

FED

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

\$7.25 PER HOUR

BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

OVERTIME PAY

At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work restrictions. Different rules apply in agricultural employment.

TIP CREDIT

Employees of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employers. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employer's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

NURSING MOTHERS

The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child in one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

WHD

WAGE AND HOUR DIVISION
UNITED STATES
DEPARTMENT OF LABOR

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd

REV. 07/2016

VA

Minimum Wage Increases to \$11.00 per hour

Effective January 1, 2022

Tipped Employees Tips plus wages must now meet Virginia's minimum wage rate. As of May 1, 2021, training wages may be increased The complete training wage regulation is available on the Virginia Town Hall website: https://www.townhall.virginia.gov/ Training Wages: <ul style="list-style-type: none"> Applies to employees younger than 20 years of age Is restricted to the first 90 days of employment 	Some employees previously exempt may now be covered as eligible employees. <p>These include:</p> <ul style="list-style-type: none"> Domestic Service - Services related to the care of an individual in a private home or the maintenance of a private home or its premises <ul style="list-style-type: none"> May be for a permanent or temporary basis Includes services such as companions, cooks, waiters, butlers, maids, valets, and chauffeurs Home care providers Babysitters who work <u>more</u> than 10 hours per week
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For More Information, please visit :

- VA US: <https://its.virginia.gov/cgi-bin/legp604.exe?1-s11-sum+587>
- VA Deletions: <http://laws.lis.virginia.gov/vacode/title40.1/chapter3/section40.1-28.9/>
- VA min wages: <http://laws.lis.virginia.gov/vacode/title40.1/chapter3/section40.1-28.10/>
- FLSA: <https://www.law.cornell.edu/uscode/title29/chapter-8>

Questions?
Contact the Labor Law Division
Phone: 804-786-2706
Fax: 804-371-6234
E-mail: laborlaw@doil.virginia.gov
Website: <http://www.dol.doi.virginia.gov/>

NOTE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

VA

Seizure First Aid

How to help someone having a seizure

1 STAY with the person until they are awake and alert after the seizure. ✓ Time the seizure ✓ Remain calm ✓ Check for medical ID
2 Keep the person SAFE . ✓ Move or guide away from harm
3 Turn the person onto their SIDE if they are not awake and aware. ✓ Keep airway clear ✓ Loosen tight clothes around neck ✓ Put something small and soft under the head
Call 911 if... <ul style="list-style-type: none"> Seizure lasts longer than 5 minutes Person does not return to their usual state Person is injured, pregnant, or sick
Do NOT <ul style="list-style-type: none"> Do NOT restrain. Do NOT put any objects in their mouth. Rescue medicines can be given if prescribed by a health care professional

Learn More and Register for Training: eplepsy.com/firstaid

EPILEPSY FOUNDATION
eplepsy.com
24/7 Helpline: 1-800-332-1000

In Partnership with
Virginia Department of Labor and Industry

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

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REV. 03/2021

VA

WORKERS' COMPENSATION NOTICE

The employees of this business are covered by the Virginia Workers' Compensation Act. In case of injury by accident or notice of an occupational disease.

THE EMPLOYEE SHOULD:

- Immediately give notice to the employer, in writing, of the injury or occupational disease and the date of accident or notice of the occupational disease.
- Promptly file a claim with the Virginia Workers' Compensation Commission notice of any claim for compensation for the period of disability beginning the seventh day after the accident. In case of fatal injuries, notice must be given by one or more dependents of the deceased or by a person in their behalf.
- In case of failure to reach an agreement with the employer in regard to compensation under the act, file application with the Commission for a hearing within two years of the date of accidental injury or first communication of the diagnosis of an occupational disease.
- If medical treatment is anticipated for more than two years from the date of the accident and no award has been entered, the employee should file a claim with the Commission within two years from the date of the accident.

NOTE: The employer's report of accident is not the filing of a claim for the employee.

THE EMPLOYER SHOULD:

- At the time of the accident, give the employee the names of at least three physicians from which the employee may select the treating physician.
- Report the injury to the Commission through your carrier or directly to the Commission.
- Accurately determine the employee's average weekly wage, including overtime, meals, uniforms, etc.

