FED

LEAVE ENTITLEMENTS

child's birth or placement);

qualifying serious health condition;

following reasons:

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

12 weeks of unpaid, job-protected leave in a 12-month period for the

The birth of a child or placement of a child for adoption or

To bond with a child (leave must be taken within 1 year of the

To care for the employee's spouse, child, or parent who has a

For the employee's own qualifying serious health condition

that makes the employee unable to perform the employee's

For qualifying exigencies related to the foreign deployment

of a military member who is the employee's spouse, child, or

An eligible employee who is a covered servicemember's spouse, child,

parent, or next of kin may also take up to 26 weeks of FMLA leave in a

single 12-month period to care for the servicemember with a serious

An employee does not need to use leave in one block. When it is

medically necessary or otherwise permitted, employees may take

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

paid leave for FMLA leave, the employee must comply with the

insurance coverage as if the employees were not on leave.

paid leave while taking FMLA leave. If an employee substitutes accrued

While employees are on FMLA leave, employers must continue health

Upon return from FMLA leave, most employees must be restored to the

same job or one nearly identical to it with equivalent pay, benefits, and

An employer may not interfere with an individual's FMLA rights or

opposing any practice made unlawful by the FMLA, or being involved

retaliate against someone for using or trying to use FMLA leave,

An employee who works for a covered employer must meet three

criteria in order to be eligible for FMLA leave. The employee must:

Have worked for the employer for at least 12 months;

You have the right to be reemployed in your civilian job if you leave

you ensure that your employer receives advance written or

you have five years or less of cumulative service in the

discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

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

If you leave your job to perform military 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

and benefits you would have attained if you had not been absent due

uniformed services while with that particular employer;

you return to work or apply for reemployment in a timely

you have not been separated from service with a disqualifying

are obligated to serve in the

any benefit of employment

uniformed service:

that job to perform service in the uniformed service and:

manner after conclusion of service; and

to military service or, in some cases, a comparable job.

are a past or present member

have applied for membership

in the uniformed service; or

then an employer may not deny you:

retention in employment;

person has no service connection.

HEALTH INSURANCE PROTECTION

initial employment;

reemployment;

because of this status.

VA

of the uniformed service:

verbal notice of your service;

leave intermittently or on a reduced schedule.

employer's normal paid leave policies.

other employment terms and conditions.

ELIGIBILITY REQUIREMENTS

DEPARTMENT OF LABOR

FED

UNITED STATES OF AMERICA

REEMPLOYMENT RIGHTS

in any proceeding under or related to the FMLA.

BENEFITS & PROTECTIONS

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

Work at a location where the employer has at least 50

employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew

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 the employer as soon as possible and, generally, follow the

Employees do not have to share a medical diagnosis, but must provide

enough information to the employer so it can determine if the leave

perform his or her job functions, that a family member cannot perform

daily activities, or that hospitalization or continuing medical treatment

is necessary. Employees must inform the employer if the need for leave

is for a reason for which FMLA leave was previously taken or certified.

supporting the need for leave. If the employer determines that the

certification is incomplete, it must provide a written notice indicating

Once an employer becomes aware that an employee's need for leave

is for a reason that may qualify under the FMLA, the employer must

eligible, must also provide a notice of rights and responsibilities under

the FMLA. If the employee is not eligible, the employer must provide a

notify the employee if he or she is eligible for FMLA leave and, if

Employers must notify its employees if leave will be designated as

FMLA leave, and if so, how much leave will be designated as FMLA

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

Wage and Hour Division, or may bring a private lawsuit against an

The FMLA does not affect any federal or state law prohibiting

discrimination or supersede any state or local law or collective

• Even if you don't elect to continue coverage during your

military service, you have the right to be reinstated in your

employer's health plan when you are reemployed, generally

without any waiting periods or exclusions (e.g., pre-existing

condition exclusions) except for service-connected illnesses or

Training Service (VETS) is authorized to investigate and resolve

information on USERRA, contact VETS at 1-866-4-USA-DOL

The U.S. Department of Labor, Veterans Employment and

For assistance in filing a complaint, or for any other

or visit its website at http://www.dol.gov/vets. An

interactive online USERRA Advisor can be viewed at

If you file a complaint with VETS and VETS is unable to

against an employer for violations of USERRA.

http://www.dol.gov/vets/programs/userra/poster.htm. Federal law

requires employers to notify employees of their rights under USERRA,

and employers may meet this requirement by displaying the text of

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

this notice where they customarily place notices for employees.

resolve it, you may request that your case be referred to the

You may also bypass the VETS process and bring a civil action

Department of Justice or the Office of Special Counsel, as

http://www.dol.gov/elaws/userra.htm.

applicable, for representation.

