

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: SB378-S2

Patron: Surovell

Bill Title: Collective bargaining by public employees; individual home care providers; Virginia Home Care Authority established; Public Employee Relations Board established; exclusive bargaining representatives.

Bill Summary: Repeals the existing prohibition on collective bargaining by public employees. The bill creates the Public Employee Relations Board, which shall determine appropriate bargaining units and provide for certification and decertification elections for exclusive bargaining representatives of state employees and local government employees. The bill requires public employers and employee organizations that are exclusive bargaining representatives to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The bill repeals a provision that declares that in any procedure providing for the designation, selection, or authorization of a labor organization to represent employees the right of an individual employee to vote by secret ballot is a fundamental right that shall be guaranteed from infringement. Certain provisions of the bill have a delayed effective date of July 1, 2028.

Budget Amendment Necessary: Yes

Items Impacted: 50, 74, 249, 270, 470

Explanation: The identified budget amendments are for the expected costs for the agencies directly involved in the administration of the provisions of the legislation. Additional budget amendments would be required to provide additional appropriation and positions to individual agencies that require additional support to implement the provisions of the bill.

Fiscal Summary: The fiscal impacts identified in the tables below and discussed in the Fiscal Analysis section primarily involve additional staff costs for the agencies directly involved with the statewide administration aspects of this legislation. Additional impacts are included for technical system updates to the state's Human Capital Management information technology system. Other state agencies will also incur new expenses and require additional human resource and related staff for their responsibilities implementing this legislation. There may also be additional, future salary or benefit impacts as a result of negotiations between employers and collective bargaining units but such amounts are unknown at this time.

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General Fund Expenditure Impact:

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
OSHR (188)	\$0	\$500,000	\$0	\$0	\$0	\$0
Public Employee Relations Board (New)	\$0	Between \$2,337,760 and \$3,418,420	Between \$2,737,760 and \$3,818,420	Between \$3,035,994 and \$4,116,654	Between \$3,035,994 and \$4,116,654	Between \$3,035,994 and \$4,116,654
OAG (141)	\$0	\$302,101	\$453,151	\$453,151	\$453,151	\$453,151
DHRM (129)	\$0	\$0	\$1,300,460	\$1,300,460	\$2,050,920	\$2,050,920
Central Appropriations (995)	\$0	\$0	\$3,315,000	\$0	\$0	\$0
Other State Agencies	\$0	\$0	\$0	\$17,671,447	\$17,671,447	\$17,671,447
TOTAL	\$0	Between \$3,139,861 and \$4,220,521	Between \$7,806,371 and \$8,887,031	Between \$22,461,052 and \$23,541,712	Between \$23,211,512 and \$24,292,172	Between \$23,211,512 and \$24,292,172

Nongeneral Fund Expenditure Impact:

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
DOA (151)	\$0	\$8,500,000	\$0	\$0	\$0	\$0
Other State Agencies	\$0	\$0	\$0	\$21,082,864	\$21,082,864	\$21,082,864
TOTAL	\$0	\$8,500,000	\$0	\$21,082,864	\$21,082,864	\$21,082,864

Position Impact:

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
OAG (141)	0.00	2.00	3.00	3.00	3.00	3.00
DHRM (129)	0.00	0.00	5.00	5.00	10.00	10.00
PERB (New)	0.00	12.00	19.00	19.00	19.00	19.00
Other State Agencies	0.00	0.00	0.00	300.00	300.00	300.00
TOTAL	0.00	14.00	27.00	327.00	332.00	332.00

Fiscal Analysis: This fiscal impact estimate is preliminary and portions are based on estimates provided by agencies for previous, similar legislation. The impacts will be updated as information becomes available. The bill delays the enactment of most provisions until July 1, 2028, except for the creation of the Public Employee Relations Board.

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Public Employee Relations Board

This bill establishes the Public Employee Relations Board (the Board) as an “agency”, as defined in the Administrative Process Act, within the executive branch. The Board shall consist of five members and the Board is empowered to employ at its discretion such employees as may be necessary. The costs to establish and run the Board could range between \$3.0 million and \$4.1 million, depending on certain assumptions, plus an undetermined amount of costs for information system development.

