

25100419D

HOUSE BILL NO. 2688

Offered January 16, 2025

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered § 40.1-28.7:12, relating to labor and employment; protection of employees; restricting use of accrued leave for other employment prohibited; civil penalty.*

Patron—Webert

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:12 as follows:

§ 40.1-28.7:12. Restricting use of accrued leave for other employment prohibited; civil penalty.

A. No employer shall prohibit any employee from using accrued annual or vacation leave to work on behalf of another employer unless such other employment would create a conflict of interest. However, an employer may prohibit or restrict an employee's use of such employer's property, office space, equipment, materials, trade secrets, confidential information, or other assets for any purpose relating to such employee's employment by another employer.

B. Any employer that knowingly violates the provisions of this section shall be subject to a civil penalty not to exceed \$100 for each violation. The Commissioner shall notify any employer that he alleges has violated any provision of this section by certified mail. Such notice shall contain a description of the alleged violation. Within 15 days of receipt of notice of the alleged violation, the employer may request an informal conference regarding such violation with the Commissioner. In determining the amount of any penalty to be imposed, the Commissioner shall consider the size of the business of the employer charged and the gravity of the violation. The decision of the Commissioner shall be final. Civil penalties under this section shall be assessed by the Commissioner and paid to the Literary Fund. The Commissioner shall prescribe procedures for the payment of proposed penalties that are not contested by employers.

C. The Commissioner or his authorized representative shall have the right to petition a circuit court for injunctive or such other relief as may be necessary for enforcement of this section.

INTRODUCED

HB2688