### **EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT**

### **FEDERAL MINIMUM WAGE** \$7.25 PER HOUR

## **BEGINNING JULY 24, 2009** The law requires employers to display this poster

At least 1% times the regular rate of pay for all hours worked over 40 in a

where employees can readily see it.

## **CHILD LABOR**

**TIP CREDIT** 

UNITED STATES OF AMERICA

VA

FED

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the

**PUMP AT WORK** 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

DEPARTMENT OF LABOR

UNITED STATES DEPARTMENT OF LABOR





### Minimum Wage Increases to \$12.00 per hour Effective January 1, 2023

Tipped Employees Fipped employees (those who regularly receive more than \$30.00 a month in tips) may be paid at the tipped minimum wage of \$2.13 per hour. **However**, an employee's hourly wages plus tips **must** meet the Virginia ninimum wage rate of \$12.00 per hour. If they do not, an employer **must** pay the difference to an employee so that they earn at least \$12.00 per

The Virginia Minimum Wage Act does not exempt employees based on the size of their employer. Employees of "small" businesses generally **must** be paid at a rate of no less than \$12.00 per hour.

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

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

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

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which

✓ Keep airway clear ✓ Loosen tight clothes around neck ✓ Put **something small and soft** under the head

Call **911** 

Do **NOT** 

Do <u>NOT</u> restrain. **X** Do **NOT** put any objects in their mouth.

✓ **Rescue medicines can be given** if prescribed by a health care professional

**EPILEPSY** FOUNDATION

epilepsy.com

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

of Labor and Industry

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

Accurately determine the employee's average weekly wage, including

THE VIRGINIA WORKERS' COMPENSATION COMMISSION

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

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

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

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

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

en la fecha de vencimiento de la declaración (incluidas las prórrogas), o antes

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

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

No pueden presentar la declaración como "casado que presenta por

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

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

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

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

no reunir los requisitos como dependientes de otra persona.

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

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

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

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

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

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

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

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

Visite un sitio de Asistencia Voluntaria al Contribuyente con los

Impuestos sobre los Ingresos (VITA, por sus siglas en inglés). Visite

www.irs.gov/VITA o llame al 1-800-906-9887 para encontrar un

gratuita en línea a través de software de preparación de impuestos,

Utilice Free File en www.irs.gov/FreeFile para la presentación

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

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

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

reclamaciones. Y si el IRS encuentra que su reclamación incorrecta fue debido a

descuido imprudente o intencional de las reglas y regulaciones o fraude, podemos

Sólo imagine lo que podría hacer con el EITC.

crédito v estimar la cantidad de su EITC.

¿Desea ayuda con el EITC?

(relacionado con los ingresos ganados en el extranjero)

No pueden ser un hijo calificado de otra persona

ingresos bajos a medios y cumplir con las siguientes reglas.

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

Tienen que tener ingresos de trabaio

residentes todo el año

separado"

los tiempos difíciles.

Publication 962 (EN-SP) Catalog Number 34506V

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

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

overtime, meals, uniforms, etc

333 E. Franklin St.

1-877-664-2566

RICHMOND, VIRGINIA 23219

www.workcomp.virginia.gov

the Workers' Compensation Act is available without cost from:

the Centers for Disease Control and Prevention (CDC) under cooperative grant agreement number 1NU58DP006256-04-00. Its contents are solely the 

## VA

## **WORKERS' COMPENSATION NOTICE**

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

THE EMPLOYEE SHOULD:

Immediately give notice to the employer, in writing, of the injury or occupational disease and the date of accident or notice of the

Promptly give to the employer and to the Virginia Workers'

communication of the diagnosis of an occupational disease.

If medical treatment is anticipated for more than two years from the date of the accident and no award has been entered, the employee should file a claim with the Commission within two years from the

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

occupational disease

of the deceased or by a person in their behalf. In case of failure to reach an agreement with the employer in regard to compensation under the act, file application with the Commission for a hearing within two years of the date of accidental injury or first

## THE EMPLOYER SHOULD:

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

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

VA

Department of the Treasury, Internal Revenue Service

Form VWC1

### eitc Life's a little easier with 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 qualify, you and your spouse (if filing a joint return):

Must have earned income Must have a Social Security number that is valid for employment issued

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

Generally must be a U.S. citizen or resident alien all year May not file as married filing separately

May not be a qualifying child of another person

May not file Form 2555 or 2555-EZ (related to foreign earned income) Must have a qualifying child or if you do not have a qualifying child, you

• be at least age 25 but under age 65 at the end of the year, • live in the United States\* for more than half the year, and

• not qualify as a dependent of another person. To claim the EITC, you have to file a federal tax return even if you owe no tax and are not required to file. File your tax return as soon as you have all the information you need about how much you earned. However, refunds

for returns claiming the EITC can't be issued before mid-February. This delay

applies to the entire refund, not just the portion associated with the EITC. EITC provides a boost to help pay your bills or save for a rainy day.