The five Board members are entitled to compensation as may be provided for in a general appropriation act. The fiscal impact of this provision is ambiguous, as compensation will depend on what the General Assembly opts to include in an appropriation act. If the Board is compensated like a policy or advisory board in accordance with § 2.2-2813, Code of Virginia, members would be compensated at \$50 per day, unless a different rate of compensation is specified by statute for such members, plus expenses for each day or portion thereof in which the member is engaged in the business of that body. Assuming a total of \$150 per member, per meeting, to include compensation and expenses, each meeting of the Board would cost \$750. The total meeting cost would depend on how frequently the Board meets. If the Board meets monthly, the annual general fund fiscal impact would be \$9,000. If instead the Board is compensated in a manner similar to the Virginia Parole Board, the Board members could each receive salaries of approximately \$150,000, plus associated fringe benefits including health insurance. Assuming all five board members are paid equally, compensation and benefit costs could be \$216,132 per Board member or \$1.1 million in total. Actual compensation for the Board would depend on what is included in the appropriation act.

The Board will require support staff for both programmatic and administrative purposes. Programmatic staff could include positions such as a regulatory coordinator, a hearing officer, and a policy analyst. Administrative staff could include staff to perform accounting, procurement, human resource/payroll, and information technology functions, as well as an administrative assistant. Some of these functions could be filled by shared service offerings through the Department of Human Resource Management or the Department of Accounts, however there are still costs associated with those services.

It is estimated that the Board functions will require an initial staff of 19, at an annual cost of \$2.8 million for salary and benefits. Staffing needs are likely to increase as the Board and its staff will be responsible for collective bargaining regulation and enforcement for Executive branch agencies, independent agencies, counties, cities, towns, local school divisions, and other public bodies. Some aspects of the staff can be phased in over time; for example, hearing officers are likely not needed until collective bargaining agreements begin to be established in FY2029.

The Board will also have expenses for nonpersonnel costs including rent and information technology. These costs are estimated to be approximately \$200,000 per year based on similarly sized agencies.

The Board may also require new information systems to maintain records and documentation for administrative hearings, bargaining units at each public employer, exclusive bargaining representatives, and

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other functions required by law. DOLI estimates that the new system would cost approximately \$1.2 million, with annual recurring costs of \$50,000.

Agency costs for the Board are estimated to be \$3.0 million, in addition to the Board member compensation and one-time system development costs described previously.

Pursuant to the third enactment clause of the bill, most provisions of the bill are not effective until July 1, 2028. The Board itself will be created effective July 1, 2026 and will begin to incur costs on or around that date as the Board is appointed and staff are hired to begin the regulatory process.

Office of the Attorney General (OAG)

Additionally, the bill requires the Office of the Attorney General (OAG) to provide legal services to the Board and establishes a procedure for the Board to investigate alleged violations of conduct prohibited by the bill. The bill provides that any party aggrieved by any decision or order of the Board may appeal to the circuit court. The OAG anticipates that additional attorney and paralegal staff would be required to implement the provisions of this bill, but the number and cost of such staff are unknown at this time. DHRM indicates that based on a similar state with collective bargaining agreements, approximately three attorneys may be an appropriate starting point. Based on current OAG salary assumptions for attorneys, three attorneys would cost \$453,151 general fund annually. These attorneys would be needed to assist the Board with the regulatory process and so this fiscal impact statement assumes that at least two of the estimated attorneys would be hired in FY2027, with the third being hired in FY2028.

Department of Human Resource Management (DHRM)

DHRM anticipates the need for five additional positions initially to create a labor relations management team, at an estimated annual ongoing cost of \$1,025,460 general fund, in addition to initial one-time costs to support DHRM's efforts to include consultant support and developing new training and communications, each of which is preliminarily estimated to cost approximately \$275,000, for a total general fund cost of \$1,575,460. DHRM anticipates that this labor relations management team may need to grow to ten total positions as collective bargaining expands. These costs are further discussed below.

DHRM anticipates this team will need to be senior professionals with labor law expertise. This team will be tasked to work with agencies as each transitions to a new labor relations model within the Commonwealth. The team will be needed for activities related to compliance, investigations, and negotiations and bargaining, as well as working with agencies to ensure compliance with bargaining agreements. The director of the team will also serve as liaison to the Board and to designated staff within the Office of the Attorney General.

As this is a new labor relations model, DHRM anticipates a large number of inquiries related to employee job classification, bargaining unit assignment, and exemptions. The team will provide oversight for the

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development, implementation, and continuous updating of all training that will be required for current and new managers, employees and HR staff across the Commonwealth. In addition, the team will have oversight for system support in which position, employee, and bargaining related data will be managed, communicated and reported upon as needed, including managing web-based content. Assuming approximately \$140,000 salary per position, the salary and benefit costs of this team are \$1,018,460 plus an additional \$7,000 for non-personnel costs equates to a total cost of approximately \$1,025,460 general fund annually. DHRM expects this team will grow at least by the next biennium to accommodate work load and negotiations. It is assumed that DHRM will begin hiring this team in FY2028 so that the employees are in place and ready by the July 1, 2028 effective date.

