standing under federal procedural requirements. The statutes of limitation under the applicable federal laws shall apply to any action filed in a state court of competent jurisdiction under this section. Upon a determination on the merits in an unlawful discrimination case filed pursuant to this section in state court, the court may award attorneys' fees and court costs to the prevailing party.*

2. That an emergency exists and this act is in effect from its passage.

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