## **EMPLOYEE RIGHTS UNDER THE**

### **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

## **CHILD LABOR**

FED

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 hours restrictions. Different rules apply in agricultural employment.

## **TIP CREDIT**

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. 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 employee'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 for 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.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA **WAGE AND HOUR DIVISION** UNITED STATES DEPARTMENT OF LABOR

**ENFORCEMENT** 

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico
- - Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent
  - Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

1-866-487-9243 TTY: 1-877-889-5627

WH1088

REV. 07/2016

## Minimum Wage Increases to \$12.00 per hour

**Tipped Employees** in tips) may be paid at the tipped minimum wage of \$2.13 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 paid at a rate of no less than \$12.00 per hour.

For More Information, please visit Virginia Minimum Wage Act - Definitions & Exemptions http://law.lis.virginia.gov/vacode/title40.1/chapter3/section40.1-28.9/

Virginia Minimum Wage Act - Rates: http://law.lis.virginia.gov/vacode/title40.1/chapter3/section40.1-28.10, http://law.lis.virginia.gov/vacode/title40.1-28.10, http://law.lis.virginia.gov/vacode/title40 Fair Labor Standards Act: https://www.law.cornell.edu/uscode/text/29/chapter-8

Fax: 804-371-4643 E-mail: laborlaw@doli.virginia.gov

NOTICE: 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

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

## VA

How to help someone having a seizure

**STAY** with the person until they are awake and alert after the seizure. ✓ Time the seizure ✓ Remain calm ✓ Check for medical ID

Keep the person **SAFE**. ✓ Move or guide away from harm

Turn the person onto their **SIDE** if they are not awake and aware. ✓ Keep airway clear ✓ Loosen tight clothes around neck

Call **911** 

Person is injured, pregnant, or sick

Seizure lasts longer than 5 minutes

Person does not return to their usual state

- Do <u>NOT</u> restrain. **X** Do **NOT** put any objects in their mouth.
- Do **NOT** ✓ **Rescue medicines can be given** if prescribed by a health care professional

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

**EPILEPSY FOUNDATION** 

24/7 Helpline: 1-800-332-1000

Virginia Department of Labor and Industry

In Partnership with

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

three physicians from which the employee may select the treating

Report the injury to the Commission through your carrier or directly to

Accurately determine the employee's average weekly wage, including

Questions may be answered by contacting the Commission. A booklet explaining

Every employer within the operation of the Virginia Workers' Compensation Act

El EITC es para las personas que trabajan para alguien más o son dueñas

o dirigen un negocio o una granja. Para tener derecho, usted debe tener

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

Por lo general, tienen que ser ciudadanos de los Estados Unidos o extranjeros

No pueden tener ingresos de inversión, como ingresos de intereses, que

No pueden presentar la declaración como "casado que presenta por

No pueden presentar el Formulario 2555 o el Formulario 2555-EZ

Tienen que tener un hijo calificado o si no tienen un hijo calificado, ustedes

• tener 25 años de edad, pero menos de 65 años de edad al final del

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

declaraciones en las que se reclama el EITC no se pueden emitir antes de mediados

de febrero. Esta demora se aplica al reembolso total, no sólo a la parte asociada al EITC. El EITC proporciona un impulso para ayudar a pagar sus facturas o ahorrar para

Visite www.irs.gov/eitc para obtener información gratuita y

consultar el asistente *EITC* interactivo para ver si califica para el

Sólo imagine lo que podría hacer con el EITC.

crédito v estimar la cantidad de su EITC.

¿Desea ayuda con el EITC?

información que necesita sobre cuánto ganó. No obstante, los reembolsos de las

(relacionado con los ingresos ganados en el extranjero)

No pueden ser un hijo calificado de otra persona

ingresos bajos a medios y cumplir con las siguientes reglas.

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

Tienen que tener ingresos de trabaio

residentes todo el año

separado"

los tiempos difíciles.

MUST POST THIS NOTICE IN A CONSPICUOUS PLACE in his place of business.

THE VIRGINIA WORKERS' COMPENSATION COMMISSION

Repeated seizures

First time seizure

Difficulty breathing

Seizure occurs in water

This publication was created by the Epilepsy Foundation, a nationwide network organization. This publication is made possible with funding from the Centers for Disease Control and Prevention (CDC) under cooperative grant agreement number 1NU58DP006256-04-00. Its contents are solely the responsibility of the Epilepsy Foundation and do not necessarily represent the views of the CDC. EFA440/PAB0220

## 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

occupational disease.