Consulting Services also are expected to be needed initially due to the anticipated complexity of the transition to a new labor model which has never been done before in the Commonwealth of Virginia. DHRM anticipates the need for a consultant to assist with creating the labor relations team and identifying impacts to current and planned infrastructure, policies and processes, training needs, etc. Estimated consulting costs are preliminarily estimated to be approximately \$275,000 general fund in FY2028.

Communications and training of managers will be needed, as managers will need to understand the collective bargaining processes and agreements. Additionally, communications with employees will be needed, to ensure they understand their rights and related processes. It is further anticipated that human resources professionals also would require training to ensure a baseline of knowledge and understanding of collective bargaining rights and processes. DHRM estimates that additional one-time costs in FY2029 of \$275,000 general fund are estimated for external support to create new custom training modules for supervisors, employees, and human resources professionals.

Other State Agencies

The bill requires that there be a minimum of 17 distinct bargaining units for state employees and one for individual providers, including four for different types of health and human services employees and eight for different types of public safety employees. The legislation grants authority to the exclusive representatives of these units to request bargaining for issues such as wages, fringe benefits, and matters that have applicability across more than one bargaining unit. The exclusive representatives also have the authority to request supplementary bargaining for issues uniquely affecting public employees in all or part of a bargaining unit.

Additionally, each of the 16 public institutions of higher education, the Virginia Community College System, the University of Virginia Medical Center, and the Virginia Commonwealth University Health Care System shall have bargaining units as determined by the Board but employees of these units are not allowed to be included with the units established for other state employees. Each state-controlled enterprise, independent political subdivision, authority, or agency employing public employees not covered by the Virginia Personnel Act shall also have separate bargaining units determined by the Board. Authorities include but are not limited to the Virginia Resources Authority, Virginia Tourism Authority, and Fort Monroe Authority. Agencies with employees not covered by the Virginia Personnel Act include the independent agencies: Virginia Retirement System, Commonwealth Savers Plan, Virginia Lottery, State Corporation Commission, the Virginia Workers'

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Compensation Commission, Alcoholic Beverage Control Authority, Cannabis Control Authority, and Opioid Abatement Authority.

Judicial branch employees and employees working for the General Assembly are exempt from the provisions of this bill.

The Virginia Commonwealth University Health System Authority anticipates a significant fiscal impact. Additional detail was not available at the time of publication.

Based on the provisions outlined above, there is the potential for a minimum of 36 distinct collective bargaining agreements within the Executive Branch, but there could be more depending on the requests of the exclusive representatives or how many bargaining units the Board determines should be created for the higher education institutions. State agencies and institutions of higher education will require additional human resource personnel to participate in negotiations as well as to implement provisions in the collective bargaining agreements, especially on bargaining unit specific measures. Depending on the size of the agency, it is estimated that an additional one to four personnel may be required, assumed at an average salary and benefit cost of \$129,052 per employee. Based on input from DHRM, this fiscal impact statement assumes that agencies with fewer than 300 employees will need one additional staff member, agencies with between 300 and 3,000 employees will need 3 additional staff members, and agencies with greater than 3,000 employees will need 4 additional staff members. Agencies that are members of DHRM's Shared Services Center are assumed to have additional costs equal to 0.10 of an employee, to pay for additional staff in the Shared Services Center.

Agencies with employees spread out across the state, such as the Department of Corrections, Department of State Police, Department of Transportation, Department of Behavioral Health and Developmental Services, and Virginia Community College System likely require at least one staff member per regional area or facility. For example, each community college may require one such staff member for a total of 25. The number of additional staff for these geographically dispersed agencies range between five employees and 25 employees. Actual costs may vary based on other factors such as the complexity of the collective bargaining agreements.

Based on the assumptions discussed in this section, agencies are expected to need approximately 300 additional staff members across all state agencies. Staffing costs are estimated at \$38.8 million, with approximately \$17.7 million being paid by the general fund. Due to the delayed enactment, this fiscal impact statement assumes that agencies will begin incurring these costs in FY2029. The table below documents the assumptions made in this section.

