

FISCAL NOTE

June 2, 2023

Bill No:	SB 239	Printer's No:	205	Sponsor:	Sen. Argall (R)
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COST / (SAVINGS)

Fund (s)	2021-22	2022-23
General Fund	See Below	See Below

SUMMARY: Senate Bill 239 establishes rights for correctional officers and forensic employees who are under investigation and subject to interrogation. This bill authorizes certain civil suits by correctional officers. SB 239 provides guidelines for interrogation of correctional officers and forensic employees.

ANALYSIS: SB 239 identifies the Department of Corrections and the Department of Human Services as the affected departments. The bill provides standards to be followed when an employee is under investigation and subject to interrogation. These standards include time, location, information to be disclosed to the employee, the nature of the investigation, and the rights of the employee. Previously, the bill provided an employee may bring a civil suit in the case a complaint is found to be without merit, frivolous, or in bad faith. Though that language is not present in this iteration, civil suits are still mentioned in the preface of the bill. Bill further provides that suspensions pending investigation shall be with pay and benefits except in the case of criminal proceedings as relayed in the Governor's Code of Conduct.

FISCAL IMPACT: The Department of Human Services (DHS) would incur costs of \$100,000 annually to pay salary costs for forensic employees while on suspensions. Currently, salaries are not paid in the first 60 days of a suspension.

The Department of Corrections (DOC) projects costs to provide salary and benefits in the first 60 days for persons out on administrative suspensions would be \$300,000 annually. These costs are based on the average of 25 suspensions per year. Governor's Code suspensions could cost approximately \$1,000,000 annually. The cost is based on an average of 25 persons suspended per year for the additional 9 months beyond the first 3 months that are currently paid.

Both agencies express concern that the implementation of the provisions of this bill could open a floodgate of arbitrations as the language is vague. Additionally, the bill would apply to one union in the Commonwealth. This raises the possibility that the remaining unions would want the same consideration which would drastically increase the fiscal impact of the bill.