Job Safety and Health Protection

Discrimination

It is illegal to retaliate against an employee for using any of their right under

the law, including raising a safety or health concern with the employer or

Commissioner of the Virginia Department of Labor and Industry within 60

CASPA

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

Voluntary Activity

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

with the Law are encouraged. Voluntary Safety and Health Consultation

obtained by contacting the Virginia Department of Labor and Industry

Employers now have a new system for tracking workplace injuries and

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/

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

and Training Programs exist to assist employers. These services may be

Recordkeeping

illnesses. OSHA's new recordkeeping log (Form 300) is simpler to understand

and use. Using a question and answer format, the revised recordkeeping rule

Complaints about State Plan Administration: Any person may complain to

the Regional Administrator of OSHA (address below) concerning the

Act, railroad rolling stock and tracks, certain Federal enclaves, and

Administration of the State Safety and Health Program.

businesses covered by the Federal Maritime jurisdiction.

An employee who believes they have been discriminated against for

exercising their rights under the Law, may file a complaint with the

VOSH, or reporting a work-related injury or illness.

days of the alleged discrimination.

Labor Law Division

\$12.41 per hour

size of their employer.

is based on a calculation that includes the previous minimum wage rate rate of \$12.41 per hour. If they do not, an employer must pay the difference (\$12.00 per hour) and the annual change in the Consumer Price Index to an employee so that they earn at least \$12.41 per hour.

Virginia Department of Labor and Industry Division of Labor and Employment Law www.doli.virginia.gov The Virginia Minimum Wage Act does not exempt employees based on the (804) 786-2706

Laborlaw@doli.virginia.gov

Questions? Contact DOLI's Division of Labor and Employment Law:

\$12.41 per hour if they are not otherwise exempt under the Act.

Annual adjustments to the Virginia minimum wage rate will continue in future years using the same methodology.

Note: Employees of small businesses must be paid at a rate of no less than

INDUSTRY OFFICES LISTED BELOW TO RECEIVE PRINTED COPIES OF THE VIRGINIA UNIQUE STANDARDS AND OBTAIN THE NAMES OF PUBLISHERS OF THE FEDERAL IDENTICAL STANDARDS unhealthy conditions exist in their workplace. VOSH will withhold, on request, **Employers**

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: https://doli.virginia.gov/regulatory information/. YOU MAY ALSO CONTACT THE DEPARTMENT OF LABOR AND

names of employees filing complaints. Complaints may be made at the Each employer shall furnish to each of his employees employment and a Department of Labor and Industry addresses shown below.

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

Employees Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the Law that apply to

his own actions and conduct on the job.

Inspection The Law requires that a representative of the employer and a

representative authorized by the employees be given an opportunity to accompany the VOSH inspector for the purpose of aiding the inspection.

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

Citation

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

The VOSH citation must be prominently displayed at or near the place of alleged violation for three days or until the violation is corrected, whichever is

later, to warn employees of dangers that may exist there.

Proposed Penalty The Law provides for mandatory penalties against private sector employers of up to \$15,875 for each serious violation and for optional penalties of up to \$15,875 for each other–than–serious violation. Penalties of up to \$15,875 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 \$158,725 for each such violation.

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

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

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

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY **Brookfield Place**

6606 West Broad St, Suite 500 Richmond, Virginia 23230 VOICE (804) 371-2327

Brookfield Place 6606 West Broad Street, Suite 500 Richmond, Virginia 23230 FAX (804) 371-6524 (804) 371-2327

www.doli.virginia.gov U.S. Department of Labor OSHA Regional Administrator The Curtis Center, STE 740 West 170 South Independence Mall West

Philadelphia, PA 19106-3309

(215) 861-4900

North Run Business Park 1570 East Parham Road Richmond, VA 23228 (804) 371-3104

6363 Center Drive Norfolk, VA 23502 (757) 455-0891 Brammer Village

Building 6, Suite 101 Southwest/Roanoke 3013 Peters Creek Road Roanoke, VA 24019

9400 Innovation Drive, Suite 120,

Manassas, VA 20110.

(703) 392-0900

3704 Old Forest Road Lynchburg, VA 24501 (434) 385-0806 P.O. Box 772 201 Lee Highway Verona, VA 24482 (540) 248-9280

The Johnson Center

Suite 114,

468 East Main Street,

Abingdon, VA 24210

(276) 676-5465

may result in significant monetary penalties.