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:

complaints of USERRA violations.

bargaining agreement that provides greater family or medical leave

REV. 04/2016

Employers can require a certification or periodic recertification

what additional information is required.

EMPLOYER RESPONSIBILITIES

ENFORCEMENT

For additional information or to file a complaint:

1-866-4-USWAGE

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

www.dol.gov/whd

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 uniformed services.

ENFORCEMENT

qualifies for FMLA protection. Sufficient information could include

informing an employer that the employee is or will be unable to

taking leave;* and

REQUESTING LEAVE

employer's usual procedures.

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from

religious practices where the accommodation does not impose undue hardship.

individual with a disability who is an applicant or employee, barring undue hardship.

benefits, job training, classification, referral, and other aspects of employment.

discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral,

and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or

national origin. Religious discrimination includes failing to reasonably accommodate an employee's

making reasonable accommodation to the known physical or mental limitations of an otherwise qualified

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees

40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal

Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men

performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under

VIRGINIA

FED

EMPLOYEE RIGHTS UNDER THE

FEDERAL MINIMUM WAGE \$7.25 PER HOUR **BEGINNING JULY 24, 2009**

& Associates, Inc.®

Since 1953

The law requires employers to display this poster where

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

employees can readily see it. **OVERTIME PAY**

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

DEPARTMENT OF LABOR UNITED STATES OF AMERICA



DEPARTMENT OF LABOR

WAGE AND HOUR DIVISION



EMPLOYEE RIGHTS

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

VA

VA

FED

Employers are generally prohibited from requiring or requesting iny employee or lob applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other

EXEMPTIONS

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related

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 manufacturers, distributors and

WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR



REV. 07/2016

Virginia Employment Commission

NOTICE TO WORKERS

Every day many unemployed workers tell us that unemployment insurance is due them "because they have paid for it." This is not true in Virginia. There are no deductions from your paycheck for unemployment insurance. 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

You are working at reduced wages and hours, IF TOTALLY UNEMPLOYED, ON A TEMPORARY LAYOFF, OR IF **WORKING REDUCED HOURS:**

The first week you are unemployed, register for work, and file a claim for benefits. You can file your claim online at www.vec.virginia.gov or by calling

TO BE ELIGIBLE FOR BENEFITS, THE LAW REQUIRES THAT YOU: File a claim with the Virginia Employment Commission.

- your Base Period. Must be unemployed through no fault of your own.

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

Have earned sufficient wages from employers who are subject to the Virginia Unemployment Compensation Act or any other State within

Minimum Wage Increases to

\$9.50 per hour Effective May 1, 2021

Tipped Employees Tips plus wages must now meet Virginia's minimum wage of \$9.50 per hour

Beginning May 1, 2021, training wages **may** be increased

The complete training wage regulation is available on the Virginia Town Hall website, https://townhall.virginia.gov/

Training Wages: Applies to employees younger than 20 years of age

Is restricted to the first 90 days of employment

VA LIS: https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB7

For More Information, please visit:

VA definitions: http://law.lis.virginia.gov/vacode/title40.1/chapter3/section40.1-28.9/

VA min wages: http://law.lis.virginia.gov/vacode/title40.1/chapter3/section40.1-28.10/

FLSA: https://www.law.cornell.edu/uscode/text/29/chapter-8

Department of the Treasury, Internal Revenue Service

eitc Life's a little easier with earned income tax credit

business or a farm. To qualify, you must have low to mid income and meet the following rules.

EITC is for people who work for someone else or own or run a

To qualify, you and your spouse (if filing a joint return): Must have earned income Must have a Social Security number that is valid for employment issued

on or before the due date of the return (including extensions) Cannot have investment income, such as interest income, over a certain

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

• 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 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.

Just imagine what you could do with EITC.

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 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

Errors can delay the EITC part of your refund until corrected. If the IRS audits 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 claim was due to reckless or intentional disregard of rules and regulations

through commercially available tax preparation software.

* U.S. military personnel on extended active duty outside the United States are

or fraud, we may ban you from claiming the EITC for 2 years or 10 years,

depending on the reason for the error.

FAIR LABOR STANDARDS ACT

from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

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

ADDITIONAL INFORMATION

participate in any proceeding under the FLSA.