Questions may be answered by contacting the Commission. A booklet explaining the Workers' Compensation Act is available without cost from:

THE VIRGINIA WORKERS' COMPENSATION COMMISSION
333 E. FRANKLIN ST.
RICHMOND, VIRGINIA 23219
1-877-664-2566
www.workcomp.virginia.gov

Every employer within the operation of the Virginia Workers' Compensation Act MUST POST THIS NOTICE IN A CONSPICUOUS PLACE in his place of business.

Form WC1

VA

Department of the Treasury, Internal Revenue Service

Life's a little easier with eitc

earned income tax credit

EITC is for people who work for someone else or own or run a business or a farm. To qualify, you must have to mind income and meet the following rules.

To qualify, you and your spouse (if filing a joint return):

- Must have earned income.
- Must have a Social Security number that is valid for employment issued on or before the due date of the return (including extensions).
- Cannot have investment income, such as interest income, over a certain amount.
- Generally must be a U.S. citizen or resident alien at year end.
- May not file as married filing separately.
- May not be a qualifying child of another person.
- May not file Form 2555 or 2555-EZ (related to foreign earned income).
- Must have a qualifying child or if you do not have a qualifying child, you must:
 - be at least age 25 but under age 65 at the end of the year,
 - live in the United States" for more than half the year, and
 - not qualify as a dependent of another person.

Para calificar, usted y su cónyuge (si presentan una declaración conjunta):

- Tienen que tener ingresos de trabajo
- Tienen que tener un número de Seguro Social válido para el empleo, emitido en la fecha de vencimiento de la declaración (incluidas las prórrogas), o antes de presentar los ingresos de declaración, como ingresos de intereses, que superen cierta cantidad
- Por lo general, tienen que ser ciudadanos de los Estados Unidos o extranjeros residentes totales en los EE. UU.
- No pueden presentar la declaración como "casado que presenta por separado"
- No pueden ser un hijo calificado de otra persona
- No pueden presentar el Formulario 2555 o el Formulario 2555-EZ (relacionado con los ingresos ganados en el extranjero)
- Tienen que tener un hijo calificado o si no tienen un hijo calificado, ustedes mismos:
 - tener 25 años de edad, pero menos de 65 años de edad al final del año,
 - vivir en los Estados Unidos" durante más de la mitad del año, y
 - no reunir los requisitos como dependientes de otra persona.

Para reclamar el EITC, usted tiene que presentar una declaración del impuesto federal, aún si no adeuda impuestos y no tiene el requisito de presentar una declaración. Presente su declaración de impuestos tan pronto como tenga toda la información que necesita sobre cuánto ganó. No obstante, los reembolsos de la declaración en las que se reclama el EITC no se pueden emitir antes de mediados de febrero. Esta medida se aplica al reembolso total, no sólo a la parte asociada al EITC. El EITC proporciona un impuesto para pagar o pagar sus facturas o ahorrar para las vacaciones.

Sólo imagine lo que podría hacer con el EITC.

¿Desea ayuda con el EITC?

- Visite www.irs.gov/eitc para obtener información gratuita y consultar el asistente EITC interactivo para ver si califica para el crédito y estimar la cantidad de su EITC.
- Visite un sitio de Asistencia Voluntaria al Contribuyente con los Impuestos sobre los Ingresos (VITA, por sus siglas en inglés). Visite www.irs.gov/VITA al llamar al 1-800-906-9887 para encontrar un sitio.
- Visite www.irs.gov/efree para la presentación gratuita en línea a través de software de preparación de impuestos, disponible comercialmente.

Los errores pueden disminuir a partir del EITC de su reembolso, hasta que se corrija. Si el IRS audita su declaración y encuentra un error en su declaración del EITC, usted tiene que devolver la cantidad del EITC que recibió por error más multas e intereses. Es posible que también tenga que presentar el Formulario 8862 para las futuras declaraciones. Y si el IRS encuentra que su declaración incorrecta fue deliberada o fraudulenta, se le puede imponer una multa por fraude o fraude, que puede ser de hasta el 75% de los ingresos que declaró en su declaración, o incluso la prisión por fraude. Si el IRS encuentra que su declaración incorrecta fue por error, se le puede imponer una multa por error, que puede ser de hasta el 20% de los ingresos que declaró en su declaración, o incluso la prisión por fraude. Si el IRS encuentra que su declaración incorrecta fue por error, se le puede imponer una multa por error, que puede ser de hasta el 20% de los ingresos que declaró en su declaración, o incluso la prisión por fraude.