Just imagine what you could do with EITC.

Do you want help with the EITC? Go to www.irs.gov/eitc for free information and to check out the interactive EITC Assistant to see if you qualify for the credit and estimate the amount of your EITC.

Visit a Volunteer Income Tax Assistance (VITA) site for free tax help and preparation. Go to www.irs.gov/VITA or call 1-800-906-9887 to find a site.

Use FreeFile at www.irs.gov/FreeFile for free online filing 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 Es posible que también tenga que presentar el Formulario 8862 para las futuras claim was due to reckless or intentional disregard of rules and regulations or fraud, we may ban you from claiming the EITC for 2 years or 10 years, depending on the reason for the error.

prohibirle reclamar el *EITC* por 2 años o 10 años, dependiendo de la causa de su \* U.S. military personnel on extended active duty outside the United States are \* El personal militar de los EE.UU. en servicio activo prolongado fuera de los Estados considered to live in the United States while on active duty. Unidos se considera que vive en los Estados Unidos mientras está en servicio activo.

from view and free from intrusion from coworkers and the public, which

may be used by the employee to express breast milk. **ENFORCEMENT** The Department has authority to recover back wages and an equal

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

### **ADDITIONAL INFORMATION**

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 of Puerto Rico.

Some state laws provide greater employee protections; employers must comply with both. Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because

independent contractors are not. Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

wage and overtime pay protections and correctly classified

employees (unless exempt) are entitled to the FLSA's minimum

**REV. 04/2023** 

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

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

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

> **Contact the Labor Law Division** hone: 804-786-2706

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

ndicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

## **Seizure** First Aid

How to help someone having a seizure

**STAY** with the person until they are awake and alert after the seizure. ✓ Time the seizure ✓ Remain calm ✓ Check for medical ID Keep the person **SAFE**. ✓ Move or guide away from harm

Turn the person onto their **SIDE** if they are not awake and aware.

Seizure lasts longer than 5 minutes

First time seizure Person does not return to their usual state Person is injured, pregnant, or sick

Seizure occurs in water

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

This publication was created by the Epilepsy Foundation, a nationwide network organization. This publication is made possible with funding from

Repeated seizures

Difficulty breathing

In Partnership with Virginia Department

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

## accommodation can be provided. Reasonable Accommodations Examples of reasonable accommodations include modifying work policies,

permitting the use of leave, reassignment to a vacant position, acquisition or modification of equipment, assistance with manual labor, job restructuring, a nodified work schedule, and light duty assignments

limits one or more of her major life activities or who has a record of such

require an employee to take leave if another reasonable

take adverse actions against an employee;

deny employment or promotions; or

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

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

**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

**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.

OFFICE OF CIVIL RIGHTS 202 North 9th Street RICHMOND, VIRGINIA 23219 www.ag.virginia.gov CivilRights@oag.state.va.us P: (804) 225-2292; F: (804) 225-3294

## VA

Every day many unemployed workers tell us that unemployment insurance is due them "because they have paid for it." This is not true in Virginia. There are no deductions from your paycheck for unemployment insurance. Employers' taxes are deposited in a trust fund from which unemployment insurance benefits are paid. Do not confuse unemployment insurance with Old Age and Survivors Insurance to which both you and your employer contribute.

YOU MAY APPLY FOR UNEMPLOYMENT INSURANCE BENEFITS IF:

File a claim with the Virginia Employment Commission

Must be unemployed through no fault of your own.

Virginia Unemployment Compensation Act or any other State within

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 You are totally unemployed, or the Virginia Unemployment Compensation Act, visit our website, 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

Continue to report as instructed by the Virginia Employment

This notice is available in Spanish Direct requests to: **Employer Accounts Unit** PO Box 26441 Richmond, VA 23261-6441

## VA

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

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

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

## VA

### REASONABLE ACCOMMODATIONS FOR PREGNANCY Protections from Discrimination – Va. Code § 2.2-3909 Effective July 1, 2020, employers with five or more employees for a

20-week period in the current or preceding year must provide reasonable accommodations for pregnancy, childbirth or related medical conditions, including lactation, unless the accommodation would impose an undue hardship. Employers also may not, in response to a request for a reasonable accommodation for pregnancy: take adverse actions against an employee; deny employment or promotions; or

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.