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

classified independent contractors are not.

WH1088

REV. 07/2016

EMPLOYEE POLYGRAPH PROTECTION ACT The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of

> resulted in economic loss to the employer. The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect

involvement in a workplace incident (theft, embezzlement, etc.) that

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

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER

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

Continue to report as instructed by the Virginia Employment 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

Customer Contact Center at 1-866-832-2363. THE LAW REQUIRES EMPLOYERS TO POST THIS NOTICE

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

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

IN A PLACE VISIBLE TO ALL WORKERS. An Equal Opportunity Employer/Program Auxiliary aids and services are available upon request to individuals with

Please call 804-584-9841 or 866-373-6915 for Language Access/Assistance. This notice is available in Spanish. Direct requests to: Employer Accounts Unit

PO Box 26441

Richmond, VA 23261-6441

Some employees previously exempt *may now be*

covered as eligible employees.

private home or its premises

Home care providers

Domestic Service - Services related to the care of an

individual in a private home or the maintenance of a

May be on a permanent or temporary basis

Includes services such as companions, cooks,

Phone: 804-786-2706

Fax: 804-371-6524

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

debe tener ingresos bajos a medios y cumplir con las siguientes

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

Tienen que tener un número de Seguro Social válido para el empleo,

emitido en la fecha de vencimiento de la declaración (incluidas las

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

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

vivir en los Estados Unidos* durante más de la mitad del año, y

• no reunir los requisitos como dependientes de otra persona.

Para reclamar el EITC, usted tiene que presentar una declaración del impuesto

federal, aún si no adeuda impuestos y no tiene el requisito de presentar una

declaración. Presente su declaración de impuestos tan pronto como tenga toda

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

de las 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

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

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

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

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. Es posible que también tenga que presentar el Formulario

8862 para las futuras reclamaciones. Y si el IRS encuentra que su reclamación

* 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

REV. 09/2019

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,

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

Tienen que tener ingresos de trabaio

extranieros residentes todo el año

No pueden ser un hijo calificado de otra persona

(relacionado con los ingresos ganados en el extranjero)

prórrogas), o antes

o ahorrar para los tiempos difíciles.

¿Desea ayuda con el EITC?

Sólo imagine lo que podría hacer con el EITC.

crédito y estimar la cantidad de su EITC.

impuestos, disponible comercialmente.

superen cierta cantidad

dueñas o dirigen un negocio o una grania. Para tener derecho, usted

waiters, butlers, maids, valets, and chauffeurs

Questions?

Contact the Labor Law Division

E-mail: laborlaw@doli.virginia.gov

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

months while in the military.

WORKERS' COMPENSATION NOTICE

Code of Virginia

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:

Immediately give notice to the employer, in writing, of the

injury or occupational disease and the date of accident or notice of the occupational disease. Promptly 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 case of fatal injuries, notice must be given by one or more dependents of the deceased or by a person in their behalf. In case of failure to reach an agreement with the employer in regard to compensation under the act, file application with the Commission for a hearing within two years of the date of

accidental injury or first communication of the diagnosis of an occupational disease. If medical treatment is anticipated for more than two years

from the date of the accident and no award has been entered. the employee should file a claim with the Commission within two years from the date of the accident. **NOTE:** The employer's report of accident is not the filing of a claim for the

treating physician.

directly to the Commission. Accurately determine the employee's average weekly wage, including overtime, meals, uniforms, etc. Questions may be answered by contacting the Commission. A booklet explaining the Workers' Compensation Act is available without cost from:

At the time of the accident, give the employee the names of at

Report the injury to the Commission through your carrier or

least three physicians from which the employee may select the

THE VIRGINIA WORKERS' COMPENSATION COMMISSION 333 E. Franklin St. RICHMOND, VIRGINIA 23219 1-877-664-2566

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

VA

§ 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. "Low-wage employee" means an employee whose average weekly earnings. calculated by dividing the employee's earnings during the period of 52 weeks immediately preceding the date of termination of employment by 52, or if an employee worked fewer than 52 weeks, by the number of weeks that the employee was actually paid during the 52-week period, are less than the average weekly wage of the Commonwealth as determined pursuant to subsection B of § 65.2-500. "Low-wage employee" includes interns, students, apprentices, or trainees employed, with or without pay, at a trade or occupation in order to gain work or educational experience. "Low-wage employee" also includes an individual who has independently contracted with another person to perform services independent of an employment

relationship and who is compensated for such services by such person at an hourly rate that is less than the median hourly wage for the Commonwealth for all occupations as reported, for the preceding year, by the Bureau of Labor Statistics of the U.S. Department of Labor. For the purposes of this section, "low-wage employee" shall not include any employee whose earnings are derived, in whole or in predominant part, from sales commissions, incentives, or bonuses paid to the employee by the employer.

