# **Virginia & Federal Employment Notices**

Job Safety and

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 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 UNIQUE STANDARDS AND OBTAIN THE

Health Protection

DATE POSTED:\_ Labor Laws change often. Please call your distributor twice a year to confim if you are in compliance. All Rights Reserved, Unauthorized copies are illeg

### **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 11/2 times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR:

MAKING UNAUTHORIZED COPIES IS AGAINST THE LAW AND MAY SUBJECT YOU TO CIVIL AND CRIMINAL LIABILITY

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 nonmanufacturing, 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 the 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.

#### ENFORCEMENT:

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.

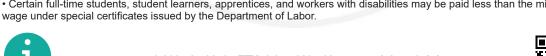
#### **ADDITIONAL INFORMATION:**

imployers subject to the stat

inimum wage law are obligated pay the higher rate

• 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 classified independent contractors are not. · Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum





### **Human Rights Act**

Virginia Human Rights Act Code of Virginia - Title 2.2, Chapter 39

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

Unlawful Discriminatory Practice Defined Conduct that violates any Virginia or federal statute or regulation governing discrimination is an unlawful discriminatory practice under the Virginia Human Rights Act Complaints may be filed with: OFFICE OF THE ATTORNEY GENERAL Office of Civil Rights 202 North 9th Street Richmond, Virginia 23219 www.ag.virginia.gov CivilRights@oag.state.va.us

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

### **Pregnancy Accommodations**

Virginia Human Rights Act Reasonable accommodations for Pregnancy

#### Protections from Discrimination - Va. Code § 2.2-3909

Effective July 1, 2020, employers with five or more employees for a 20-week period in the current or preceding year must provide reasonable accommodations for pregnancy, childbirth or related medical conditions, including 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.

## **State Minimum Wage**

These include **Domestic Service** - Services related to the care of an individual in a private home or the maintenance of a pri-vate home or its premises May be on a permanent or temporary basis • Includes services such as companions, cooks, waiters, butlers, maids, valets, and chauffeurs Home care providers Babysitters who work more than 10 hours per week

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

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

• VA min wages: http://law.lis.virginia.gov/vacode/title40.1/chapter3/

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

PRODUCT ID:

Tipped Employees Tips plus wages must now meet Virginia's minimum wage of \$12.00 per hour

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

/irginia Department Of Labor And Industry

Labor Law Division

\$12.00 per hour

employees.

Minimum Wage Increases to

Effective January 1, 2023

Fraining Wages Applies to employees younger than 20 years of age Is restricted to the first 90 days of employment

Some employees previously exempt may now be covered as eligible

**Questions? Contact the Labor Law Division** Phone: 804-786-2706 Fax: 804-371-6524 E-mail: laborlaw@doli.virginia.gov Website: https://www.doli.virginia.gov/

section40.1-28.10/

For More Information, please visit :

### **Family Medical Leave Act**

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION LEAVE ENTITLEMENTS:

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons: • The birth of a child or placement of a child for adoption or foster care; • To bond with a child (leave must be taken within 1 year of the child's birth or placement); • To care for the employee's spouse, child, or parent who has a qualifying serious health condition; • For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; • For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule. Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies. BENEFITS & PROTECTIONS: While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. Updated 8/ ELIGIBILITY REQUIREMENTS: An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must: Have worked for the employer for at least 12 months; • Have at least 1,250 hours of service in the 12 months before taking leave;\* and • 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 employees. REQUESTING LEAVE: 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 employer's usual procedures. Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to 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 Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required. EMPLOYER RESPONSIBILITIES: 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 notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility Updated 7/2 Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave. ENFORCEMENT: Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights. For additional information: 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 Updated 8/16

### Employees

Employers

Each employer shall furnish to each of his employees employment and a

occupational safety and health standards issued under the law.

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

NAMES OF PUBLISHERS OF THE FEDERAL IDENTICAL STANDARDS.

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

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

### Inspection

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

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

#### Citation

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

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

### Proposed Penalty

The Law provides for mandatory penalties against private sector employers of up to \$14,270 for each serious violation and for optional penalties of up to \$14,270 for each other-than-serious 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 may be assessed penalties of up to \$142,691 for each such violation.

