2021 Special Session I

Budget Bill - HB1800 (Enrolled)

Bill Order » Office of Commerce and Trade » Item 120

Department of Labor and Industry

Item 120	First Year - FY2021	Second Year - FY2022
Regulation of Business Practices (55200)	~~$1,773,255~~ ***$1,898,182***	~~$2,520,193~~ ***$2,019,903***
Labor Law Services (55206)	~~$1,773,255~~ *$1,898,182*	~~$2,520,193~~ *$2,019,903*
Fund Sources:		
General	~~$1,773,255~~ *$1,898,182*	~~$2,520,193~~ *$2,019,903*

Authority: Title 40.1, Chapters 1, 3, 4, and 5, Code of Virginia.

A. Out of the amounts in this item, ~~$596,794~~ *$421,721* the first year and ~~$1,343,732~~ *$843,442* the second year from the general fund is provided to support additional positions within the Labor and Employment Law Division, including one attorney, one supervisor, one administrative staff, and ~~ten~~ *five* investigators.

B.1. The Department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget, by November 1 of each year on the state's minimum wage program, including, but not limited to, the number of (i) customer contacts concerning minimum wage, (ii) minimum wage claims processed, (iii) cases with wages collected, (iv) cases with claims ruled invalid, (v) cases with final orders issued, and (vi) cases cleared within 90 days.

2. The Department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget, by November 1 of each year on the state's earned paid sick leave program, including, but not limited to, the number of (i) customer contacts concerning earned paid sick leave, (ii) sick leave claims processed, (iii) cases with earned paid sick leave claims resolved, whether for accrual of time, use of time, notice and posting, or retaliation (iv) claims not substantiated, (v) cases taken to court, and (vi) cases cleared within 90 days, not to include cases adjudicated in court.

3. The Department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget, by November 1 of each year on the state's anti-discrimination in payment of wage program, including, but not limited to, the number of (i) customer contacts concerning discrimination involving payment of wage complaints or proceedings, (ii) payment of wage discrimination complaints processed, (iii) meritorious complaints with payment of wage discrimination resolved with either reinstatement or recovery of lost wages, (iv) non meritorious complaints, i.e. cases with no adverse action or no protected activity, and (v) cases taken to court.

4. The Department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget, by November 1 of each year on the state's anti-discrimination in worker misclassification program, including, but not limited to, the number of (i) customer contacts concerning discrimination involving worker misclassification, (ii) discrimination in worker misclassification claims processed, (iii) meritorious complaints with worker misclassification wage discrimination resolved with either reinstatement and/or recovery of lost wages, (iv) non meritorious complaints, i.e. cases with

no adverse action or no protected activity, and (v) cases taken to court.

5. The Department shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget, by November 1 of each year on the state's prevailing wage rate program, including, but not limited to, the number of (i) contacts from state agencies to determine the proper prevailing wage, (ii) prevailing wage determinations for the involved planning district calculated using Davis-Bacon rates for the cities and counties within the planning district, and (iii) contractor provided scale of pay and fringe benefits certified and received.

C. Out of the amounts included in this appropriation, $300,000 in the first year from the general fund is provided to support the labor law and state capital construction process workgroup and related infrastructure established in paragraphs B., C., and D. of Item 111.10 of this act. The funds may be used to hire outside consultants, or cover any additional costs that the Chief Workforce Development Advisor/new Secretary of Labor created by House Bill 2321, 2021 General Assembly recommends to effectuate the provisions outlined in Item 111.10 in the aforementioned paragraphs. The Director of the Department of Planning and Budget is authorized to transfer the amounts contained in this paragraph to the Chief Workforce Development Advisor/new Secretariat created by House Bill 2321, 2021 General Assembly. These funds shall not revert back to the general fund at the end of the fiscal year. These funds shall not be used or otherwise obligated for any other purpose.