

FEDERAL MINIMUM WAGE

\$7.25 PER HOUR

**BEGINNING JULY 24, 2009** 

restrictions. Different rules apply in agricultural employment.

minimum hourly wage, the employer must make up the difference.

which may be used by the employee to express breast milk.

WHD

**Tipped Employees** 

Fipped employees (those who regularly receive more than \$30.00 a month

in tips) may be paid at the tipped minimum wage of \$2.13 per hour.

However, an employee's hourly wages plus tips **must** meet the Virginia

minimum wage rate of \$12.00 per hour. If they do not, an employer **must** 

pay the difference to an employee so that they earn **at least** \$12.00 per

hour

The Virginia Minimum Wage Act does not exempt employees based on the

size of their employer. Employees of "small" businesses generally **must** be

UNITED STATES

Minimum Wage Increases to

\$12.00 per hour

Effective January 1, 2023

These include

Employees previously exempt from minimum wage coverage <u>may</u>

now be covered under the Virginia Minimum Wage Act.

related to the care of an individual in a private home or the

May be on a permanent or temporary basis

butlers, maids, valets, and chauffeurs

maintenance of a private home or its premises.

**Domestic Service Employees -** Employees who perform services

Includes services such as companions, cooks, waiters,

FED

**OVERTIME PAY** 

**CHILD LABOR** 

**TIP CREDIT** 

**NURSING MOTHERS** 

DEPARTMENT OF LABOR

VA

UNITED STATES OF AMERICA

workweek.