*El U.S. military personnel on extended duty outside the United States are considered to live in the United States while on active duty.

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Department of the Treasury Internal Revenue Service www.irs.gov

REV. 09/2019

FED

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care.
- To bond with a child (leave must be taken within 1 year of the child's birth or placement).
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employer's job;
- For qualifying emergencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

BENEFITS & PROTECTIONS

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one equally identical to that with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;

WHD

WAGE AND HOUR DIVISION
UNITED STATES
DEPARTMENT OF LABOR

1-866-4USWAGE
(1-866-487-9243) TTY: 1-877-889-5627
www.dol.gov/whd

For additional information or to file a complaint:

U.S. Department of Labor - Wage and Hour Division - WHF1420

REV. 04/2016

FED

YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- you ensure that your employer receives advance written or verbal notice of your service;
- you have been years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- are a part or present member of the uniformed service;
- have applied for membership in the uniformed service; or
- then an employer may not deny you:

- initial employment;
- promotion or;
- reemployment;
- any benefit of employment
- retention in employment;

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

U.S. Department of Labor - 1-866-487-2365 U.S. Department of Justice Office of Special Counsel
Employer Support of the Guard and Reserve - 1-800-336-4590

REV. 05/2022

VA

VIRGINIA HUMAN RIGHTS ACT

REASONABLE ACCOMMODATIONS FOR DISABILITY

Protections from Discrimination - Va. Code § 2.2-3905.1

Effective July 1, 2021, employers with more than five employees for a 20-week period in the current or preceding year must provide reasonable accommodations for otherwise qualified persons with disabilities if necessary to assist such persons in performing a particular job, unless the accommodation would impose an undue hardship on the employer. "Person with a disability" means any person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment. Employers also may not, in response to a request for a reasonable accommodation for disability:

- take adverse actions against an employee;
- deny employment or promotions; or
- require an employee to take leave if another reasonable accommodation can be provided.

Reasonable Accommodations

Examples of reasonable accommodations include modifying work policies, permitting the use of leave, reassignment to a vacant position, acquisition or modification of equipment, assistance with manual labor, job restructuring, a modified work schedule, and light duty assignments.

Office of the Attorney General
Office of Civil Rights
202 North 9th Street
Richmond, Virginia 23219
www.ag.virginia.gov
civilrights@ag.state.va.us
P: (804) 225-2292; F: (804) 225-3294

VA

Virginia Human Rights Act

Code of Virginia - Title 2.2, Chapter 39

It is the policy of the Commonwealth of Virginia to:

Safeguard all individuals within the Commonwealth from unlawful discrimination because of race, color, religion, national origin, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, or disability in employment, places of public accommodation, including educational institutions, in real estate transactions; preserve the public safety, health and general welfare; and further the interests, rights and privileges of individuals within the Commonwealth; and protect citizens of the Commonwealth against unfounded charges of unlawful discrimination.

Unlawful Discriminatory Practice Defined

Conduct that violates any Virginia or federal statute or regulation governing discrimination is an unlawful discriminatory practice under the Virginia Human Rights Act.

Complaints may be filed with:
OFFICE OF THE ATTORNEY GENERAL
Office of Civil Rights
202 North 9th Street
Richmond, Virginia 23219
www.ag.virginia.gov
civilrights@ag.state.va.us
P: (804) 225-2292; F: (804) 225-3294

VA

Virginia Employment Commission

NOTICE TO WORKERS

Every day many unemployed workers tell us that unemployment insurance is due them "because they have paid for it." This is not true in Virginia. There are no deductions from your paycheck for unemployment insurance. Employees' taxes are deposited in a trust fund from which unemployment insurance benefits are paid. Do not confuse unemployment insurance with Old Age and Survivors Insurance which both you and your employer contribute.

