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HOUSE BILL NO. 338

Offered January 14, 2026

Prefiled January 12, 2026

A BILL to amend the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-988, relating to building service employees; public contracting.

Patron—Lopez

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-988 as follows:

§ 15.2-988. Building service employees; transition period.

A. For the purposes of this section:

"Awarding authority" means any person that awards a building service contract or subcontract to a building service employer. "Awarding authority" does not include the United States or the Commonwealth but may, at the election of a locality, include such locality.

"Building service employee" means an employee employed at least 16 hours per week at a covered location performing (i) work in connection with the care or maintenance of property, including a janitor, security officer, groundskeeper, concierge, door staff, maintenance technician, handyman, superintendent, elevator operator, window cleaner, or building engineer; (ii) passenger-related security services, cargo-related and ramp services, and in-terminal, passenger handling, and cleaning services at an airport; or (iii) food preparation services at a an elementary or secondary school or institution of higher education.

"Covered location" means, at the election of the governing body of a locality, any one of the following, whether publicly or privately owned: (i) a multifamily residential building with more than 50 units; (ii) a commercial center, an office building, or a complex of contiguous commercial or office buildings occupying more than 75,000 square feet; (iii) an elementary or secondary school or institution of higher education; (iv) a cultural center or complex, such as a museum, convention center, arena, or performance hall; (v) an industrial site or pharmaceutical lab; (vi) an airport or train station; or (vii) a warehouse or distribution center.

"Employer" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, or any other legal or commercial entity that employs building service employees. "Employer" may, at the election of a locality, include such locality. "Employer" does not include the United States or the Commonwealth.

"Successor building service employer" means an employer that (i) is awarded a contract for building service employees to provide, in whole or in part, services that are substantially similar to those provided at any time during the previous 90 days; (ii) has purchased or acquired control of a property located in a certain locality where it directly employed building service employees at any time during the previous 90 days; or (iii) terminates a contract for building service employees and hires building service employees as its direct employees to perform services that are substantially similar to those provided during the previous 90 days within 90 days after a contract for building service employees is terminated or cancelled.

"Transition period" means the 90-day time period from the date the successor building service employer begins work at a work site or work sites.

B. Any locality may, by ordinance or resolution, require compliance with one or more of the following provisions:

1. That successor building service employers shall retain incumbent building service employees during the transition period.

2. That successor building service employers may dismiss retained building service employees during the transition period for just cause or as a part of a reduction in its workforce if the successor employer (i) finds that fewer service employees are required to perform the work that the incumbent service employer had employed, (ii) retains service employees by seniority within each job classification, (iii) maintains a preferential hiring list of those service employees not retained, and (iv) hires any additional service employees from such list in order of seniority until all affected service employees have been offered employment.

3. That, as soon as practicable, but no later than 30 days before a successor building service employer begins work at a work site or work sites, the awarding authority or incumbent building service employer shall provide written notice to the incumbent building service employees and their collective bargaining representative, if applicable, that a successor building service employer will become the new building service

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59 *employer at the work site or work sites.*

60 4. *That the awarding authority or incumbent building service employer shall provide a list of relevant*
61 *information, including the names, positions, and contact information of any incumbent building service*
62 *employees, to the successor building service employer. Such notice shall be given no later than 30 days prior*
63 *to the start of the transition period.*

64 5. *That the successor service employer shall perform a written performance evaluation for each retained*
65 *service employee at the end of the 90-day transition employment period.*

66 6. *That any building service employee who suffers loss by reason of a violation of any provision of a local*
67 *ordinance or resolution enacted pursuant to this section may bring a civil action against his employer to*
68 *enforce such ordinance or resolution by judicial order and to obtain back pay for each day during which the*
69 *violation continues, inclusive of any benefits the building service employee would have received. Any person*
70 *who is successful in such action shall recover reasonable attorney fees, witness fees, and court costs incurred*
71 *in bringing such action. A finding of a willful violation of the provisions of this section may increase damages*
72 *by three times the actual damages sustained or \$1,000, whichever is greater.*