# LABOR

Since 1953

## **FEDERAL**

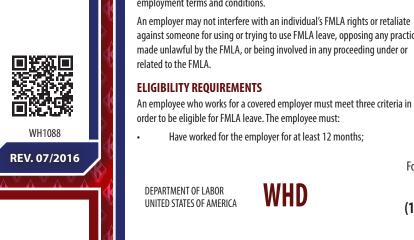
## VIRGINIA

#### LAWS FED FED **EMPLOYEE RIGHTS UNDER THE EMPLOYEE RIGHTS UNDER THE** U.S. Equal Employment Opportunity Commission FAIR LABOR STANDARDS ACT FAMILY AND MEDICAL LEAVE ACT Know Your Rights: Workplace Discrimination is Illegal THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION ENFORCEMENT The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. The Department has authority to recover back wages and an equal amount LEAVE ENTITLEMENTS Have at least 1,250 hours of service in the 12 months before taking If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. in liquidated damages in instances of minimum wage, overtime, and leave;\* and Eligible employees who work for a covered employer can take up to 12 weeks other violations. The Department may litigate and/or recommend criminal Who is Protected? What can You Do if You Believe Discrimination has Occurred? **Protected Veteran Status** of unpaid, job-protected leave in a 12-month period for the following reasons: Work at a location where the employer has at least 50 employees prosecution. Employers may be assessed civil money penalties for each willful The Vietnam Era Veterans' Readjustment Assistance Act of 1974, Employees (current and former), including managers and Contact the EEOC promptly if you suspect discrimination. Do not delay, within 75 miles of the employee's worksite The birth of a child or placement of a child for adoption or foster care; or repeated violation of the minimum wage or overtime pay provisions of the because there are strict time limits for filing a charge of discrimination as amended, 38 U.S.C. 4212, prohibits employment discrimination temporary employees The law requires employers to display this \*Special "hours of service" requirements apply to airline flight crew employees. To bond with a child (leave must be taken within 1 year of the child's law. Civil money penalties may also be assessed for violations of the FLSA's (180 or 300 days, depending on where you live/work). You can reach the against, and requires affirmative action to recruit, employ, and advance Job applicants birth or placement); poster where employees can readily see it. child labor provisions. Heightened civil money penalties may be assessed for **REQUESTING LEAVE** EEOC in any of the following ways: in employment, disabled veterans, recently separated veterans (i.e., Union members and applicants for membership in a union each child labor violation that results in the death or serious injury of any minor To care for the employee's spouse, child, or parent who has a Generally, employees must give 30-days' advance notice of the need for FMLA within three years of discharge or release from active duty), active duty **Submit** an inquiry through the EEOC's public portal: employee, and such assessments may be doubled when the violations are qualifying serious health condition: What Organizations are Covered? leave. If it is not possible to give 30-days' notice, an employee must notify wartime or campaign badge veterans, or Armed Forces service medal At least 11/2 times the regular rate of pay for all hours worked over 40 in a https://publicportal.eeoc.gov/Portal/Login.aspx determined to be willful or repeated. The law also prohibits retaliating against For the employee's own qualifying serious health condition that Most private employers the employer as soon as possible and, generally, follow the employer's usual veterans or discharging workers who file a complaint or participate in any proceeding 1-800-669-4000 (toll free) makes the employee unable to perform the employee's job; procedures State and local governments (as employers) 1-800-669-6820 (TTY) under the FLSA. Retaliation For qualifying exigencies related to the foreign deployment of a Employees do not have to share a medical diagnosis, but must provide enough Educational institutions (as employers) 1-844-234-5122 (ASL video phone) An employee must be at least 16 years old to work in most non-farm jobs and ADDITIONAL INFORMATION military member who is the employee's spouse, child, or parent. information to the employer so it can determine if the leave qualifies for an EEOC field office (information at at least 18 to work in non-farm jobs declared hazardous by the Secretary of Certain occupations and establishments are exempt from the FMLA protection. Sufficient information could include informing an employer An eligible employee who is a covered servicemember's spouse, child, parent Staffing agencies www.eeoc.gov/field-office) Labor. Youths 14 and 15 years old may work outside school hours in various that the employee is or will be unable to perform his or her job functions, minimum wage, and/or overtime pay provisions. or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month non-manufacturing, non-mining, non-hazardous jobs with certain work hours E-Mail info@eeoc.gov that a family member cannot perform daily activities, or that hospitalization What Types of Employment Discrimination are Illegal? period to care for the servicemember with a serious injury or illness. Special provisions apply to workers in American Samoa, the or continuing medical treatment is necessary. Employees must inform the Under the EEOC's laws, an employer may not discriminate against you, Commonwealth of the Northern Mariana Islands, and the An employee does not need to use leave in one block. When it is medically contact immediately: employer if the need for leave is for a reason for which FMLA leave was regardless of your immigration status, on the bases of: Commonwealth of Puerto