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SENATE BILL NO. 358

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 28.2 a section numbered 28.2-105.1, relating to Seafood Industry Employment Ombudsman.

Patron—Stuart

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 28.2 a section numbered 28.2-105.1 as follows:

§ 28.2-105.1. Office of the Seafood Industry Employment Ombudsman.

A. For purposes of this section, unless the context requires a different meaning:

"Employees and employers" means employees and employers in the seafood industry in Virginia.

"Office" means the Office of the Seafood Industry Employment Ombudsman.

"Ombudsman" means the Seafood Industry Employment Ombudsman appointed pursuant to subsection B.

B. The Commissioner shall appoint a Seafood Industry Employment Ombudsman to promote and protect the interests of employees and employers and to administer an Office of the Seafood Industry Employment Ombudsman. The Ombudsman shall be an attorney who is licensed by the Virginia State Bar, in active status, and in good standing. The Ombudsman and any Office personnel shall carry out their duties with impartiality and shall not serve as an advocate for any person or provide legal advice. All state agencies shall assist and cooperate with the Office in the performance of its duties under this section.

C. The Office shall:

1. Assist employees and employers in understanding their rights and the processes available to them, including rights and processes available according to the laws and regulations governing temporary worker visas;

2. Answer inquiries from employees and employers by telephone and electronic mail;

3. Provide to employees and employers information concerning the visa process;

4. Respond to general inquiries;

5. Develop information on the services offered by U.S. Citizenship and Immigration Services, including any relevant appeal procedures;

6. Make available, either separately or through an existing website utilized by the Commission, information as set forth in subdivision 5 and any additional information the Office deems appropriate;

7. Maintain data on inquiries received, the types of assistance requested, any actions taken, and the disposition of each such matter;

8. Upon request, provide an employee or employer with referrals to public and private agencies offering assistance in using the procedures and processes available to such employee or employer from the federal government, including all appeal procedures;

9. Monitor changes in federal and state laws relating to employment in the seafood industry;

10. Report annually on the activities of the Office to the standing committees of the General Assembly having jurisdiction over labor, commerce, and natural resources by December 1 of each year; and

11. Carry out activities as the Commission determines to be appropriate.

D. The Office shall maintain the confidentiality of any employment records or business records it reviews. All memoranda, work product, and other material contained in the case files of the Ombudsman or Office personnel shall be confidential. Any communication between the Ombudsman or Office personnel and a person receiving assistance as provided by this section that is made during or in connection with the provision by the Office of services, including screening, intake, and scheduling, shall be confidential. Confidential materials and records of communications described in this section shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

E. The Ombudsman and Office personnel are immune from civil liability in their performance of the duties specified in this section.

F. The Commission may adopt regulations necessary to carry out the provisions of this section.

INTRODUCED

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