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

### Department of Labor and Industry addresses shown below. Discrimination

names of employees filing complaints. Complaints may be made at the

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

unhealthy conditions exist in their workplace. VOSH will withhold, on request,

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

### CASPA

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

#### State Coverage

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

### Voluntary Activity

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

### Recordkeeping

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



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.

#### Complaint

Employees or their representatives have the right to file a complaint with the nearest VOSH office requesting an inspection if they believe unsafe or

### Accident Reporting

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

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY		OCCUPATIONAL SAFETY AND HEALTH OFFICE LOCATIONS		
Main Street Centre 600 East Main Street, Suite 207 Richmond, Virginia 23219 VOICE (804) 371-2327 FAX (804) 371–6524	Headquarters Main Street Centre 600 East Main Street, Suite 207 Richmond, Virginia 23219 (804) 371-2327	Northern Virginia/Manassas 9400 Innovation Drive, Suite 120, Manassas, VA 20110. (703) 392-0900	Abingdon The Johnson Center 468 East Main Street, Suite 114, Abingdon, VA 24210 (276) 676-5465	VIRGINIA DE LABOR AN
www.doli.virginia.gov	Central Virginia/Richmond North Run Business Park 1570 East Parham Road Richmond, VA 23228 (804) 371-3104	Tidewater/Norfolk 6363 Center Drive Building 6, Suite 101 Norfolk, VA 23502 (757) 455-0891	Lynchburg 3704 Old Forest Road Suite B Lynchburg, VA 24501 (434) 385-0806	Gary Comn
U.S. Department of Labor OSHA Regional Administrator The Curtis Center, STE 740 West 170 South Independence Mall West Philadelphia, PA 19106-3309	i	Southwest/Roanoke Brammer Village 3013 Peters Creek Road Roanoke, VA 24019 (540) 562-3580	Verona P.O. Box 772 201 Lee Highway Verona, VA 24482 (540) 248-9280	VIRGINIA SAFE

DEPARTMENT OF AND INDUSTRY ary G. Pan nmissioner FETY AND HEALTH DES BOARD (540) 562-3580 (540) 248-9280

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

September, 2022

### **Equal Employment Opportunity**

#### Know Your Rights: Workplace Discrimination is Illegal

(215) 861-4900

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?

• Employees (current and former), including managers and temporary employees Job applicants • 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)

 Unions 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 Race Color

#### Religion National origin · Sex (including pregnancy and related conditions, sexual orientation, or gender identity

 Age (40 and older) Disability • Genetic information (including employer requests for, or 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 Discriminatory? All aspects of employment, including: Discharge, firing, or lav-off • Harassment (including unwelcome verbal or physical conduct) · Hiring or promotion

 Assignment • Pay (unequal wages or compensation) Failure to provide reasonable accommodation for a disability or a sincerelyheld religious belief, observance or practice Benefits 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 investigation or proceeding.

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origir Executive Order 11246, as amended, prohibits employment 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 employment.

Asking About, Disclosing, or Discussing Pay 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 other applicants or employees

#### Disability

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

### **Protected Veteran Status**

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty) active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

#### Retaliation Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should 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)

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

#### onable Accommodations

with your employer did you...

Were there major changes to ...

Gain or lose a dependent?

Your itemized deductions?

Marry or divorce?

ended a job)?

Your tax credits?

Change your name?

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.

#### Interactive Process

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

#### Complaints

Any person who believes they were discriminated against on this basis may file a complaint with the Division of Human Rights or seek relief by filing a civil action in state court.

#### OFFICE OF THE ATTORNEY GENERAL Division of Human Rights

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

### **IRS Withholding**

#### YOU MAY NEED TO CHECK YOUR WITHHOLDING If you can answer "yes" .. To any of these or you owed extra tax when you filed your Since you last filed Form W-4

last return, you may need to file a new Form W-4. See your employer for a copy of Form W-4 or call the IRS at 1-800-829-3676. Now is the time to check your withholding. For more details,

get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at ? www.irs.gov/individuals on the IRS website. Your nonwage income (interest, dividend, capital gains, etc.)? Your family wage income (you or your spouse started or

Employer: Please poster or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information on this subject.

### **Polygraph Protection**

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

#### PROHIBITIONS

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

#### EXEMPTIONS

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

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement ir a workplace incident (theft, embezzlement, etc.) that 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 to lie detector tests.

#### **EXAMINEE RIGHTS**

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 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 WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT. 1-866-487-9243 • TTY: 1-877-889-5627 www.dol.gov/whd

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR



and Labor Day, they may work as late as 9 p.m.