OCCUPATIONAL SAFETY AND HEALTH OFFICE LOCATIONS

VIRGINIA SAFETY AND HEALTH CODES BOARD

VIRGINIA DEPARTMENT OF

LABOR AND INDUSTRY

Gary G. Pan

Commissioner

EMPLOYERS: THIS POSTER MUST BE DISPLAYED IN A PROMINENT PLACE IN THE ESTABLISHMENT TO WHICH YOUR EMPLOYEES NORMALLY REPORT TO WORK Revised August 2024

\$7.25 PER HOUR BEGINNING JULY 24, 2009

Federal Minimum Wage

OVERTIME PAY: Unless exempt, employees covered by the Act must receive overtime pay for hours worked over 40 in a workweek at a rate not less than time and one-half their regular rates of pay. Revisions included increases to the standard salary level and the highly compensated employee total annual compensation threshold, and a mechanism for updating these earnings thresholds to reflect current earnings data. On November 15, 2024, the U.S. District Court for the Eastern District of Texas vacated the Department's 2024 final rule. Consequently, with regard to enforcement, the Department is applying the 2019 rule's minimum salary level of \$684 per week and total

annual compensation requirement for highly compensated employees of \$107,432 per year. Lawsuits regarding the 2024 final rule are currently pending in two other federal district courts, and the United States has filed a notice of appeal from the November 15 decision. The Department will update this notice with additional information as it becomes available. 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-

nazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

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 minimur

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. The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child

for one year after the child's birth each time the employee needs to express breast milk. Employers must 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

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. Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth

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 vertime 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 wage unde special certificates issued by the Department of Labor.

1-866-487-9243 • TTY: 1-877-889-5627 • www.dol.gov/whd WAGE AND HOUR DIVISION • UNITED STATES DEPARTMENT OF LABOR

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.

denv employment or promotions: or

sonable Accommodations

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

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.

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

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

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

If you can answer "yes"..

YOU MAY NEED TO CHECK YOUR WITHHOLDING Since you last filed Form W-4 with your employer did you...

Marry or divorce? Gain or lose a dependent? Change your name?

Were there major changes to... Your nonwage income (interest, dividend, capital gains, etc.)? Your family wage income (you or your spouse started or ended a job)?

use the Withholding Calculator at www.irs.gov/individuals on the IRS website

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.

To any of these or you owed extra tax when you filed your

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

Polygraph Protection

Office of Special Counsel



The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment

The Pregnant Workers Fairness Act (PWFA) is a federal law that requires covered Light duty employers to provide "reasonable accommodations" to a qualified worker's known WHAT OTHER FEDERAL EMPLOYMENT LAWS MAY APPLY TO PREGNANT WORKERS? limitations related to pregnancy, childbirth, or related medical conditions. unless the ccommodation will cause the employer an "undue hardship." An undue hardship is Other laws that apply to workers affected by pregnancy, childbirth, or related medical condition defined as causing significant difficulty or expense. Title VII of the Civil Rights Act of 1964 which prohibits employment discrimination based "Reasonable accommodations" are changes to the work environment or the way things are on sex, pregnancy, or other protected categories (enforced by the U.S. Equal Employmen usually done in order to remove work-related barriers. Opportunity Commission (EEOC))

Pregnant Workers Fairness Act (PWFA)

The Americans with Disabilities Act (The ADA) which prohibits employment discrimination based on disability (enforced by the EEOC) The Family and Medical Leave Act which provides unpaid leave for certain workers for pregnancy and to bond with a new child (enforced by the U.S. Department of Labor) The PUMP Act which provides nursing mothers a time and private place to pump at work (enforced by the U.S. Department of Labor) Learn more at www.EEOC.gov/Pregnancy-Discrimination Updated 4/3

Equal Employment Opportunity The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforce Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help Who is Protected? Employees (current and former), including managers and temporary employees Job applicants

WHAT ARE SOME POSSIBLE ACCOMMODATIONS FOR PREGNANT WORKERS?

Schedule changes or time off to go to health care appointments

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)

Extra bathroom breaks

A chair or stool to sit on while working

The ability to telework full or part-time

A private place to pump breast milk

Leave to recover from childbirth

 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

 Religion National origin • Sex (including pregnancy and related conditions, sexual orientation, or gender identity) Age (40 and older) 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. erference coercion or threats related to exerc r pregnancy accommodatior What Employment Practices can be Challenged as Discriminatory? all aspects of employment, including:

 Discharge, firing, or lay-off Harassment (including unwelcome verbal or physical conduct) · Hiring or promotion Pay (unequal wages or compensation)

• Failure to provide reasonable accommodation for a disability or a sincerelyheld religious belief, 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 harge, or participating in an investigation or proceeding.

r someone assisting or encouraging someone else to exercise rights, regarding disability scrimination (including accommodation) or pregnancy accommodatio 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 ways:

Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights,

Submit an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login. Call 1-800-669-4000 (toll free) 1-800-669-6820 (TTY) -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 scrimination, is available at www.eeoc.gov EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin Executive Order 11246, as amended, prohibits employment discrimination by Federal contractor 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.

the nondiscrimination and affirmative action commitments of companies doing business with the

Federal Government. If you are applying for a job with, or are an employee of, a company with a

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.

