Virginia & Federal Employment Notices

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

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

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.

Retailation Retailation sponbibited 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 immediate

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://dccphelpdesk.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 OFCP's "Contact Us" webpage at https://www.dol.gov/agencies/dccp/contact.

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

Revolution in Disabilities of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which eceives 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.

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

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



NOTE: OSHA REQUIRES THAT REPRODUCTIONS OR FACSIMILES OF THE POSTER BE AT LEAST 8.5" X 14" INCHES WITH 10 POINT TYPI

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Job Safety and Health Protection

THE VIRGINIA OCCUPATIONAL SAFETY AND HEALTH (VOSH) LAW, BY AUTHORITY OF TITLE 40.1 OF THE LABOR LAWS OF VIRGINIA. PROVIDES JOB SAFETY AND HEALTH PROTECTION FOR WORKERS. THE PURPOSE OF THE LAW IS TO ASSURE SAFE AND HEALTHFUL WORKING CONDITIONS THROUGHOUT THE STATE. THE VIRGINIA SAFETY AND HEALTH CODES BOARD PROMULGATES AND ADOPTS 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 NAMES OF PUBLISHERS OF THE FEDERAL IDENTICAL STANDARDS.

Employers

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

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 \$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.

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 Main Street Centre

Headquarters

Northern Virginia/Manassas

unhealthy conditions exist in their workplace. VOSH will withhold, on request, names of employees filing complaints. Complaints may be made at the Department of Labor and Industry addresses shown below.

Discrimination

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

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

CASPA

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

State Coverage

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

Voluntary Activity

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

Recordkeeping

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

Accident Reporting

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

OCCUPATIONAL SAFETY AND HEALTH OFFICE LOCATIONS

Equal Employment Opportunity

Know Your Rights: Workplace Discrimination is Illegal

PROHIBITIONS

For the empl

iurv or illness

doi s'esvolar

FXFMP

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 • 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)

 • 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) + Retallation lawsuit, investigation, or proceeding.

What Employment Practices can be Challenged as Discriminatory?

loyee Polygraph Protection Act prohibits most private employers f er for pre-employment screening or during the course of employm

pipoyers are generally prohibited from requiring or requesting any employee or job applicant to take a detector test, and from discharging, disciplining, or discriminating against an employee or prospective ployee for refusing to take a test or for exercising other rights under the Act.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to

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:

To bond with a child (ease 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

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

III aspects of employment, including: Discharge, fing, or lay-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 sincerely held religious belief, observance or practice Benefits + Job training + Classification + Referral + Obtaining or disclosing genetic information of employees - Requesting or disclosing medical information or proceeding. miloyees + Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding.

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:

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



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 job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from on the following bases:

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin 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.

yers from using lie det

Polygraph Protection es of security service firms (armored car, alarm, and guard), and

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 detector tests. FXANINEF RIGHTS

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.

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to

The result information index leave, index employees must be resided to the same jub to the relaring demicant 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.

ENFORCEMENT The Secretary of Labor may bring court actions to restrain violations and assess civil pena violators. Employees or job applicants may also bring their own court actions. THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB

The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor 200 Constitution Avenue, N.W.

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Washington, D.C. 20210 1–800–397–6251 (toll-free)

APPLICANTS CAN READILY SEE IT. 1-866-487-9243 • TTY: 1-877-889-5627 <u>www.dol.gov/whd</u> WAGE AND HOUR DIVISION ED STATES DEPARTMENT OF LABOR

Family Medical Leave Act

> 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 al information is required.

EMPLOYER RESPONSIBILITIES: Once an employer becomes aware that an employee's need for leave is 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's fit her 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. 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 vision, or may bring a private lawsuit against an employed The FMI A does not affect any federal or state law prohibiting discrimination or supersede any state or local

law or collective bargaining agreement that prov des greater family or medical leave righ 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

The birth of a child or placement of a child for adoption or foster care:



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 have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

too have the light to be reeinployed in your dvillan job in you leave has job to perform service; • you have five generations on 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

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; • reemployment; • retention in employment; • promotion; or • any benefit of employment because of this status.







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 you lependents 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 rei n your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except ervice-connected illnesses or injuries.

ENFORCEMENT

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/. Interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/agencies/vets/. Interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/agencies/vets/. It is website at https://webapps.dol.gov/agencies/vets/. It 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 connectior 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 emp meet this requirement by displaying the text of this notice where they customarily place notices for employees.