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Estimated costs for state agency staff required to address collective bargaining requirements

Agency	New Staff	Salary and Benefits	GF Cost	NGF Cost
Department of Corrections	20	\$2,581,040	\$2,534,257	\$46,783
Virginia Community College System	25	\$3,226,300	\$1,903,806	\$1,322,494
Department of Transportation	13	\$1,677,676	\$0	\$1,677,676
Mental Health Treatment Centers	9	\$1,161,468	\$1,120,050	\$41,418
Department of Health	15	\$1,935,780	\$807,220	\$1,128,560
Department of State Police	9	\$1,161,468	\$977,010	\$184,458
Department of Motor Vehicles	7	\$903,364	\$0	\$903,364
Department of Social Services	9	\$1,161,468	\$421,024	\$740,444
Virginia Alcoholic Beverage Control Authority	13	\$1,677,676	\$0	\$1,677,676
Department of Veterans Services	8	\$1,032,416	\$474,325	\$558,091
Intellectual Disabilities Training Centers	4	\$516,208	\$321,032	\$195,176
Department of Conservation and Recreation	4	\$516,208	\$465,277	\$50,931
Department of Education, Central Office Operations	5	\$645,260	\$237,708	\$407,552
Virginia Employment Commission	5	\$645,260	\$2,879	\$642,381
<i>All other "large" agencies (>3,000 employees)</i>	24	\$3,097,248	\$836,454	\$2,260,794
<i>All other "medium" agencies (>300, <3,000 employees)</i>	96	\$12,388,992	\$5,436,739	\$6,952,253
<i>All other "small" agencies (<300 employees)</i>	32	\$4,129,664	\$1,950,006	\$2,179,658
<i>Shared Service Center client agencies</i>	2	\$296,820	\$183,660	\$113,155
Total	300	\$38,754,316	\$17,671,447	\$21,082,864

Infrastructure

Impacts to the Commonwealth's technology infrastructure are expected to occur for the Cardinal Human Capital Management (HCM) system that manages employee time, labor, payroll, and benefits offered by the Commonwealth. Technology staff are currently dedicated to day-to-day operational systems maintenance.

Preliminary estimates for statewide technology support for labor management and collective bargaining is preliminarily estimated to cost \$8.5 million in FY2027. This estimate includes \$1.5 million to develop business requirements in addition to \$5.0 million to implement a new module and \$2.0 million for technical adjustments to current Cardinal HCM functionality in order to meet the business requirements. Final estimated costs would depend on the business and system requirements identified during the planning phase. The Department of Accounts (DOA) notes that the addition of bargaining units for Cardinal involves implementing a new module, Manage Labor Administration, and efforts for new configuration and enhancements to support any bargaining unit mandated rules. This module includes the creation of unions and bargaining units, assigning bargaining units to employees, salary plan administration setup for the bargaining units and the introduction of disciplinary action and grievance processing.

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In addition to this new module there is the administration of union dues which can include complex calculations for the amounts. Employee dues need to be administered for new employees and terminating employees. The accounting setup for dues is also required as well as the setup for payment to the union. Changes will also need to be made to existing HCM processing rules and configurations, such as new time and labor workgroups, leave plans, or potential benefit differences.

Cardinal HCM operates as an internal service fund and is supported by revenue from charges assessed to user-based state agencies. Any additional costs to Cardinal HCM would be expected to be recovered through the charges assessed to those state agencies. The state impact is estimated to come approximately 39 percent from the general fund and 61 percent from nongeneral fund sources, based on the portion of agencies' salary expenditures paid from the general fund in FY2025, which was used to determine the fund split for agency Cardinal HCM funded charges in SB30. Based on the costs and assumptions discussed, general fund support of approximately \$3.3 million would need to be provided to agencies for the Cardinal HCM module development costs in FY2028.

The timing of Cardinal HCM costs is assumed to be unaffected by the delayed enactment clause, as DOA will need to begin work as soon as possible to have the system capabilities ready for July 1, 2028. Some additional work and refinement to the module will likely be required following adoption of the Board's final regulations.

In addition to Cardinal HCM, there are also multiple state agencies that use their own systems for time, labor, payroll and benefits, some that have been purchased with general fund appropriations and others that have been purchased with state nongeneral fund or federal fund revenues. These agencies include several of the institutions of higher education. A cost estimate for the impact to these agencies is currently indeterminate.