Rico Additional information about the EEOC, necessary or otherwise permitted, employees may take leave intermittently or previously taken or certified Race including information about filing a charge of on a reduced schedule Some state laws provide greater employee protections; employers Employers of "tipped employees" who meet certain conditions may claim a U.S. Department of Labor Employers can require a certification or periodic recertification supporting the discrimination, is available at www.eeoc.gov Color must comply with both. partial wage credit based on tips received by their employees. Employers must Employees may choose, or an employer may require, use of accrued paid leave 200 Constitution Avenue N W need for leave. If the employer determines that the certification is incomplete, pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip Some employers incorrectly classify workers as "independent while taking FMLA leave. If an employee substitutes accrued paid leave for Religion it must provide a written notice indicating what additional information is Washington, D.C. 20210 credit against their minimum wage obligation. If an employee's tips combined contractors" when they are actually employees under the FLSA. FMLA leave, the employee must comply with the employer's normal paid leave **EMPLOYERS HOLDING FEDERAL CONTRACTS** National origin 1-800-397-6251 (toll-free) with the employer's cash wage of at least \$2.13 per hour do not equal the It is important to know the difference between the two because policies. Sex (including pregnancy and related conditions, sexual **OR SUBCONTRACTS** employees (unless exempt) are entitled to the FLSA's minimum wage EMPLOYER RESPONSIBILITIES **BENEFITS & PROTECTIONS** orientation, or gender identity) and overtime pay protections and correctly classified independent The Department of Labor's Office of Federal Contract Compliance Once an employer becomes aware that an employee's need for leave is for While employees are on FMLA leave, employers must continue health Age (40 and older) contractors are not. a reason that may qualify under the FMLA, the employer must notify the Programs (OFCCP) enforces the nondiscrimination and affirmative The FLSA requires employers to provide reasonable break time for a nursing insurance coverage as if the employees were not on leave. Disability Certain full-time students, student learners, apprentices, and workers employee if he or she is eligible for FMLA leave and, if eligible, must also action commitments of companies doing business with the Federal mother employee who is subject to the FLSA's overtime requirements in order Upon return from FMLA leave, most employees must be restored to the same with disabilities may be paid less than the minimum wage under provide a notice of rights and responsibilities under the FMLA. If the employee Genetic information (including employer requests for, or Government. If you are applying for a job with, or are an employee of, a for the employee to express breast milk for her nursing child for one year after job or one nearly identical to it with equivalent pay, benefits, and other is not eligible, the employer must provide a reason for ineligibility. special certificates issued by the Department of Labor. purchase, use, or disclosure of genetic tests, genetic services, or company with a Federal contract or subcontract, you are protected under the child's birth each time such employee has a need to express breast milk. employment terms and conditions at https://www.dol.gov/agencies/ofccp/contact. Federal law from discrimination on the following bases: Employers must notify its employees if leave will be designated as FMLA leave, family medical history) Employers are also required to provide a place, other than a bathroom, that An employer may not interfere with an individual's FMLA rights or retaliate and if so, how much leave will be designated as FMLA leave. is shielded from view and free from intrusion from coworkers and the public, Retaliation for filing a charge, reasonably opposing Race, Color, Religion, Sex, Sexual Orientation, Gender against someone for using or trying to use FMLA leave, opposing any practice discrimination, or participating in a discrimination lawsuit, Identity, National Origin ENFORCEMENT made unlawful by the FMLA, or being involved in any proceeding under or investigation, or proceeding. Employees may file a complaint with the U.S. Department of Labor, Wage and Executive Order 11246, as amended, prohibits employment related to the FMLA. Race, Color, National Origin, Sex What Employment Practices can be Challenged as discrimination by Federal contractors based on race, color, religion, sex, Hour Division, or may bring a private lawsuit against an employer. 1-866-487-9243 WAGE AND HOUR DIVISION **ELIGIBILITY REQUIREMENTS** sexual orientation, gender identity, or national origin, and requires **Discriminatory?** The FMLA does not affect any federal or state law prohibiting discrimination TTY: 1-877-889-5627 An employee who works for a covered employer must meet three criteria in affirmative action to ensure equality of opportunity in all aspects of All aspects of employment, including: or supersede any state or local law or collective bargaining agreement that DEPARTMENT OF LABOR www.dol.gov/whd order to be eligible for FMLA leave. The employee must employment provides greater family or medical leave rights. Discharge, firing, or lay-off WH1088 Have worked for the employer for at least 12 months; Asking About, Disclosing, or Discussing Pay Harassment (including unwelcome verbal or physical conduct) Hiring or promotion