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 menta 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 at all levels of employment, including the executive level. 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 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

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) 200 Constitution Avenue, N.W. 1-800-397-6251 (toll-free) Washington, D.C. 20210

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/

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 providing services under such programs. Title IX of the Education Amendments of 1972 prohibit employment discrimination on the basis of sex in educational programs or activities which 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, If you believe you have been discriminated against in a program of any institution which receives

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

"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 estricts 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.

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 educationa xperience. "Low-wage employee" also includes an individual who has independently contracted with another person to perform services independent of an employment relationship and who ne 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

"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

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

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

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,

pursuant to this section.

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 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.

or otherwise discriminate or retaliate against a low-wage employee for bringing a civil action

E. Any employer that violates the provisions of subsection B as determined by the Commission

An employer that fails to post a copy of this section or an approved summary of this section sha 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 The Commissioner shall prescribe procedures for the payment of proposed assessments of penalties that are not contested by employers. Such procedures shall include provisions for an

employer to consent to abatement of the alleged violation and to pay a proposed penalty or a negotiated sum in lieu of such penalty without admission of any civil liability arising from such alleged violation

Disability Accommodations of equipment, assistance with manual labor, job restructuring, a modified work REASONABLE ACCOMMODATIONS FOR DISABILITY schedule, and light duty assignments.

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

Protections from Discrimination – Va. Code § 2.2-3905.1

VIRGINIA HUMAN RIGHTS ACT

for otherwise qualified persons with disabilities if necessary to assist such person n 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 sponse to a request for a reasonable accommodation for dis • take adverse actions against an employee; deny employment or promotions; or

 require an employee to take leave if anothe easonable accommodation can be provided Reasonable Accommodations

the use of leave, reassignment to a vacant position, acquisition or modification

Examples of reasonable accommodations include modifying work policies, permitting

TO REORDER, CALL 1-888-488-7678 OR ORDER AT STATEANDFEDERALPOSTER.CO

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

OFFICE OF THE ATTORNEY GENERAL Office of Civil Rights 202 North 9th Street Richmond, Virginia 23219 www.ag.virginia.gov



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

Your itemized deductions? Your tax credits?

screening or during the course of employment. 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.

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 in 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 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

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 <u>www.dol.gov/whd</u> **WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR**

results disclosed to unauthorized persons.

1. At what age can a minor child work?

* Minors must be 14 to work in most jobs.

must have an employment certificate,

- have limited hours they can work, and

hazardous jobs. Virginia Code § 40.1-100

certificate prior to their first day of employment.

5. What hours can a 14 or 15 year-old work?

2. What are the primary requirements for minors who work?

* Minors 16 and 17 are barred from working in certain particularly

3. Does a minor child need an employment certificate prior to

Yes, minors under the age of 16 must obtain an employment

At most public middle schools and high schools and some private

4. Where can an employment certificate be obtained?

schools; ask for the Child Labor Work Permit Issuing Officer.

* May not work more than 3 hours a day on a school day;

PAYCHECKS ARE ISSUED ON THE

HOSPITAL

* May not work more than 18 hours a week in a school week;

Generally, 14 years of age.

- cannot work in certain jobs.

Minors 14 and 15:

beginning work?



Child Labor Law * 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 and Labor Day, they may work as late as 9 p.m.; * May not work during school hours unless enrolled in a school worktraining program; * Must be given a 30-minute rest or meal period after 5 consecutive

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

6. Are minors prohibited from working in certain jobs? Yes. Minors under 16 are prohibited from several occupations, which are considered unhealthy, unwholesome or dangerous. Minors aged 16

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

7. Can civil monetary penalties be assessed against an employer? Yes. On July 1, 2024, the monetary penalties for employers violating Virginia's child labor laws will increase from \$1,000 to \$2,500, and not be less than \$500 for those who employ, procure, or, having under his/ her control, permits a child to be employed in violation of the provision of Va. Code § 40.1-78 et seq., such as, for example, permitting a child

under 18 to work in a mine, and from \$10,000 to \$25,000 for violations

of Va. Code § 40.1-78 et seq., resulting in serious injury or death.

