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HOUSE BILL NO. 384

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 8, 2022)

(Patron Prior to Substitute—Delegate Davis)

A *BILL to amend the Code of Virginia by adding sections numbered 2.2-2902.2 and 15.2-1512.4:1, relating to administration of government; rights of state and local employees; freedoms of conscience and expression.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 2.2-2902.2 and 15.2-1512.4:1 as follows:

§ 2.2-2902.2. Rights of employees of the Commonwealth to conscience and expression.

A. An employee of the Commonwealth shall not be penalized by his employer for declining to speak a particular message if such speech would violate the employee's deeply held beliefs, values, or conscience. For the purposes of this subsection, "speech" does not include any (i) obligation of an employee to communicate lawfully required directives, notifications, warnings, or disclaimers or (ii) requirements essential to the carrying out of an employee's job duties.

B. An employee of the Commonwealth shall not be penalized by his employer for expressing his opinion regarding a current or proposed regulation, rule, policy, position, or other action or purpose of a unit of state government at a hearing of a public body during the time designated for public comment when such employee is speaking on his own behalf as a member of the public.

C. For the purposes of this section, "employee of the Commonwealth" does not include any person appointed to a position in a unit of state government.

§ 15.2-1512.4:1. Rights of local government employees to conscience and expression.

A. An employee of any unit of local government shall not be penalized by his employer for declining to speak a particular message if such speech would violate the employee's deeply held beliefs, values, or conscience. For the purposes of this subsection, "speech" does not include any (i) obligation of an employee to communicate lawfully required directives, notifications, warnings, or disclaimers or (ii) requirements essential to the carrying out of an employee's job duties.

B. An employee of any unit of local government shall not be penalized by his employer for expressing his opinion regarding a current or proposed regulation, rule, policy, position, or other action or purpose of a unit of state government at a hearing of a public body during the time designated for public comment when such employee is speaking on his own behalf as a member of the public.

C. For the purposes of this section, "employee of any unit of local government" does not include any person appointed to a position in a unit of local government.