prohibits employment discrimination on the basis of sex in educational

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.



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U.S. Department of Labor • Wage and Hour Division • WH1420

### 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



www.dol.gov/whd

disclosing, or discussing their compensation or the compensation of

Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about,

#### other applicants or employees. Failure to provide reasonable accommodation for a disability or Disability

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise gualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and opposing discrimination, filing a charge, or participating in an advance in employment qualified individuals with disabilities at all

levels of employment, including the executive level.

programs or activities which receive Federal financial assistance. Individuals with Disabilities

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are

reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and

the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators.

length of the test. Examinees have a number of specific rights, including the right to a written notice before testing,

REV. 10/20/2022

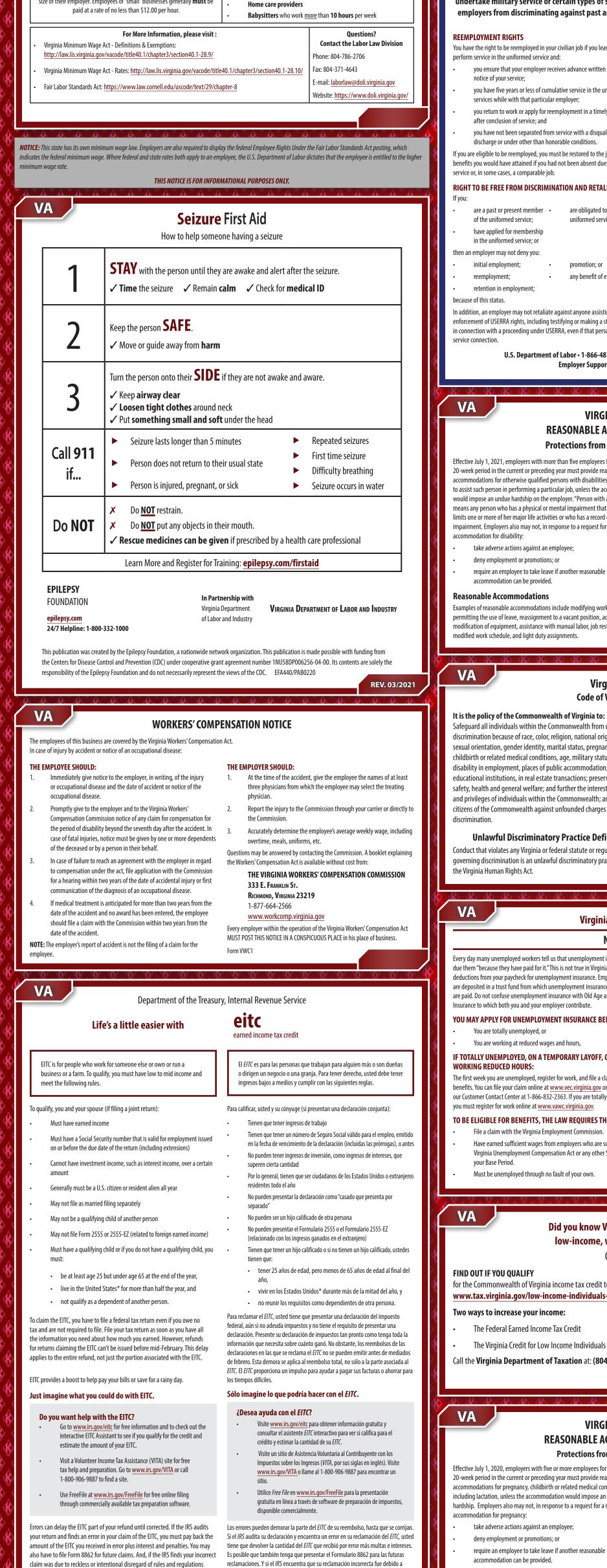
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should

The Office of Federal Contract Compliance Programs (OFCCP)

If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at *https://ofccphelpdesk.dol.gov/s/*, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage

## **PROGRAMS OR ACTIVITIES RECEIVING** FEDERAL FINANCIAL ASSISTANCE

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



	HEALTH INSURANCE PROTECTION     If you leave your job to perform military service, you have the right	FED
<ul> <li>You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:</li> <li>you ensure that your employer receives advance written or verbal</li> </ul>	<ul> <li>If you leave your job to perform minitary service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in</li> </ul>	
notice of your service;	<ul> <li>the military.</li> <li>Even if you don't elect to continue coverage during your military</li> </ul>	The Employee Polygraph Protection Act prol either for pre-employment screening or dur
<ul> <li>you have five years or less of cumulative service in the uniformed services while with that particular employer;</li> <li>you return to work or apply for reemployment in a timely manner</li> </ul>	service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting	PROHIBITIONS Employers are generally prohibited from requiring
after conclusion of service; and	periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.	test, and from discharging, disciplining, or discrim to take a test or for exercising other rights under th
you have not been separated from service with a disqualifying discharge or under other than honorable conditions.  If you are clicible to be reapployed, you must be restared to the ich and	ENFORCEMENT     The U.S. Department of Labor, Veterans Employment and Training	EXEMPTIONS Federal, State and local governments are not affec
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.	Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.	Federal Government to certain private individuals
RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION	<ul> <li>For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at</li> </ul>	The Act permits polygraph (a kind of lie detector) to certain prospective employees of security servic manufacturers, distributors and dispensers.
If you: • are a past or present member • are obligated to serve in the	https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra.	
of the uniformed service; uniformed service; • have applied for membership	<ul> <li>If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Complete Comp</li></ul>	DEPARTMENT OF LABOR
in the uniformed service; or then an employer may not deny you:	<ul> <li>the Office of Special Counsel, as applicable, for representation.</li> <li>You may also bypass the VETS process and bring a civil action against</li> </ul>	DEPARTMENT OF LABOR UNITED STATES OF AMERICA
initial employment;     promotion; or     reemployment;     any benefit of employment	an employer for violations of USERRA. The rights listed here may vary depending on the circumstances. The text of	
retention in employment; because of this status.	this notice was prepared by VETS, and may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and	<b>. V</b> . <b>V</b> . <b>V</b> . <b>V</b> . <b>V</b> . <b>V</b> . <b>V</b>
In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement	employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.	VA
in connection with a proceeding under USERRA, even if that person has no service connection.		§ 40.1-28.7:8. Covenants not to co
U.S. Department of Labor • 1-866-487-2365 U.	S. Department of Justice Office of Special Counsel	A. As used in this section:
Employer Support of the Gua	rd and Reserve • 1-800-336-4590 REV. 05/2022	"Covenant not to compete" means a covenant or a between an employer and employee that restrains
		the termination of the individual's employment, to shall not restrict an employee from providing a ser
VIRGINIA HUM	MAN RIGHTS ACT	not initiate contact with or solicit the customer or "Low-wage employee" means an employee whose
	DDATIONS FOR DISABILITY nation – Va. Code § 2.2-3905.1	earnings during the period of 52 weeks immediate if an employee worked fewer than 52 weeks, by th the 52-week period, are less than the average wee
Effective July 1, 2021, employers with more than five employees for a	Interactive Process	subsection B of § <u>65.2–500</u> . "Low-wage employee" or without pay, at a trade or occupation in order to
20-week period in the current or preceding year must provide reasonable accommodations for otherwise qualified persons with disabilities if necessary to assist such person in performing a particular job, unless the accommodation	When an employee requests an accommodation, employers must engage in a timely, good faith interactive process with the employee to determine if	includes an individual who has independently con employment relationship and who is compensated
would impose an undue hardship on the employer. "Person with a disability" means any person who has a physical or mental impairment that substantially	the requested accommodation is reasonable and, if not, discuss alternative reasonable accommodations that may be provided.	the median hourly wage for the Commonwealth for of Labor Statistics of the U.S. Department of Labor
limits one or more of her major life activities or who has a record of such impairment. Employers also may not, in response to a request for a reasonable	<b>Complaints</b> Any person who believes they were discriminated against on this basis may file	not include any employee whose earnings are deri incentives, or bonuses paid to the employee by the
<ul> <li>accommodation for disability:</li> <li>take adverse actions against an employee;</li> </ul>	a complaint with the Office of Civil Rights.	B. No employer shall enter into, enforce, or threate employee.
<ul> <li>deny employment or promotions; or</li> <li>require an employee to take leave if another reasonable</li> </ul>	OFFICE OF THE ATTORNEY GENERAL Office of Civil Rights	C. Nothing in this section shall serve to limit the cr prohibit the taking, misappropriating, threating to