B. No employer shall enter into, enforce, or threaten to enforce a covenant not to compete with any low-wage employee. C. Nothing in this section shall serve to limit the creation or application of nondisclosure agreements intended to prohibit the taking, misappropriating, threating to misappropriate, or sharing of certain information, including trade secrets, as defined in § 59.1-336, 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 lowwage employee for bringing a civil action pursuant to this section. E. Any employer that violates the provisions of subsection B as determined

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

by the Commissioner shall be subject to a civil penalty of \$10,000 for each

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

2020, cc. <u>948</u>, <u>949</u>, § 40.1-28.7:7.

VA

FIND OUT IF YOU QUALIFY

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

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

Two ways to increase your income:

The Federal Earned Income Tax Credit • The Virginia Credit for Low Income Individuals Call the Virginia Department of Taxation at: (804) 367-8031, PAY-VTAX at: (804) 339-1307 or visit: www.tax.virginia.gov

VA **VIRGINIA HUMAN RIGHTS ACT** REASONABLE ACCOMMODATIONS FOR PREGNANCY Protections from Discrimination – Va. Code § 2.2-3909

20-week period in the current or preceding year must provide reasonable

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: take adverse actions against an employee; deny employment or promotions: or require an employee to take leave if another reasonable

accommodation can be provided.

Effective July 1, 2020, employers with five or more employees for a

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.

Reasonable Accommodatio

in a timely, good faith interactive process with the employee to determine if 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

action in state court.

file a complaint with the Division of Human Rights or seek relief by filing a civil

When an employee requests an accommodation, employers must engage

Interactive Process

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

JUL2021

FED

Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, Educational Institutions,

Employment Agencies and Labor Organizations Applicants to and employees of most private employers, state and local governments, educational institutions,

employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or

receipt of genetic services by applicants, employees, or their family members. Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not All of these Federal laws prohibit covered entities from retaliating against a person who files a charge

of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

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

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion,

similar working conditions, in the same establishment.

sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of INDIVIDUALS WITH DISABILITIES

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

individuals with disabilities at all levels of employment, including the executive level. DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL

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

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

recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

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

under the authorities above should contact immediately: The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office,

listed in most telephone directories under U.S. Government, Department of Labor.

INDIVIDUALS WITH DISABILITIES 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.

When an employee requests an accommodation, employers must engage in a timely, good

faith interactive process with the employee to determine if the requested accommodation

Any person who believes they were discriminated against on this basis may file a complaint

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

202 North 9th Street

RICHMOND, VIRGINIA 23219

www.ag.virginia.gov

CivilRights@oag.state.va.us

is reasonable and, if not, discuss alternative reasonable accommodations that may be

REV. 11/2009

VA

EEOC-P/E-1

disability:

VA

REV. 04/2017

EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

VIRGINIA HUMAN RIGHTS ACT REASONABLE ACCOMMODATIONS FOR DISABILITY

Interactive Process

with the Office of Civil Rights.

Protections from Discrimination – Va. Code § 2.2-3905.1

Programs or Activities Receiving Federal Financial Assistance

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 impairment. Employers also may not, in response to a request for a reasonable accommodation for

deny employment or promotions; or

take adverse actions against an employee;

childbirth or related medical conditions, age, military status, or

educational institutions, in real estate transactions; preserve the

public safety, health and general welfare; and further the interests,

disability in employment, places of public accommodation, including

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

require an employee to take leave if another reasonable accommodation can be

Virginia Human Rights Act Code of Virginia – Title 2.2, Chapter 39 It is the policy of the Commonwealth of Virginia to: Safeguard all individuals within the Commonwealth from unlawful discrimination because of race, color, religion, national origin, sex, unlawful discrimination. sexual orientation, gender identity, marital status, pregnancy,

Complaints may be filed with: rights and privileges of individuals within the Commonwealth; and **OFFICE OF THE ATTORNEY GENERAL** protect citizens of the Commonwealth against unfounded charges of OFFICE OF CIVIL RIGHTS

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

Job Safety and Health Protection THE VIRGINIA OCCUPATIONAL SAFETY AND HEALTH (VOSH) LAW, BY AUTHORITY OF TITLE 40.1 OF THE LABOR LAWS OF VIRGINIA, PROVIDES JOB SAFETY AND HEALTH PROTECTION FOR WORKERS. THE PURPOSE OF THE LAW IS TO ASSURE SAFE AND HEALTHFUL WORKING CONDITIONS THROUGHOUT THE STATE. THE VIRGINIA SAFETY AND HEALTH CODES BOARD PROMULGATES AND ADOPTS JOE

Department of Labor and Industry

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.