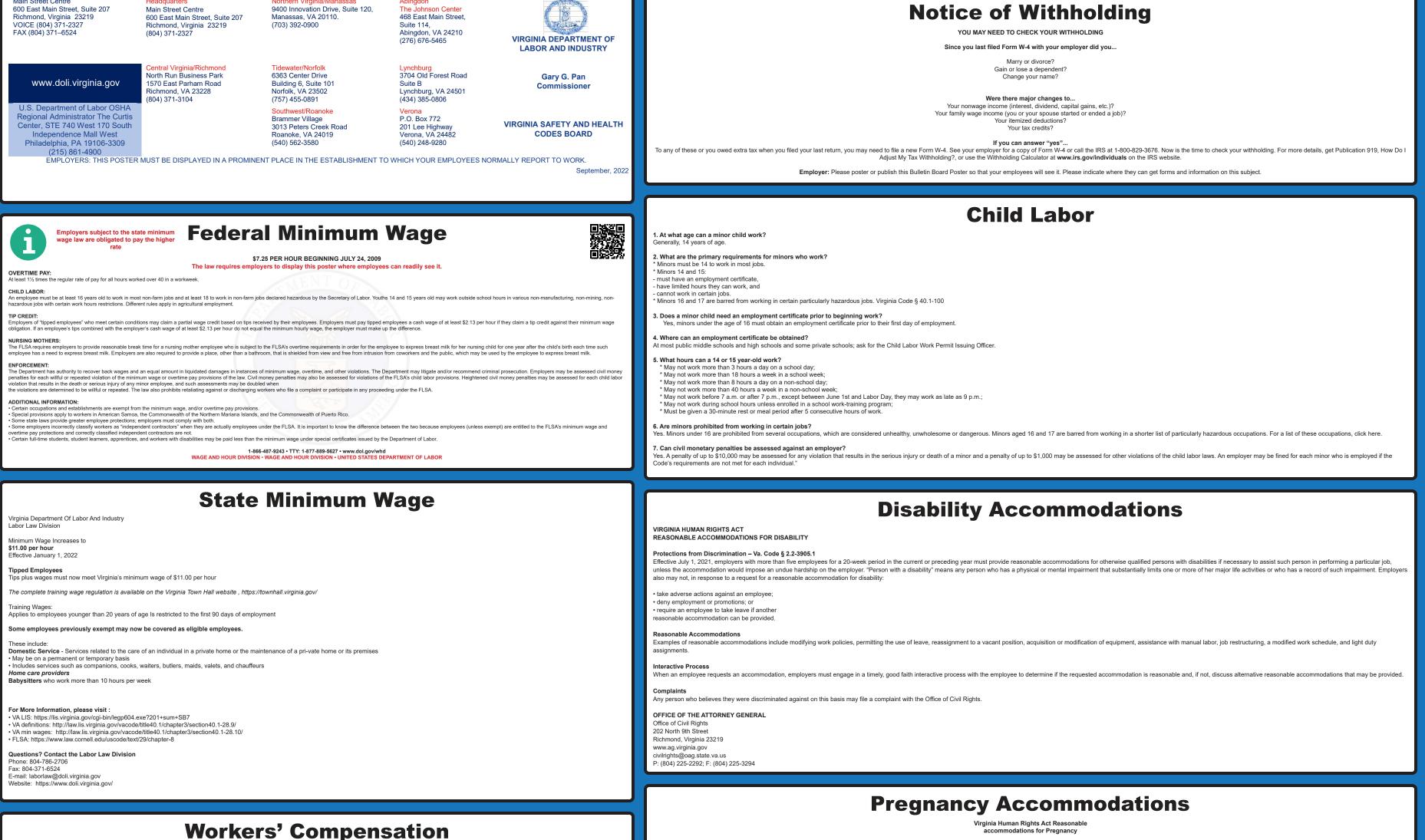
arable iob

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

USERRA U.S. Department of Justice

ELIGBILITY 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 For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. · Work at a location where the employer has at least 50 employees within 75 miles of the employee's ee who is a covered servicemember's spouse, child, parent, or next of kin may also take Workster. *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. up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious pyce does not need to use leave in one block. When it is medically necessary or otherwise

An employee dues not need to use leave in one block. When its includary inclusion inclusion inclusion processing of 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 ees 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 info 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. early in an employe'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. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.



WORKERS' COMPENSATION NOTICE

The employees of this business are covered by the Virginia Workers' Compensation Act. In case of injury by accident or notice of an occupational disease

THE EMPLOYEE SHOULD

Immediately give notice to the employer, in writing, of the injury 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 behalf.

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 dis

4. 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

deny employment or promotions; or Reasonable Accommodations

take adverse actions against an employee

Protections from Discrimination – Va. Code § 2.2-3909

an undue hardship. Employers also may not, in response to a request for a reasonable accom

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

Examples of reasonable accommodations include more frequent or longer bathroom breaks, breast not 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

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

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

THE EMPLOYER SHOULD

1. 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 Com ission through your carrier or directly to the Commis 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

Unemployment Insurance

Commonwealth of Virginia, Virginia Employment Commission

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. 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.