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

communication of the diagnosis of an occupational disease.

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

## THE EMPLOYER SHOULD:

physician

overtime, meals, uniforms, etc

333 E. Franklin St.

1-877-664-2566

earned income tax credit

Form VWC1

RICHMOND, VIRGINIA 23219

www.workcomp.virginia.gov

the Workers' Compensation Act is available without cost from:

1. At the time of the accident, give the employee the names of at least

## or occupational disease and the date of accident or notice of the

- Promptly give to the employer and to the Virginia Workers'
- Compensation Commission notice of any claim for compensation for the period of disability beyond the seventh day after the accident. In
- to compensation under the act, file application with the Commission for a hearing within two years of the date of accidental injury or first If medical treatment is anticipated for more than two years from the

## VA

Department of the Treasury, Internal Revenue Service eitc

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

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

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

Generally must be a U.S. citizen or resident alien all year

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

tax and are not required to file. File your tax return as soon as you have all the information you need about how much you earned. However, refunds for returns claiming the EITC can't be issued before mid-February. This delay applies to the entire refund, not just the portion associated with the EITC.

EITC provides a boost to help pay your bills or save for a rainy day.

estimate the amount of your EITC. Visit a Volunteer Income Tax Assistance (VITA) site for free

tax help and preparation. Go to www.irs.gov/VITA or call 1-800-906-9887 to find a site. Use FreeFile at www.irs.gov/FreeFile for free online filing through commercially available tax preparation software.

your return and finds an error in your claim of the EITC, you must pay back the amount of the EITC you received in error plus interest and penalties. You may also have to file Form 8862 for future claims. And, if the IRS finds your incorrect Es posible que también tenga que presentar el Formulario 8862 para las futuras claim was due to reckless or intentional disregard of rules and regulations or fraud, we may ban you from claiming the EITC for 2 years or 10 years, depending on the reason for the error. \* U.S. military personnel on extended active duty outside the United States are

considered to live in the United States while on active duty.

## FAIR LABOR STANDARDS ACT

The Department has authority to recover back wages and an equal amount

in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

## ADDITIONAL INFORMATION

- Some state laws provide greater employee protections; employers must comply with both.

www.dol.gov/whd





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

related to the FMLA.

UNITED STATES OF AMERICA

WHD

order to be eligible for FMLA leave. The employee must

1-866-4-USWAGE www.dol.gov/whd

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



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

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 five 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.

service or, in some cases, a comparable job. RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

are a past or present member • of the uniformed service: have applied for membership

initial employment

service connection.

VA

any benefit of employment reemployment: retention in employment because of this status 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

### The U.S. Department of Labor, Veterans Employment and Training If you are eligible to be reemployed, you must be restored to the job and Service (VETS) is authorized to investigate and resolve complaints of benefits you would have attained if you had not been absent due to military

for service-connected illnesses or injuries.

USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at https://www.dol.gov/agencies/vets/. An interactive online USERRA the Office of Special Counsel, as applicable, for representation. an employer for violations of USERRA.

service, you have the right to be reinstated in your employer's health

periods or exclusions (e.g., pre-existing condition exclusions) except

plan when you are reemployed, generally without any waiting

The rights listed here may vary depending on the circumstances. The text of 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 employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

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

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 person 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 her major life activities or who has a record of such

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

## **Interactive Process**

the requested accommodation is reasonable and, if not, discuss alternative reasonable accommodations that may be provided. Complaints impairment. Employers also may not, in response to a request for a reasonable

Any person who believes they were discriminated against on this basis may file a complaint with the Office of Civil Rights.

Office of the Attorney General Office of Civil Rights

## 202 North 9th Street Richmond, Virginia 23219

www.ag.virginia.gov civilrights@oag.state.va.us P: (804) 225-2292; F: (804) 225-3294

## VA

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 **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@oag.state.va.us

## VA

**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. Employers' 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 to which both you and your employer contribute. YOU MAY APPLY FOR UNEMPLOYMENT INSURANCE BENEFITS IF: You are totally unemployed, or

IF TOTALLY UNEMPLOYED, ON A TEMPORARY LAYOFF, OR IF **WORKING REDUICED 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

You are working at reduced wages and hours,

our Customer Contact Center at 1-866-832-2363. If you are totally unemployed you must register for work online at <u>www.vawc.virginia.gov</u> 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

Must be unemployed through no fault of your own.

