

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** HB1098

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input checked="" type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. **Patron:** Rasoul

3. **Committee:** Finance and Appropriations

4. **Title:** Unpaid family bereavement leave; civil penalty.

5. **Summary:** Requires that an employer that employs 50 or more employees, including the Commonwealth, provide eligible employees, defined in the bill, with up to 10 days of unpaid family bereavement leave in any 12-month period to (i) attend the funeral or funeral equivalent of a covered family member; (ii) make arrangements necessitated by the death of a covered family member; (iii) grieve the death of a covered family member; or (iv) be absent from work due to (a) a miscarriage, (b) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, (c) a failed adoption match or an adoption that is not finalized because it is contested by another party, (d) a failed surrogacy agreement, (e) a diagnosis that negatively impacts pregnancy or fertility, or (f) a stillbirth. The bill requires the employee to provide notice of his intent to take the leave if reasonable and practicable and provides that an employer may require reasonable documentation of the death or event. The bill requires the employer to restore the employee's position following the leave, to continue to provide coverage for the employee under any health benefit plan, and to pay the employee any commission earned prior to the leave. The bill prohibits the employer from taking retaliatory action against the employee for taking family bereavement leave. The bill requires the Commissioner of Labor and Industry to enforce its provisions and provides for civil penalties for violations of its requirements.

6. **Budget Amendment Necessary:** See Item 8, below.

7. **Fiscal Impact Estimates:** Preliminary

8. **Fiscal Implications:** It is anticipated that this bill will have a general fund expenditure and revenue impact. The bill requires the Department of Labor and Industry (DOLI) to, upon receiving a complaint alleging a violation, investigate such complaint and attempt to resolve it through mediation. The bill imposes a civil penalty not to exceed \$1,000 for the first violation and, for subsequent violations that occur within two years of any previous violation, not to exceed \$2,500 for the second violation and not to exceed \$5,000 for each successive violation. Any civil penalty revenue is to be deposited to the general fund.

If the department uses experience with wage complaints as the basis for an estimate, DOLI anticipates that the bill would have a general fund expenditure impact of three positions and \$371,881 annually. The Department of Human Resource Management anticipates that technical system configurations will be required to comply with the bill and estimates a one-time general fund expenditure of \$75,000 in FY 2025.

9. Specific Agency or Political Subdivisions Affected: Department of Labor and Industry, Department of Human Resource Management, all state agencies and localities

10. Technical Amendment Necessary: No

11. Other Comments: None