YOU MAY APPLY FOR UNEMPLOYMENT INSURANCE BENEFITS IF: You are totally unemployed, or · You are working at reduced wages and hours.

IF TOTALLY UNEMPLOYED, ON A TEMPORARY LAYOFF, OR IF WORKING REDUCED HOURS: The first week you are unemployed, register for work, and file a claim for benefits. You can file your claim online at www.vec.virginia.gov or by calling our Customer Contact Center at 1-866-832-2363. If you are totally unemployed you must register for work on line at www.vawc.virginia.gov

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 and have met all of the eligibility requirements. To speed payment of benefits, you should file your claim as soon as you become unemployed or your hours are reduced. If you have any questions about your rights and responsibilities under the Virginia Unemployment Compensation Act, visit our website, www.vec.virginia.gov or call our Customer Contact Center at 1-866-832-2363.

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:

> Employer Accounts Unit PO Box 1358 Richmond, VA 23218-1358

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

WEE

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

No Smoking on premises. This is a smoke-free environment.

Payday Notice

PAYDAY IS ON MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY SUNDAY PAY SCHEDULE IS

FAI	301		10	

KLY 🗆 BI-WEEKLY 🗖 SEMI-MONTHLY 🗖 MONTHLY 🗖		
PAYCHECKS ARE ISSUED ON THE	AND	OF THE MONTH
AT:	TIME:	

nteractive 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 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

Earned Income Tax Credit

Life's a little easier with eitc (Earned Income Tax Credit

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

• Must have a Social Security number that is valid for employment issued on or before the due date of the return (including extensions) Cannot have investment income, such as interest income, over a certain 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 persor

To claim the EITC, you have to file a federal tax return even if you owe no tax and are not required to file. File your tax return as soon as you have all the information you need about how much you earned. However, refunds for returns claiming the EITC can't be issued before mid-February. This delay applies to the entire refund, not just the portion associated with the EITC.

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

Just imagine what you could do with EITC. Do you want help with the EITC? · Go to www.irs.gov/eitc for free information and to check out the interactive EITC Assistant to see if you qualify for the credit and estimate the amount of your EITC. Visit a Volumeer 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

Publication 962 (EN) (Rev. 9-2019) Catalog Number 34506V Department of the Treasury Internal Revenue Service www.irs.gov

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 yourT 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

Covenants to Compete

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 948

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7, relating to covenants not to compete; low-wage employees; civil penalty. [H 330] Approved April 9, 2020

Be it enacted by the General Assembly of Virginia

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7 as follows:

§ 40.1-28.7:7. Covenants not to compete prohibited as to low-wage employees; civil penalty

A. As used in this section

"Covenant not to compete" means a covenant or agreement, including a provision of a contract of employment, between an employer and employee that restrains, prohibits, or otherwise restricts an individual's ability, following the termination of the individual's employment, to compete with his former employer. A "covenant not to compete" shall not restrict an employee from providing a service to a customer or client of the employer if the employee does not initiate contact with or solicit the customer or client.

"Low-wage employee" means an employee whose average weekly earnings, calculated by dividing the employee's earnings during the period of 52 weeks immediately preceding the date of termination of employment by 52, or if an employee worked fewer than 52 weeks, by the number of weeks that the employee was actually paid during the 52-week period, are less than the average weekly wage of the Commonwealth as determined pursuant to subsection B of § 65.2-500. "Low-wage employee" includes interns, students, apprentices, or trainees employed, with or without pay, at a trade or occupation in order to gain work or educational experience. "Low-wage employee" also includes an individual who has independently contracted with another person to perform services independent of an employment relationship and who is compensated for such services by such person at an hourly rate that is less than the median hourly wage for the Commonwealth for all occupations as reported, for the preceding year, by the Bureau of Labor Statistics of the U.S. Department of Labor. For the purposes of this section, "low-wage employee" shall not include any employee whose earnings are derived, in whole or in predominant part, from sales commissions, incentives, or bonuses paid to the employee by the employer.

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

C. Nothing in this section shall serve to limit the creation or application of nondisclosure agreements intended to prohibit the taking, misappropriating, threating to misappropriate, or sharing of certain information, including trade secrets, as defined in § 59.1-336, and proprietary or confidential information

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 brough



AMBULANCE:	FIRE-RESCUE:
HOSPITAL:	PHYSICIAN:
ALTERNATE:	POLICE:
OSHA:	HAZARDOUSMATERIAL:



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

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

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

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

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

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

2. That the provisions of this act shall be applicable to covenants not to compete that are entered into on or after July 1, 2020.