accommodation can be provided.	202 North 9th Street Richmond, Virginia 23219	secrets, as defined in § <u>59.1-336</u> , and proprietary of
Reasonable Accommodations Examples of reasonable accommodations include modifying work policies,	<u>www.ag.virginia.gov</u> <u>civilrights@oag.state.va.us</u> P: (804) 225-2292; F: (804) 225-3294	
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.		
VA	(K)	J
Virginia Hur	nan Rights Act Title 2.2, Chapter 39	THE VIRGINIA OCCUPATIONAL SAFET
It is the policy of the Commonwealth of Virginia to:	Complaints may be filed with:	THE PURPOSE OF THE LAW IS TO ASSU SAFETY AND HEALTH STANDARDS, A
Safeguard all individuals within the Commonwealth from unlawful discrimination because of race, color, religion, national origin, sex,	OFFICE OF THE ATTORNEY GENERAL OFFICE OF CIVIL RIGHTS	http://www.doli.virginia.gov/doli_regu
sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, or	202 North 9th Street Richmond, Virginia 23219	6
disability in employment, places of public accommodation, including educational institutions, in real estate transactions; preserve the public	www.aq.virginia.gov	Each employer shall furnish to each of his free from recognized hazards that are cause
safety, health and general welfare; and further the interests, rights and privileges of individuals within the Commonwealth; and protect	P: (804) 225-2292; F: (804) 225-3294	employees, and shall comply with occupation
citizens of the Commonwealth against unfounded charges of unlawful discrimination.		Each amployee shall comply with all occur
discrimination. Unlawful Discriminatory Practice Defined		Each employee shall comply with all occup and orders issued under the Law that appl
discrimination. <b>Unlawful Discriminatory Practice Defined</b> Conduct that violates any Virginia or federal statute or regulation governing discrimination is an unlawful discriminatory practice under		and orders issued under the Law that app
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discrimination. <b>Unlawful Discriminatory Practice Defined</b> Conduct that violates any Virginia or federal statute or regulation governing discrimination is an unlawful discriminatory practice under the Virginia Human Rights Act.		and orders issued under the Law that appl The Law requires that a representative of t employees be given an opportunity to acc the inspection.
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<text><text><text><text><section-header><section-header><section-header>discrimination. Unduct that violates any Virginia or federal statute or regulating governing discrimination is an unlawful discriminatory practice under the Virginia Human Rlights Act. VA Urginia Engendo duct that violates any Virginia or federal statute or regulating governing discrimination is an unlawful discriminatory practice under the virginia Human Rlights Act. VA Urginia Engendo ductions from your paythek for unemployment insurance. Employers taxes are deposited in a trust fund from which unemployment insurance the ductions your paychek for unemployment insurance. Employers taxes are deposited in a trust fund from which unemployment insurance. Employers taxes are deposited in a trust fund from which unemployment insurance. Employers taxes are deposited in a trust fund from which unemployment insurance. Employers tare are doubtidely ou and your employre contribute. Do not confuse unemployed, got an employ taxes and hours the fuse one to taily unemployed or Ductore to not offuse unemployed, got fuse the une or fully unemployed, got fuse the uneer you are unemployed, register for work, and file a claim for first. You can file your claim online at <u>wwweevering in a gor</u> or by clains our curge of the your claim online at <u>wwweevering in a gor</u> or by clains our curge of the your diam online at <u>wwweevering in a gor</u> or by clains our use register for work online at <u>wwweevering in a gor</u> or by clains our use ereido. De tet clains dura file your diam online at <u>wwweevering in a gor</u> or by clains our Base Period. Di Mate a claim with the Virginia Employment Commission. De the commonwealth of Virginia income tax credit today! Vist to <u>wweares ereido</u>. De the commonwealth of Virginia income tax credit today! Vist to <u>wweares virginia agor or by core agord</u>. De the derael Earned Income Tax Credit Cont Durgina Department of Taxation at: (804) 367-8037 Di Agound Engendo Comme Comparts and : (804) 367-8037 Di Cacina from Discue. De the for bourge throuy for more employees for and the core and co</section-header></section-header></section-header></text></text></text></text>	O WORKERS	and orders issued under the Law that appl The Law requires that a representative of the employees be given an opportunity to accu- the inspection. Where there is no authorized employees concerner alleged violation must of employees concerner alleged violation must be corrected. The VOSH citation must be prominently di- days or until the violation is corrected, where exist there. The Law provides for mandatory penalties each serious violation and for optional per- violation. Penalties of up to \$14,270 per di- within the proposed time period. Also, and may be assessed penalties of up to \$14,270 per di- within the proposed time period. Also, and may be assessed penalties of up to \$14,270 per di- within the proposed time period. Also, and may be assessed penalties of up to \$14,270 per di- within the proposed time period. Also, and may be assessed penalties of up to \$14,270 per di- within the proposed time period. Also, and may be assessed penalties of up to \$14,270 Public Sector employers, all departments, the Commonwealth, are subject to the per- Criminal penalties are also provided for in of an employee is punishable, upon convice imprisonment for not more than six mont after a first conviction doubles these maxit Mit 600 East Rickment VOICL FAX WWWW.C
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investigation or proceeding.