6. Are minors prohibited from working in certain jobs?

occupations. For a list of these occupations, click here.

requirements are not met for each individual.'

## **Child Labor Law**

training program;

hours of work.

1. At what age can a minor child work? Generally, 14 years of age.

#### 2. What are the primary requirements for minors who work? Vinors must be 14 to work in most jobs.

\* May not work more than 18 hours a week in a school week; \* May not work more than 8 hours a day on a non-school day; \* May not work more than 40 hours a week in a non-school week; \* May not work before 7 a.m. or after 7 p.m., except between June 1st

\* May not work during school hours unless enrolled in a school work-

\* Must be given a 30-minute rest or meal period after 5 consecutive

Yes. Minors under 16 are prohibited from several occupations, which

are considered unhealthy, unwholesome or dangerous. Minors aged 16

7. Can civil monetary penalties be assessed against an employer?

Yes. A penalty of up to \$10,000 may be assessed for any violation that

\$1,000 may be assessed for other violations of the child labor laws. An

results in the serious injury or death of a minor and a penalty of up to

employer may be fined for each minor who is employed if the Code's

and 17 are barred from working in a shorter list of particularly hazardous

#### YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS AC

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

#### REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: you ensure that your employer receives advance written or verbal notice of your service; • you have 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.

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

#### **RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION**

If you: • are a past or present member of the uniformed service: • have applied for membership in the uniformed service: or • are obligated to serve in the uniformed service; then an employer may not deny you: • initial employment; • retemployment; • retention in employment; • promotion; or • any benefit of employment because of this status

#### HEALTH INSURANCE PROTECTION

• 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 months while in the military. • 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 serviceconnected illnesses or injuries

#### ENFORCEMENT

Updated 8/20

Updated 8/10

• The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. • For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at https://www.dol.gov/agencies/ vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra • If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. • You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

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

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.



Updated 6/22

### **Unemployment Insurance**

#### Commonwealth of Virginia, Virginia Employment Commission

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 YOU ARE TOTALLY UNEMPLOYED OR ON A TEMPORARY LAYOFF:

The first week you are unemployed; register for work; and file a claim for benefits by calling 1-866-832-2363, online at www.VaEmploy.com or in person at the nearest Virginia Employment Commission office.

#### IF YOU ARE WORKING REDUCED HOURS:

The first week your hours have been reduced; file a claim for partial benefits by calling 1-866-832-2363, or in person at the nearest Virginia Employment Commission office.

#### 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 Unemployment Compensation Act of Virginia or any other state within your Base Period. • Must be unemployed through no fault of your own.

• Must be able and available to work and making an active search for work. Continue to report as instructed by the Virginia Employment Commission.

You cannot be paid unemployment benefits until you have filed your claim. To speed payment of benefits, you should file your claim as soon as you become unemployed or your hours are reduced. If you have any questions about your rights and responsibilities under the Virginia Unemployment Compensation Act, visit the nearest office of the Virginia Employment Commission.

#### THE LAW REQUIRES EMPLOYERS TO POST THIS NOTICE IN A PLACE VISIBLE TO ALL WORKERS.

An Equal Opportunity Employer/Program Auxiliary aids and services are available upon request to individuals with disabilities. This notice is available in Spanish. Direct requests to:

What can You Do if You Believe Discrimination has Occurred? Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following wavs:

Submit an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/ Portal/Login.aspx

Call 1-800-669-4000 (toll free) 1-800-669-6820 (TTY) 1–844–234–5122 (ASL video phone) Visit an EEOC field office (information at www.eeoc.gov/field-office) E-Mail info@eeoc.gov

Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.

#### EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a iob with or are an employee of a company with a Federal contract or subcontract you are protected under Federal law from discrimination on the following bases:

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where

employment discrimination causes or may cause discrimination in providing service 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.

#### 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.

D. A low-wage employee may bring a civil action in a court of competent jurisdiction

to compete against such employee in violation of this section. An action under this

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

against any former employer or other person that attempts to enforce a covenant not

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

Updated 10/22

Minors 14 and 15: · must have an employment certificate - have limited hours they can work, and cannot work in certain jobs. \* Minors 16 and 17 are barred from working in certain particularly hazardous jobs. Virginia Code § 40.1-100

> 3. Does a minor child need an employment certificate prior to beginning work?