YOU MAY APPLY FOR UNEMPLOYMENT INSURANCE BENEFITS IF:

- You are totally unemployed, or
- You are working at reduced wages and hours,

IF TOTALLY UNEMPLOYED, ON A TEMPORARY LAYOFF, OR IF WORKING REDUCED HOURS:

The first week you are unemployed, register for work, and file a claim for benefits. You can file your claim online at www.vec.virginia.gov or by calling our Customer Contact Center at 1-866-832-2363. If you are totally unemployed you must register for work online at www.vec.virginia.gov.

TO BE ELIGIBLE FOR BENEFITS, THE LAW REQUIRES THAT YOU:

- File a claim with the Virginia Employment Commission.
- Have earned sufficient wages from employers who are subject to the Virginia Unemployment Compensation Act or any other State within your base period.
- Must be unemployed through no fault of your own.

Office of Civil Rights
202 North 9th Street
Richmond, Virginia 23219
www.ag.virginia.gov
civilrights@ag.state.va.us
P: (804) 225-2292; F: (804) 225-3294

VA

Did you know Virginia has an income tax credit for low-income, working individuals and families?

Could you be eligible?

FIND OUT IF YOU QUALIFY for the Commonwealth of Virginia income tax credit today! Visit the Low Income Individuals Credit page on the Virginia Tax site: www.tax.virginia.gov/low-income-individuals-credit

Two ways to increase your income:

- The Federal Earned Income Tax Credit
- The Virginia Credit for Low Income Individuals

Call the Virginia Department of Taxation at: (804) 367-8031, PAY-VTAX at: (804) 339-1307 or visit: www.tax.virginia.gov

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202 North 9th Street
Richmond, Virginia 23219
www.ag.virginia.gov
civilrights@ag.state.va.us
P: (804) 225-2292; F: (804) 225-3294

VA

VIRGINIA HUMAN RIGHTS ACT

REASONABLE ACCOMMODATIONS FOR PREGNANCY

Protections from Discrimination - Va. Code § 2.2-3909

Effective July 1, 2020, employers with five or more employees for a 20-week period in the current or preceding year must provide reasonable accommodations for pregnancy, childbirth or related medical conditions, including leave, unless the accommodation would impose an undue hardship. Employers also may not, in response to a request for a reasonable accommodation for pregnancy:

- take adverse actions against an employee;
- deny employment or promotions; or
- require an employee to take leave if another reasonable accommodation can be provided.

Reasonable Accommodations

Examples of reasonable accommodations include more frequent or longer bathroom breaks, breaks to express breast milk, access to a private location other than a bathroom for the expression of breast milk, acquisition or modification of equipment or tools, or modification of employee seating, a temporary transfer to a less strenuous or hazardous position, assistance with manual labor, job restructuring, a modified work schedule, light duty assignments, and leave for recovering from childbirth.

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civilrights@ag.state.va.us
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FED

Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Title VII also prohibits discrimination on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

WHD

WAGE AND HOUR DIVISION
UNITED STATES
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www.dol.gov/whd

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

Applicants to and employees of companies with a federal government contract or subcontract are protected under federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 504 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

EOC 9102 and OFCCP 8108 Versions Usable With 11.09 Supplement
EOC P-1

FED

EMPLOYEE RIGHTS

EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, or from discussing, exercising, or discriminating against an employee or prospective employee for refusing to take a test or for falsifying or other rights under the Act.

EXEMPTIONS

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain categories of employees of security service firms (armed car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

WHD

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REV. 07/2016

VA

Code of Virginia

§ 40.1-28.7.8. Covenants not to compete prohibited as to low-wage employees; civil penalty.

A. as used in this section:

"covenant not to compete" means a contract or agreement, including a provision of a contract of employment, between an employer and employee that restrains, prohibits, or otherwise restricts an individual's ability, following the termination of the individual's employment, to compete with his former employer. A "covenant not to compete" shall not restrict an employee from providing a service to a customer or client of the employer if the employee does not initiate contact with or solicit the customer or client.