You cannot be paid unemployment benefits until you have filed your claim and have met all of the eligibility requirements. To speed payment of benefits, you

should file your claim as soon as you become unemployed or your hours are

the Virginia Unemployment Compensation Act, visit our website, or call our

Customer Contact Center at 1-866-832-2363.

reduced. If you have any questions about your rights and responsibilities under

THE LAW REQUIRES EMPLOYERS TO POST THIS NOTICE IN A PLACE VISIBLE TO ALL WORKERS. An Equal Opportunity Employer/Program Auxiliary services are available upon to individuals with disabilities.

> This notice is available in Spanish PO Box 26441 Richmond, VA 23261-6441

## VA

VA

low-income, working individuals and families? Could you be eligible?

FIND OUT IF YOU OUALIFY

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

REASONABLE ACCOMMODATIONS FOR PREGNANCY Effective July 1, 2020, employers with five or more employees for a 20-week period in the current or preceding year must provide reasonable

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 access to 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 to recover from childbirth.

Complaints

FED

U.S. Equal Employment Opportunity Commission **Know Your Rights: Workplace Discrimination is Illegal** 

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

Who is Protected? What can You Do if You Believe Discrimination has Occurred? **Protected Veteran Status** 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, because there are strict time limits for filing a charge of discrimination as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance

temporary employees EEOC in any of the following ways: Union members and applicants for membership in a union

What Organizations are Covered? Most private employers

State and local governments (as employers) Educational institutions (as employers)

Staffing agencies What Types of Employment Discrimination are Illegal?

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:

Color

National origin

orientation, or gender identity) Age (40 and older) Disability Genetic information (including employer requests for, or

Sex (including pregnancy and related conditions, sexual

purchase, use, or disclosure of genetic tests, genetic services, or

family medical history) Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

### What Employment Practices can be Challenged as All aspects of employment, including:

Discharge, firing, or lay-off

Harassment (including unwelcome verbal or physical conduct)

Hiring or promotion Assianment Pay (unequal wages or compensation)

a sincerely-held religious belief, observance or practice

Failure to provide reasonable accommodation for a disability or

Job training Classification Referral Obtaining or disclosing genetic information of employees

Requesting or disclosing medical information of employees

Conduct that might reasonably discourage someone from

opposing discrimination, filing a charge, or participating in an

(180 or 300 days, depending on where you live/work). You can reach the **Submit** an inquiry through the EEOC's public portal:

**OR SUBCONTRACTS** 

The Department of Labor's Office of Federal Contract Compliance

Federal law from discrimination on the following bases:

Race, Color, Religion, Sex, Sexual Orientation, Gender

Executive Order 11246, as amended, protects applicants and employees

of Federal contractors from discrimination based on inquiring about,

disclosing, or discussing their compensation or the compensation of

advance in employment qualified individuals with disabilities at all

levels of employment, including the executive level.

Section 503 of the Rehabilitation Act of 1973, as amended,

Executive Order 11246, as amended, prohibits employment

Asking About, Disclosing, or Discussing Pay

Programs (OFCCP) enforces the nondiscrimination and affirmative

1-800-669-6820 (TTY)

www.eeoc.gov/field-office)

including information about filing a charge of

discrimination, is available at www.eeoc.gov.

Additional information about the EEOC,

**E-Mail** <u>info@eeoc.gov</u>

**Identity, National Origin** 

other applicants or employees.

1-844-234-5122 (ASL video phone)

an EEOC field office (information at

https://publicportal.eeoc.gov/Portal/Login.aspx 1-800-669-4000 (toll free)

discrimination, participates in an OFCCP proceeding, or otherwise

contact immediately: The Office of Federal Contract Compliance Programs (OFCCP)

1-800-397-6251 (toll-free) 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.

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

Individuals with Disabilities

who, with or without reasonable accommodation, can perform the essential functions of the job. employee, barring undue hardship to the employer. Section 503 also If you believe you have been discriminated against in a program of requires that Federal contractors take affirmative action to employ and any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

REV. 10/20/2022

FED

investigation or proceeding.

more restrictive with respect to lie detector tests.

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

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

**WAGE AND HOUR DIVISION** 

DEPARTMENT OF LABOR

**UNITED STATES** 

test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector

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 prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT. 1-866-487-9243 TTY: 1-877-889-5627

www.dol.gov/whd WH1462

**REV. 07/2016** 

VA

DEPARTMENT OF LABOR

UNITED STATES OF AMERICA

manufacturers, distributors and dispensers.