Yes, minors under the age of 16 must obtain an employment certificate prior to their first day of employment.

4. Where can an employment certificate be obtained? At most public middle schools and high schools and some private schools; ask for the Child Labor Work Permit Issuing Officer.

5. What hours can a 14 or 15 year-old work? \* May not work more than 3 hours a day on a school day;

### **State Income Tax Credit**

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



# Could you be eligible?

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

> Two ways to increase your income: ✓ The Federal Earned Income Tax Credit ✓ The Virginia Credit for Low Income Individuals

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

### **Payday Notice**

PAYDAY IS ON

□ MONDAY □ TUESDAY □ WEDNESDAY □ THURSDAY □ FRIDAY □ SATURDAY □ SUNDAY

PAY SCHEDULE IS UWEEKLY DBI-WEEKLY SEMI-MONTHLY MONTHLY

PO Box 1358 Richmond, VA 23218-1358

### **Workers' Compensation**

#### 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:

1. 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. 2. 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 behali

3. In case of failure to reach an agreement with the employer in regard to compensation under the act, file application with the Commission for a hearing within two years of the date of accidental injury or first communication of the diagnosis of an occupational disease. . If medical treatment is anticipated for more than two years from the date of the accident and no award has been entered, the employee should file a claim with the Commission within two years from the date of the accident.

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

#### THE EMPLOYER SHOULD:

. At the time of the accident, give the employee the names of at least three physicians from which the employee may select the treating physician. 2. Report the injury to the Commission through your carrier or directly to the Commission. 3. Accurately determine the employee's average weekly wage, including overtime, meals, uniforms, etc.

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

THE VIRGINIA WORKERS' COMPENSATION COMMISSION 333 E. Franklin St Richmond, Virginia 23219

> 1-877-664-2566 www.workcomp.virginia.gov

Every employer within the operation of the Virginia Workers' Compensation Act MUST POST THIS NOTICE IN A CONSPICUOUS PLACE in his place of business. Form VWC1

Updated 8/20

Updated 9/19

### **Federal Income Tax Credit**

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

Updated 3/21

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 earned income • Must have a Social Security number that is valid for employment issued on or before the due date of the return (including extensions) • Cannot have investment income, such as interest income, over a certain amount Generally must be a U.S. citizen or resident alien 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 must: be at least age 25 but under age 65 at the end of the year, • live in the United States\* for more than half the year, and · not qualify as a dependent of another person.

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 vour 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.

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 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.

## **Covenants Not To Compete**

Code of Virginia Title 40.1. Labor and Employment Chapter 3. Protection of Employees Article 1. General Provisions

§ 40.1-28.7:8. Covenants not to compete prohibited as to lowwage 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 employe

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.

The Commissioner shall prescribe procedures for the payment of proposed

### **Disability Accommodations**

#### VIRGINIA HUMAN RIGHTS ACT REASONABLE ACCOMMODATIONS FOR DISABILITY

Protections from Discrimination – Va. Code § 2.2-3905.1 Effective July 1, 2021, employers with more than five employees for a 20-week period in the current or preceding year must provide reasonable accommodations for otherwise qualified persons with disabilities if necessary to assist such 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 disability:

requested accommodation is reasonable and, if not, discuss alternative reasonable

### Complaints

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

of equipment, assistance with manual labor, job restructuring, a modified work

schedule, and light duty assignments.

**Interactive Process** When an employee requests an accommodation, employers must engage in

a timely, good faith interactive process with the employee to determine if the accommodations that may be provided.

employee and to order all appropriate relief, including enjoining the conduct of any person or employer, ordering payment of liquidated damages, and awarding lost compensation, damages, and reasonable attorney fees and costs. No employer may discharge, threaten, or otherwise discriminate or retaliate against a low-wage employee for bringing a civil action pursuant to this section. E. Any employer that violates the provisions of subsection B as determined by the Commissioner shall be subject to a civil penalty of \$10,000 for each violation. Civil penalties owed under this subsection shall be paid to the Commissioner for deposit in the general fund.

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

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

assessments of penalties that are not contested by employers. Such procedures shall include provisions for an employer to consent to abatement of the alleged violation and to pay a proposed penalty or a negotiated sum in lieu of such penalty without admission of any civil liability arising from such alleged violation