State Income Tax Credit

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



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

> > **PAY SCHEDULE IS**

Payday Notice PAYDAY IS ON ■ MONDAY ■ TUESDAY ■ WEDNESDAY ■ THURSDAY ■ FRIDAY ■ SATURDAY ■ SUNDAY

☐ WEEKLY ☐ BI-WEEKLY ☐ SEMI-MONTHLY ☐ MONTHLY ☐

Emergency Notice

FIRE-RESCUE

Family Medical Leave Act

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

What is FMLA leave?: The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for: The birth, adoption or foster placement of a child with you, Your serious mental or physical health condition that makes you unable to

• To care for your spouse, child or parent with a serious mental or physical

spouse, child or parent who is a military servicemember. An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #28M(c) for more

employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave. Am I eligible to take FMLA leave? You are an eligible employee if all of the following apply: You work for a covered employer,

Airline flight crew employees have different "hours of service" requirements. You work for a **covered employer if one** of the following applies: You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,

How do I request FMLA leave? Generally, to request FMLA leave you must: · Follow your employer's normal policies for requesting leave, Give notice at least 30 days before your need for FMLA leave, or • If advance notice is not possible, give notice as soon as possible

FMLA leave was previously taken or approved for the same reason when requesting additional leave. Your employer may request certification from a health care provider to verify medical leave and may request certification of a qualifying exigency. 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. State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional

• Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and • Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave. Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing: About your FMLA rights and responsibilities, and How much of your requested leave, if any, will be FMLA-protected leave.

Call 1-866-487-9243 or visit dol.gov/fmla to learn more. If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR** code to learn about our WHD complaint process.

USERRA

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

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

service; then an employer may not deny you: • initial employment; • reemployment; • retention in employment; • promotion; or • any benefit of employment **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 service-

connected illnesses or injuries 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

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







Unemployment Insurance

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

YOU WILL NEED TO PROVIDE: Your full legal name Your Social Security Number Your authorization to work (if you are not a US Citizen or resident)

first week that employment stops or work hours are reduced

File a claim with the Virginia Employment Commission

The first week you are unemployed, register for work, and file a claim for benefits. You can file your claim online at www.vec.virginia.gov or by calling our Customer Contact Center at 1-866-832-2363. Register for work online at www.vawc.virginia.gov. TO BE ELIGIBLE FOR BENEFITS, THE LAW REQUIRES THAT YOU:

• Must be unemployed through no fault of your own. Must be able and available for work and actively searching for work.

unemployed, or your hours are reduced. If you have any questions about your rights and responsibilities under the Virginia Unemployment Compensation Act, visit website THE LAW REQUIRES EMPLOYERS TO POST THIS NOTICE IN A PLACE VISIBLE TO All WORKERS.

> EFFECTIVE MARCH, 14, 2024, EMPLOYERS MUST ALSO PROVIDE A COPY OF THIS NOTICE TO EACH WORKER AT THE TIME OF SEPARATION FROM EMPLOYMENT (42 USC, §1103 (h)(2)). An Equal Opportunity Employer/Program Email: translation@vec.virginia.gov for Language Access/Assistance.

> > Direct requests to: Employer Accounts P.O. Box 26441 Richmond, VA 23261-6441

Workers' Compensation

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.

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.

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

www.workcomp.virginia.gov

Federal Income Tax Credit

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

 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.

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

• 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.

* U.S. military personnel on extended active duty outside the United States are considered to live in the United States while on active duty. Publication 962 (EN) (Rev. 9-2019) Catalog Number 34506V Department of the Treasury Internal Revenue Service www.irs.gov



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• Certain qualifying reasons related to the foreign deployment of your

FMLA leave is **not paid leave**, but you may choose, or be required by your

• You have worked for your employer at least 12 months, You have at least 1,250 hours of service for your employer during the 12 months before your leave, and • Your employer has at least 50 employees within 75 miles of your work

 You work for an elementary or public or private secondary school, or You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management

You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if

What does my employer need to do? If you are eligible for FMLA leave, your employer must: Allow you to take job-protected time off work for a qualifying reason,

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

• FOR USE BY PRIVATE SECTOR AND STATE GOVERNMENT EMPLOYERS •

bypass the VETS process and bring a civil action against an employer for violations of USERRA.



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

Continue to report as instructed by the Virginia Employment Commission. You cannot be paid unemployment benefits until you have filed your claim and have met all eligibility requirements. You should file your claim as soon as you become www.vec.virginia.gov or call our Customer Contact Center at 1-866-832-2363.

This notice is available in Spanish.

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 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.

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

. 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

1-877-664-2566 Every employer within the operation of the Virginia Workers' Compensation Act

Must have earned income

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

vour EITC

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.

employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

Where can I find more information?

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.

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





YOU MAY APPLY FOR UNEMPLOYMENT INSURANCE BENEFITS IF

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

Auxiliary aids and services are available upon request to individuals with disabilities. Please call 866-832-2363 or

WORKERS' COMPENSATION NOTICE

MUST POST THIS NOTICE IN A CONSPICUOUS PLACE in his place of business. Form VWC1

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):

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

• Use FreeFile at www.irs.gov/FreeFile for free online filing through commercially available tax preparation software.

No Smoking No Smoking on premises.

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