## § 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 covenant 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.

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,

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

C. Nothing in this section shall serve to limit the creation or application of nondisclosure agreements intended to

prohibit the taking, misappropriating, threating to misappropriate, or sharing of certain information, including trade

incentives, or bonuses paid to the employee by the employer.

secrets, as defined in § 59.1-336, and proprietary or confidential information.

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 person who attempts to enforce a covenant not to compete against such plaintiff.

Commissioner for deposit in the general fund.

civil liability arising from such alleged violation.

2020, cc. 948, 949, § 40.1-28.7:7.

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

## **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.

Industry addresses

THE PURPOSE OF THE LAW IS TO ASSURE SAFE AND HEALTHFUL WORKING CONDITIONS THROUGHOUT THE STATE. THE VIRGINIA SAFETY AND HEALTH CODES 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.doli.virginia.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.

## 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 employees, and shall comply with occupational safety and health standards issued under the law. at the Department of Labor and Industry addresses shown below. Discrimination Each employee shall comply with all occupational safety and health standards, rules, regulations It is illegal to retaliate against an employee for using any of their right under the law, including

### Industry within 60 days of the alleged discrimination. CASPA

raising a safety or health concern with the employer or VOSH, or reporting a work-related injury

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

State Coverage

### 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

Voluntary efforts by the employer to assure its workplace is in compliance with the Law are

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)

### **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

REGIONAL ADMINISTRATOR THE CURTIS

CENTER, STE 740 WEST 170 SOUTH

twenty-four (24) hours. Failure to report may result in significant monetary penalties. VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY U.S. DEPARTMENT OF LABOR OSHA

### INDEPENDENCE MALL WEST PHILADELPHIA, PA 19106-3309 (215) 861-4900

Southwest/Roanoke

BRAMMER VILLAGE 3013 Peters Creek Road SUITE B ROANOKE, VA 24019 (540) 562-3580 Abingdon Verona **The Johnson Center** 

(540) 248-9280

**VIRGINIA SAFETY AND HEALTH CODES BOARD** 

To update your labor law posters contact

65890F

J. J. Keller & Associates, Inc. JJKeller.com/laborlaw 800-327-6868

62930

Effective January 1, 2023

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

### now be covered under the Virginia Minimum Wage Act. **Domestic Service Employees -** Employees who perform services related to the care of an individual in a private home or the maintenance of a private home or its premises.

Phone: 804-786-2706

Website: https://www.doli.virginia.gov/

# **Seizure** First Aid

- ✓ Put **something small and soft** under the head

# Life's a little easier with

- Must have earned income
- 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. To claim the EITC, you have to file a federal tax return even if you owe no
- Do you want help with the EITC? Go to www.irs.gov/eitc for free information and to check out the interactive EITC Assistant to see if you qualify for the credit and

Publication 962 (EN-SP) Catalog Number 34506V Department of the Treasury Internal Revenue Service www.irs.gov

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

  - Home care providers
- May be on a permanent or temporary basis Includes services such as companions, cooks, waiters,
  - butlers, maids, valets, and chauffeurs **Babysitters** who work more than **10 hours** per weel **Contact the Labor Law Division**

- Just imagine what you could do with EITC.
- Errors can delay the EITC part of your refund until corrected. If the IRS audits

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 o llame al 1-800-906-9887 para encontrar un Utilice Free File en www.irs.gov/FreeFile para la presentación gratuita en línea a través de software de preparación de impuestos,

Los errores pueden demorar la parte del *EITC* de su reembolso, hasta que se corrijan.

Si el IRS audita su declaración y encuentra un error en su reclamación del EITC, usted

tiene que devolver la cantidad del *EITC* que recibió por error más multas e intereses.

reclamaciones. Y si el IRS encuentra que su reclamación incorrecta fue debido a descuido imprudente o intencional de las reglas y regulaciones o fraude, podemos prohibirle reclamar el *EITC* por 2 años o 10 años, dependiendo de la causa de su \* El personal militar de los EE.UU. en servicio activo prolongado fuera de los Estados Unidos se considera que vive en los Estados Unidos mientras está en servicio activo. REV. 09/2019 FED

Eligible employees who work for a covered employer can take up to 12 weeks

Employees may choose, or an employer may require, use of accrued paid leave

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

insurance coverage as if the employees were not on leave.

