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SENATE BILL NO. 1354

Offered January 11, 2023

Prefiled January 11, 2023

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

Patron—Marsden

Referred to Committee on Finance and Appropriations

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.

INTRODUCED

SB1354