Assignment

Benefits

Referral

Job training

Classification

REV. 04/2016

Pay (unequal wages or compensation)

a sincerely-held religious belief, observance or practice

Obtaining or disclosing genetic information of employees

Requesting or disclosing medical information of employees

Conduct that might reasonably discourage someone from

#### rotection Act prohibits most private employers from using lie detector tests it screening or during the course of employment.

nibited from requiring or requesting any employee or job applicant to take a lie detector sciplining, or discriminating against an employee or prospective employee for refusing other rights under the Act.

mments are not affected by the law. Also, the law does not apply to tests given by the n private individuals engaged in national security-related activities.

kind of lie detector) tests to be administered in the private sector, subject to restrictions, yees of security service firms (armored car, alarm, and guard), and of pharmaceutical and dispensers.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

Code of Virginia

**EMPLOYEE RIGHTS** 

**EMPLOYEE POLYGRAPH PROTECTION ACT** 

loss to the employer.

**EXAMINEE RIGHTS** 

ENFORCEMENT

more restrictive with respect to lie detector tests.



REV. 07/2016

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

Employees or job applicants may also bring their own court actions.

#### nants not to compete prohibited as to low-wage nalty.

eans a covenant or agreement, including a provision of a contract of employment, nployee that restrains, prohibits, or otherwise restricts an individual's ability, following lual's employment, to compete with his former employer. A "covenant not to compete" e from providing a service to a customer or client of the employer if the employee does olicit the customer or client.

s an employee whose average weekly earnings, calculated by dividing the employee? f 52 weeks immediately preceding the date of termination of employment by 52, or than 52 weeks, by the number of weeks that the employee was actually paid during than the average weekly wage of the Commonwealth as determined pursuant to Low-wage employee" includes interns, students, apprentices, or trainees employed, with occupation in order to gain work or educational experience. "Low-wage employee" also as independently contracted with another person to perform services independent of an who is compensated for such services by such person at an hourly rate that is less than the Commonwealth for all occupations as reported, for the preceding year, by the Bureau Department of Labor. For the purposes of this section, "low-wage employee" shall ose earnings are derived, in whole or in predominant part, from sales commissions, o the employee by the employer.

to, enforce, or threaten to enforce a covenant not to compete with any low-wage

Il serve to limit the creation or application of nondisclosure agreements intended to opriating, threating to misappropriate, or sharing of certain information, including trade 336, and proprietary or confidential information.

D. A low-wage employee may bring a civil action in a court of competent jurisdiction against any former employer or other person that attempts to enforce a covenant not to compete against such employee in violation of this section. An action under this section shall be brought within two years of the latter of (i) the date the covenant not to compete was signed, (ii) the date the low-wage employee learns of the covenant not to compete, (iii) the date the employment relationship is terminated, or (iv) the date the employer takes any step to enforce the covenant not to compete. The court shall have jurisdiction to void any covenant not to compete with a low-wage employee and to order all appropriate relief, including enjoining the conduct of any person or employer, ordering payment of liquidated damages, and awarding lost compensation, damages, and reasonable attorney fees and costs. No employer may discharge, threaten, or otherwise discriminate or retaliate against a low-wage employee for bringing a civil action pursuant to this section.

E. Any employer that violates the provisions of subsection B as determined by the Commissioner shall be subject to a civil penalty of \$10,000 for each violation. Civil penalties owed under this subsection shall be paid to the Commissioner for deposit in the general fund.

F. If the court finds a violation of the provisions of this section, the plaintiff shall be entitled to recover reasonable costs, including costs and reasonable fees for expert witnesses, and attorney fees from the former employer or other person who attempts to enforce a covenant not to compete against such plaintiff.

G. Every employer shall post a copy of this section or a summary approved by the Department in the same location where other employee notices required by state or federal law are posted. An employer that fails to post a copy of this section or an approved summary of this section shall be issued by the Department a written warning for the first violation, shall be subject to a civil penalty not to exceed \$250 for a second violation, and shall be subject to a civil penalty not to exceed \$1,000 for a third and each subsequent violation as determined by the Commissioner. Civil penalties owed under this subsection shall be paid to the Commissioner for deposit in the general fund.

The Commissioner shall prescribe procedures for the payment of proposed assessments of penalties that are not contested by employers. Such procedures shall include provisions for an employer to consent to abatement of the alleged violation and to pay a proposed penalty or a negotiated sum in lieu of such penalty without admission of any civil liability arising from such alleged violation. 2020, cc. 948, 949, § 40.1-28.7:7.

## **Department of Labor and Industry**

## **Job Safety and Health Protection**

UPATIONAL 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. HE LAW IS TO ASSURE SAFE AND HEALTHFUL WORKING CONDITIONS THROUGHOUT THE STATE. THE VIRGINIA SAFETY AND HEALTH CODES BOARD PROMULGATES AND ADOPTS JOB LTH STANDARDS, AND EMPLOYERS AND EMPLOYEES ARE REQUIRED TO COMPLY WITH THESE STANDARDS. THESE STANDARDS MAY BE FOUND AT THE FOLLOWING WEB ADDRESS: inia.gov/doli\_regulations/doli\_regulations.html. YOU MAY ALSO CONTACT THE DEPARTMENT OF LABOR AND INDUSTRY OFFICES LISTED BELOW TO RECEIVE PRINTED COPIES OF THE VIRGINIA UNIOUE STANDARDS AND OBTAIN THE NAMES OF PUBLISHERS OF THE FEDERAL IDENTICAL STANDARDS.

#### Employers

#### ish to each of his employees employment and a place of employment zards that are causing or are likely to cause death or serious harm to his

#### Complaint

Employees or their representatives have the right to file a complaint with the nearest VOSH office requesting an inspection if they believe unsafe or unhealthy conditions exist in their workplace. VOSH will withhold, on request, names of employees filing complaints. Complaints may be made at the Department of Labor and Industry addresses shown below.

nply with occupational safety and health standards issued under the law.