Salary Information

The proposed legislation requires public employers and applicable employee organizations to meet at reasonable times to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. Since it is unknown what agreements may result from such negotiations, the following information is provided for context of what a one percent salary increase would be for various employee groups in the executive branch and the independent agencies. Judicial branch employees and employees working for the legislature of the Commonwealth are exempt from the provisions of this proposed legislation.

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**Estimated Value of a One Percent (1%) Increase in Salary,
Salaried Employees Only**

Executive Branch (salaried, non-higher education)	General Fund	Nongeneral Fund
State Troopers	\$2,227,410	\$413,498
Other Law Enforcement	\$4,492,320	\$318,841
All Other Executive Branch State Employees	\$17,790,504	\$19,999,057
<i>Subtotal</i>	<i>\$24,510,234</i>	<i>\$20,731,396</i>
Institutions of Higher Education (salaried)	General Fund	Nongeneral Fund
Higher Education Faculty	\$14,352,119	\$23,890,559
University Staff (non-faculty)	\$2,726,013	\$6,288,008
All Other Higher Education State Employees	\$4,180,833	\$5,266,545
<i>Subtotal</i>	<i>\$21,258,965</i>	<i>\$35,445,112</i>
Independent Agencies (salaried)	General Fund	Nongeneral Fund
All Other Independent Agency State Employees	\$23,005	\$3,545,571
GRAND TOTAL	\$45,792,204	\$59,722,079

Additionally, decisions by local school division employees to collectively bargain for salary increases would have an impact on state funding for K-12 education. The value of the state's share of a statewide one percent salary increase for funded SOQ instructional and support positions is estimated at \$63.6 million. Under existing law, some school division employees may already be permitted to collectively bargain if their locality has adopted an ordinance or resolution allowing them to do so.

Decisions by other state-supported local employees, such as Constitutional Officers, General Registrars and Electoral Boards, Community Service Boards, and local Department of Social Services offices, to collectively bargain for salary increases may have an impact on state funding. Decisions to increase state funding for these positions would be at the discretion of the General Assembly and the Governor in the Appropriation Act. The value of the state's share of a statewide one percent salary increase for the various state-supported local employees is estimated at \$16.6 million.

Other

The legislation indicates that the scope of collective bargaining between a state agency and an exclusive representative shall include wages, hours, and other terms and conditions of employment, and specifically

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include matters within the administrative discretion of the Director of DHRM or appointing authorities. The bill forbids benefits provided under Title 51.1 – Pensions, Benefits, and Retirement and Title 65.2 – Workers’ Compensation from being considered during negotiations. Other potential costs that could be impacted by collective bargaining would include changes in employee health benefits and costs associated with dispute resolution. These cost estimates are indeterminate at this time.

The bill directs that any request for funds related to a negotiated agreement that requires the General Assembly’s approval or rejection that is submitted prior to November 1 in any calendar year shall be included in the next budget bill. The General Assembly shall approve or reject such request through either providing the appropriation necessary for funding the request or not. Any request submitted on or after November 1 in any calendar year is to be included in the following calendar year’s budget bill and considered through the budget process. It is unknown what negotiations will occur and which negotiations the Governor and General Assembly will ultimately approve in an Appropriation Act.

Secretary of Health and Human Resources (OSHR)

This version of the bill requires OSHR to evaluate options to provide collective bargaining rights to consumer-directed individual providers in the Medicaid waiver programs. OSHR does not have sufficient in-house subject matter expertise or staffing capacity to conduct the required evaluation within the prescribed timeframe. It is anticipated that a third-party contractor would be required at a one-time cost of approximately \$500,000 general fund in FY2027.

Other: The introduced version of this bill was identical to HB1263, as introduced.

DHRM indicated that several states with current collective bargaining structure in place provided information to help determine initial and long-term expectations, including Ohio, Minnesota, Nebraska, and Connecticut. DHRM indicates that Minnesota’s structure is more closely aligned with the proposed legislation, with a state workforce of 40,000 (compared to 58,000 Commonwealth classified employees, excluding faculty), with 13 bargaining units (proposed legislation dictates 17). Minnesota’s central HR agency has 10 Labor Relations Specialists, three attorneys, and there are 150 agency Labor Relations Specialists.

Suggested Technical Amendment

- This bill establishes the Public Employee Relations Board (the Board) as an “agency”, as defined in the Administrative Process Act (§ 2.2-4001), within the executive branch. Such definition relies on an entity first being established as an authority, instrumentality, officer, board or other unit of state government. Consideration may be given to using different establishing language for the Board and subsequently granting the Board authority as an “agency” under the Administrative Process Act.