**LEAVE ENTITLEMENTS** 

on a reduced schedule

**BENEFITS & PROTECTIONS** 

employment terms and conditions

**ELIGIBILITY REQUIREMENTS** 

birth or placement);

qualifying serious health condition:

## **EMPLOYEE RIGHTS UNDER THE**

### **FAMILY AND MEDICAL LEAVE ACT** THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

- Have at least 1,250 hours of service in the 12 months before taking leave;\* and 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 within 75 miles of the employee's worksite
  - The birth of a child or placement of a child for adoption or foster care; \*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 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
  - leave. If it is not possible to give 30-days' notice, an employee must notify For the employee's own qualifying serious health condition that the employer as soon as possible and, generally, follow the employer's usual makes the employee unable to perform the employee's job; For qualifying exigencies related to the foreign deployment of a Employees do not have to share a medical diagnosis, but must provide enough military member who is the employee's spouse, child, or parent. information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer
- An eligible employee who is a covered service member's spouse, child, parent that the employee is or will be unable to perform his or her job functions, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month that a family member cannot perform daily activities, or that hospitalization period to care for the servicemember with a serious injury or illness. or continuing medical treatment is necessary. Employees must inform the An employee does not need to use leave in one block. When it is medically employer if the need for leave is for a reason for which FMLA leave was necessary or otherwise permitted, employees may take leave intermittently or previously taken or certified
- need for leave. If the employer determines that the certification is incomplete, while taking FMLA leave. If an employee substitutes accrued paid leave for it must provide a written notice indicating what additional information is FMLA leave, the employee must comply with the employer's normal paid leave
- **EMPLOYER RESPONSIBILITIES** Once an employer becomes aware that an employee's need for leave is for While employees are on FMLA leave, employers must continue health a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also Upon return from FMLA leave, most employees must be restored to the same provide a notice of rights and responsibilities under the FMLA. If the employee job or one nearly identical to it with equivalent pay, benefits, and other is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, 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.

Employees may file a complaint with the U.S. Department of Labor, Wage and

Employers can require a certification or periodic recertification supporting the

Hour Division, or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination An employee who works for a covered employer must meet three criteria in or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information or to file a complaint:

(1-866-487-9243) TTY: 1-877-889-5627

YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

> to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. Even if you don't elect to continue coverage during your military

Advisor can be viewed at <a href="https://webapps.dol.gov/elaws/vets/userra">https://webapps.dol.gov/elaws/vets/userra</a>. 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 You may also bypass the VETS process and bring a civil action against

**VIRGINIA HUMAN RIGHTS ACT** 

modification of equipment, assistance with manual labor, job restructuring, a modified work schedule, and light duty assignments **Virginia Human Rights Act** Code of Virginia – Title 2.2, Chapter 39

P: (804) 225-2292; F: (804) 225-3294

## Continue to report as instructed by the Virginia Employment

Language Access/Assistance. Direct requests to: **Employer Accounts Unit** 

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

for the Commonwealth of Virginia income tax credit today! Visit the Low Income Individuals Credit page on the Virginia Tax site:

accommodations for pregnancy, childbirth or related medical conditions, including lactation, unless the accommodation would impose an undue hardship. Employers also may not, in response to a request for a reasonable accommodation for pregnancy: in state court.

> OFFICE OF THE ATTORNEY GENERAL OFFICE OF CIVIL RIGHTS 202 North 9th Street RICHMOND, VIRGINIA 23219 www.ag.virginia.gov

> > JAN2023

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 qualified individual with a disability who is an applicant or

**EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT** 

> Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

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

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

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

and to order all appropriate relief, including enjoining the conduct of any person or employer, ordering payment

employer may discharge, threaten, or otherwise discriminate or retaliate against a low-wage employee for bringing a

of liquidated damages, and awarding lost compensation, damages, and reasonable attorney fees and costs. No

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 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

# **Department of Labor and Industry**

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** 

OCCUPATIONAL SAFETY AND HEALTH OFFICE LOCATIONS

(434) 385-0806 P.O. Box 772 201 LEE HIGHWAY VERONA, VA 24482

FED-VA-ENG

This poster is in compliance with federal and state posting requirements.

uniformed service: in the uniformed service: or then an employer may not deny you:

REASONABLE ACCOMMODATIONS FOR DISABILITY Protections from Discrimination – Va. Code § 2.2-3905.1

**Virginia Employment Commission** 

Please call 804-584-9841 or 866-373-6915 for

the requested accommodation is reasonable and, if not, discuss alternative reasonable accommodations that may be provided. Any person who believes they were discriminated against on this basis may file a complaint with the Office of Civil Rights or seek relief by filing a civil action