"low-wage employee" means an employee whose average weekly earnings, calculated by dividing the employee's earnings during the period of 52 consecutive weeks preceding the date of termination of employment by 52, or if an employee worked fewer than 52 weeks, by the number of weeks that the employee was actually paid during the 52-week period, are less than the average weekly wage of the Commonwealth as determined pursuant to subsection B of § 65.2-500. "Low-wage employee" includes interns, students, apprentices, or trainees employed, with or without pay, at a trade or occupation in order to gain work or educational experience. "Low-wage employee" also includes an individual who has independently contracted with another person to perform services independent of an employment relationship and who is compensated for such services by such person at an hourly rate that is less than the median hourly wage for the Commonwealth for all occupations as reported, for the preceding year, by the Bureau of Labor Statistics of the U.S. Department of Labor. For the purposes of this section, "low-wage employee" shall not include any employee whose earnings are derived, in whole or in predominant part, from sales commissions, incentives, or bonuses paid to the employee by the employer.

B. No employer shall enter into, enforce, or threaten to enforce a covenant not to compete with any low-wage employee.

C. Nothing in this section shall serve to limit the creation or application of nondisclosure agreements intended to protect the trade secrets, misappropriation of confidential information, or other confidential information, including trade secrets, as defined in § 59.1-336, or proprietary or confidential information.

Office of the Attorney General
Office of Civil Rights
202 North 9th Street
Richmond, Virginia 23219
www.ag.virginia.gov
civilrights@ag.state.va.us
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VA

Department of Labor and Industry

Job Safety and Health Protection

THE VIRGINIA OCCUPATIONAL SAFETY AND HEALTH (VOSH) LAW, BY AUTHORITY OF TITLE 40.1 OF THE LABOR LAWS OF VIRGINIA, PROVIDES JOB SAFETY AND HEALTH PROTECTION FOR WORKERS. THE PURPOSE OF THE LAW IS TO ASSURE SAFE AND HEALTHFUL WORKING CONDITIONS THROUGHOUT THE STATE. THE VIRGINIA SAFETY AND HEALTH CODE BOARD PROMULGATES AND ADOPTS JOB SAFETY AND HEALTH STANDARDS, AND EMPLOYERS AND EMPLOYEES ARE REQUIRED TO COMPLY WITH THESE STANDARDS. THESE STANDARDS MAY BE FOUND AT THE FOLLOWING WEB ADDRESS: http://www.dol.virginia.gov/dol_regulations/dol_regulations.html. YOU MAY ALSO CONTACT THE DEPARTMENT OF LABOR AND INDUSTRY OFFICES LISTED BELOW TO RECEIVE PRINTED COPIES OF THE VIRGINIA UNIFORM STANDARDS AND OBTAIN THE NAMES OF PUBLISHERS OF THE FEDERAL IDENTICAL STANDARDS.

Employers

Each employer shall furnish to each of his employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to his employees, and shall comply with occupational safety and health standards issued under the law.

Employees

Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the Law that apply to his own actions and conduct on the job.

Inspection

The Law requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the VOSH inspector for the purpose of aiding the inspection.

Where there is no authorized employee representative, the VOSH inspector must consult with a reasonable number of employees concerning safety and health conditions in the workplace.

Citation

If upon inspection VOSH believes an employer has violated the Law, a citation alleging such violations will be issued to the employer. Each citation will specify a time period within which the alleged violation must be corrected.

The VOSH citation must be prominently displayed at or near the place of alleged violation for three days or until the violation is corrected, whichever is later, to warn employees of dangers that may exist there.

Proposed Penalty

The Law provides for mandatory penalties against private sector employers of up to \$13,434 for each serious violation and for optional penalties of up to \$13,434 for each other—than—serious violation. Penalties of up to \$13,434 per day may be proposed for failure to correct violations within the proposed time period. Also, any employer who willfully or repeatedly violates the Law may be assessed penalties of up to \$134,333 for each such violation.

Public Sector employers, all departments, agencies, institutions or other political subdivisions of the Commonwealth, are subject to the penalty provisions of 16VAC 25-60-260.

Criminal penalties are also provided for in the Law. Any willful violation resulting in the death of an employee is punishable, upon conviction, by a fine of not more than \$70,000 or by imprisonment for not more than six months, or by both. Subsequent conviction of an employer after a first conviction doubles these maximum penalties.

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