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 UNIQUE STANDARDS AND OBTAIN THE NAMES OF PUBLISHERS OF THE FEDERAL IDENTICAL STANDARDS.

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

Employers

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

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

Where there is no authorized employee representative, the VOSH inspector must consult with a

Inspection

reasonable number of employees concerning safety and health conditions in the workplace. If upon inspection VOSH believes an employer has violated the Law, a citation alleging such

violations will be issued to the employer. Each citation will specify a time period within which the alleged violation must be corrected. The VOSH citation must be prominently displayed at or near the place of alleged violation for three days or until the violation is corrected, whichever is later, to warn employees of dangers that may

Proposed Penalty

The Law provides for mandatory penalties against private sector employers of up to \$13,277 for each serious violation and for optional penalties of up to \$13,277 for each other-than-serious violation. Penalties of up to \$13,277 per day may be proposed for failure to correct violations within the proposed time period. Also, any employer who willfully or repeatedly violates the Law may be assessed penalties of up to \$132,764 for each such violation.

Public Sector employers, all departments, agencies, institutions or other political subdivisions of

Main Street Centre

600 East Main Street, Suite 207

RICHMOND, VIRGINIA 23219.

VOICE (804) 371-2327

FAX (804) 371-6524

the Commonwealth, are subject to the penalty provisions of 16VAC 25-60-260. Criminal penalties are also provided for in the Law. Any willful violation resulting in the death of an employee is punishable, upon conviction, by a fine of not more than \$70,000 or by imprisonment for not more than six months, or by both. Subsequent conviction of an employer

after a first conviction doubles these maximum penalties.

Headquarters

MAIN STREET CENTRE

(804) 371-2327

600 East Main Street, Suite 207,

Central Virginia/Richmond

TWO ways to verify poster compliance!

QR CODE Scan with phone camera:

Go to: JJKeller.com/LLPverify

Enter this code: 62930-072021

RICHMOND, VIRGINIA 23219.

NORTH RUN BUSINESS PARK

1570 East Parham Road

RICHMOND, VA 23228

(804) 371-3104

ONLINE

Employees or their representatives have the right to file a complaint with the nearest VOSH office equesting an inspection if they believe upsafe or uphealthy 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.

Industry within 60 days of the alleged discrimination.

Health Program.

Industry addresses

It is illegal to retaliate against an employee for using any of their right under the law, including

Discrimination

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

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

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

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

Recordkeeping

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

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 guestion 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

OSHA REGIONAL ADMINISTRATOR

THE CURTIS CENTER, STE 740 WEST

170 South Independence Mall West

PHILADELPHIA, PA 19106-3309

(215) 861-4900

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

http://www.doli.virginia.gov

OCCUPATIONAL SAFETY AND HEALTH OFFICE LOCATIONS Northern Virginia/Manassas 9400 Innovation Drive, Suite 120, Manassas, VA 20110. (703) 392-0900

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

The Johnson Center 468 East Main Street, Suite 114, ABINGDON, VA 24210 (276) 676-5465 **VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY**

Southwest/Roanoke

3013 PETERS CREEK ROAD

ROANOKE, VA 24019

(540) 562-3580

Abingdon

BRAMMER VILLAGE

LYNCHBURG, VA 24501 (434) 385-0806 Verona P.O. Box 772 201 LEE HIGHWAY Verona, VA 24482

(540) 248-9280

Lynchburg

SUITE B

3704 OLD FOREST ROAD

C. Ray Davenport Commissioner **VIRGINIA SAFETY AND HEALTH CODES BOARD**

EMPLOYERS: THIS POSTER MOST BE DISPLAYED IN A PROMINENT PLACE IN THE ESTABLISHME

TO WHICH YOUR EMPLOYEES NORMALLY REPORT TO WORK.

To update your labor law posters contact J. J. Keller & Associates, Inc. JJKeller.com/laborlaw 800-327-6868

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

dependiendo de la causa de su error.