> CivilRights@oag.state.va.us P: (804) 225-2292; F: (804) 225-3294

civil action pursuant to this section. "Low-wage employee" means an employee whose average weekly earnings, calculated by dividing the employee." E. Any employer that violates the provisions of subsection B as determined by the Commissioner shall be subject earnings during the period of 52 weeks immediately preceding the date of termination of employment by 52, or to a civil penalty of \$10,000 for each violation. Civil penalties owed under this subsection shall be paid to the if an employee worked fewer than 52 weeks, by the number of weeks that the employee was actually paid during

Code of Virginia

### **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

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

violations will be issued to the employer. Each citation will specify a time period within which the

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

If upon inspection VOSH believes an employer has violated the Law, a citation alleging such

**Employees** 

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

and orders issued under the Law that apply to his own actions and conduct on the job.

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

violation. Penalties of up to \$14,270 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

9400 Innovation Drive, Suite 120, 600 East Main Street, Suite 207 Manassas, VA 20110. (703) 392-0900 RICHMOND, VIRGINIA 23219 Tidewater/Norfolk Central Virginia/Richmond NORTH RUN BUSINESS PARK 1570 East Parham Road

not to compete. The court shall have jurisdiction to void any covenant not to compete with a low-wage employee

## 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

are exempt from most requirements. To see if your industry is partially exempt, visit the OSHA Website at www.osha.gov/recordkeeping/pub3169text.html.

468 East Main Street, Suite 114, ABINGDON, VA 24210 (276) 676-5465

Copyright 2023 J. J. Keller & Associates, Inc. • Neenah, WI • Printed in the USA

FED

uniformed services. **HEALTH INSURANCE PROTECTION** If you leave your job to perform military service, you have the right

**ENFORCEMENT** 

For assistance in filing a complaint, or for any other information on are obligated to serve in the

> When an employee requests an accommodation, employers must engage in a timely, good faith interactive process with the employee to determine if

# Must be able and available to work and making an active search for

Did you know Virginia has an income tax credit for

Protections from Discrimination – Va. Code § 2.2-3909 **Interactive Process** When an employee requests an accommodation, employers must engage in a timely, good faith interactive process with the employee to determine if

**VIRGINIA HUMAN RIGHTS ACT** 

### **Proposed Penalty** The Law provides for mandatory penalties against private sector employers of up to \$14,270 for each serious violation and for optional penalties of up to \$14,270 for each other-than-serious

may be assessed penalties of up to \$142,691 for each such violation.

after a first conviction doubles these maximum penalties.

Headquarters

Main Street Centre

(804) 371-2327

RICHMOND, VA 23228

**TWO** ways to verify poster compliance!

QR CODE Scan with phone camera:

Go to: JJKeller.com/LLPverify

Enter this code: 62930-012023

(804) 371-3104

**ONLINE** 

alleged violation must be corrected.

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

> 6363 CENTER DRIVE **BUILDING 6, SUITE 101** Norfolk, VA 23502 (757) 455-0891

Northern Virginia/Manassas

**VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY** Gary G. Pan Commissioner

Lynchburg 3704 OLD FOREST ROAD LYNCHBURG, VA 24501

within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal Retaliation Retaliation is prohibited against a person who files a complaint of

in employment, disabled veterans, recently separated veterans (i.e.,

opposes discrimination by Federal contractors under these Federal laws. Any person who believes a contractor has violated its nondiscrimination

### U.S. Department of Labor 200 Constitution Avenue N W Washington, D.C. 20210 **EMPLOYERS HOLDING FEDERAL CONTRACTS**

# 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

REV. 09/2022

EMPLOYERS: THIS POSTER MUST BE DISPLAYED IN A PROMINENT PLACE IN THE ESTABLISHMENT TO WHICH YOUR EMPLOYEES NORMALLY REPORT TO WORK.

or affirmative action obligations under OFCCP's authorities should

# at https://www.dol.gov/agencies/ofccp/contact. FEDERAL FINANCIAL ASSISTANCE

# action commitments of companies doing business with the Federal

Government. If you are applying for a job with, or are an employee of, a Government, Department of Labor and on OFCCP's "Contact Us" webpage company with a Federal contract or subcontract, you are protected under **PROGRAMS OR ACTIVITIES RECEIVING** discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of

> prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance. 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