#### Employees

nply with all occupational safety and health standards, rules, regulations the Law that apply to his own actions and conduct on the job.

#### Inspection

representative of the employer and a representative authorized by the pportunity to accompany the VOSH inspector for the purpose of aiding

rized employee representative, the VOSH inspector must consult with a nployees concerning safety and health conditions in the workplace.

### Citation

believes an employer has violated the Law, a citation alleging such to the employer. Each citation will specify a time period within which the e corrected.

be prominently displayed at or near the place of alleged violation for three on is corrected, whichever is later, to warn employees of dangers that may

## **Proposed Penalty**

andatory penalties against private sector employers of up to \$14,270 for nd for optional penalties of up to \$14,270 for each other-than-serious p to \$14,270 per day may be proposed for failure to correct violations e period. Also, any employer who willfully or repeatedly violates the Law ies of up to \$142,691 for each such violation.

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

lso provided for in the Law. Any willful violation resulting in the death hable, upon conviction, by a fine of not more than \$70,000 or by ore than six months, or by both. Subsequent conviction of an employe oubles these maximum penalties.

#### Discrimination

It is illegal to retaliate against an employee for using any of their right under the law, including raising a safety or health concern with the employer or VOSH, or reporting a work-related injury or illness.

An employee who believes they have been discriminated against for exercising their rights under the Law, may file a complaint with the Commissioner of the Virginia Department of Labor and Industry within 60 days of the alleged discrimination.

### CASPA

Complaints about State Plan Administration: Any person may complain to the Regional Administrator of OSHA (address below) concerning the Administration of the State Safety and Health Program.

#### State Coverage

The VOSH program shall apply to all public and private sector businesses in the State except for Federal agencies, businesses under the Atomic Energy Act, railroad rolling stock and tracks, certain Federal enclaves, and businesses covered by the Federal Maritime jurisdiction.

#### **Voluntary Activity**

Voluntary efforts by the employer to assure its workplace is in compliance with the Law are encouraged. Voluntary Safety and Health Consultation and Training Programs exist to assist employers. These services may be obtained by contacting the Virginia Department of Labor and Industry addresses

#### Recordkeeping

Employers now have a new system for tracking workplace injuries and illnesses. OSHA's new recordkeeping log (Form 300) is simpler to understand and use. Using a question and answer format, the revised recordkeeping rule provides guidance for recording occupational injuries and illnesses and explains how to classify specific cases. Smaller employers (10 or fewer employees) are exempt from most requirements. To see if your industry is partially exempt, visit the OSHA Website at www.osha.gov/recordkeeping/pub3169text.html.

## Accident Reporting

All fatalities must be reported to VOSH within eight (8) hours. All injuries or illnesses that result in an in-patient hospitalization, amputation or loss of an eye must be reported to VOSH within twenty-four (24) hours. Failure to report may result in significant monetary penalties.

## VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

MAIN STREET CENTRE 600 East Main Street, Suite 207 RICHMOND, VIRGINIA 23219 VOICE (804) 371-2327 FAX (804) 371-6524 www.doli.virginia.gov

**U.S. DEPARTMENT OF LABOR OSHA REGIONAL ADMINISTRATOR THE CURTIS** CENTER, STE 740 WEST 170 SOUTH INDEPENDENCE MALL WEST Philadelphia, PA 19106-3309 (215) 861-4900

#### **OCCUPATIONAL SAFETY AND HEALTH OFFICE LOCATIONS**

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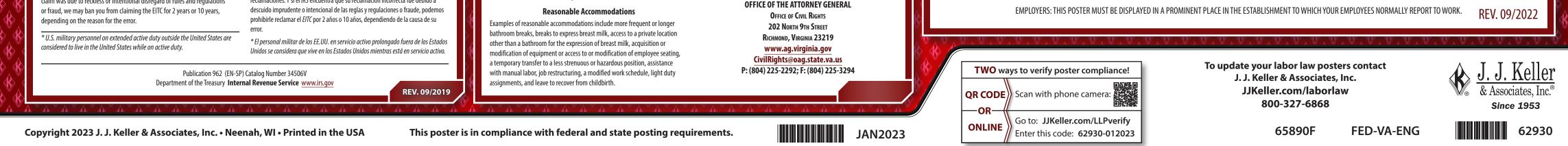
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VIRGINIA SAFETY AND HEALTH CODES BOARD

Commissioner



in state court.