OFFICE OF THE ATTORNEY GENERAL **Reasonable Accommodations** OFFICE OF CIVIL RIGHTS Examples of reasonable accommodations include more frequent or longer 202 North 9th Street bathroom breaks, breaks to express breast milk, access to a private location RICHMOND, VIRGINIA 23219 other than a bathroom for the expression of breast milk, acquisition or

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

## FED

U.S. Equal Employment Opportunity Commission

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.

pregnancy accommodation

Employees (current and former), including managers and temporary employees Job applicants Union members and applicants for membership in a union

Sex (including pregnancy, childbirth, and related medical

Genetic information (including employer requests for, or

discrimination, or participating in a discrimination lawsuit,

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

conditions, sexual orientation, or gender identity)

Retaliation for filing a charge, reasonably opposing

Interference, coercion, or threats related to exercising

State and local governments (as employers)

Educational institutions (as employers)

What Employment Practices can be Challenged as

Pay (unequal wages or compensation)

pregnancy, childbirth, or related medical condition; or a

Obtaining or disclosing genetic information of employees

Requesting or disclosing medical information of employees

Conduct that might reasonably discourage someone from

Conduct that coerces, intimidates, threatens, or interferes

with someone exercising their rights, or someone assisting

or encouraging someone else to exercise rights, regarding

either for pre-employment screening or during the course of employment

opposing discrimination, filing a charge, or participating in an

sincerely-held religious belief, observance or practice

rights regarding disability discrimination or pregnancy

National origin

Age (40 and older)

family medical history)

investigation, or proceeding

**What Organizations are Covered?** 

Staffing agencies

All aspects of employment, including:

Hiring or promotion

Assignment

Job training

Classification

Discharge, firing, or lay-off

Discriminatory?

Most private employers

to verify medical leave and may request certification of a qualifying The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining What Types of Employment Discrimination are Illegal? agreement that provides greater family or medical leave rights. Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of: 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 employees are also covered by

Management or Congress servicemember with a serious injury or illness may take up to 26 workweeks of What does my employer need to do?

YOUR EMPLOYEE RIGHTS UNDER THE

**FAMILY AND MEDICAL LEAVE ACT** 

If you are eligible for FMLA leave, your employer must: Allow you to take job-protected time off work for a qualifying reason, Continue your group health plan coverage while you are on leave on the

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

same reason when requesting additional leave.

employer if FMLA leave was previously taken or approved for the

Your **employer may request certification** from a health care provider

the law but are subject to the jurisdiction of the U.S. Office of Personnel

separate blocks of time, or on a reduced schedule by working less hours each 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

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

Where can I find more information? 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

How much of your requested leave, if any, will be FMLA-protected leave.

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

WH1420

SCAN ME

REV. 04/2023

### THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

If you leave your job to perform military service, you have the right

coverage for you and your dependents for up to 24 months while in

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

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

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

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

If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or

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

the Office of Special Counsel, as applicable, for representation.

The rights listed here may vary depending on the circumstances. The text of

this notice was prepared by VETS, and may be viewed on the internet at this

Federal law requires employers to notify employees of their rights under

address: https://www.dol.gov/agencies/vets/programs/userra/poster

USERRA, and employers may meet this requirement by displaying the text of

REV. 05/2022

Service (VETS) is authorized to investigate and resolve complaints of

to elect to continue your existing employer-based health plan

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

plan when you are reemployed, generally without any waiting

for service-connected illnesses or injuries.

**HEALTH INSURANCE PROTECTION** 

the military.

USERRA violations

USERRA Advisor can be viewed at

an employer for violations of USERRA.

https://webapps.dol.gov/elaws/vets/userra

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.

YOUR RIGHTS UNDER USERRA

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

service or, in some cases, a comparable job.

initial employment

reemployment:

VA

accommodation for disability

VA

FED

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;

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

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

you return to work or apply for reemployment in a timely manner

are a past or present member • are obligated to serve in the of the uniformed service: uniformed service: have applied for membership in the uniformed service; or then an emplover may not deny you

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

promotion; or

any benefit of employment

this notice where they customarily place notices for employees. U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counsel Employer Support of the Guard and Reserve • 1-800-336-4590

Protections from Discrimination – Va. Code § 2.2-3905.1 Effective July 1, 2021, employers with more than five employees for a Interactive Process 20-week period in the current or preceding year must provide reasonable When an employee requests an accommodation, employers must engage accommodations for otherwise qualified persons with disabilities if necessary in a timely, good faith interactive process with the employee to determine if to assist such person in performing a particular job, unless the accommodation the requested accommodation is reasonable and, if not, discuss alternative would impose an undue hardship on the employer. "Person with a disability" means any person who has a physical or mental impairment that substantially

**VIRGINIA HUMAN RIGHTS ACT** 

REASONABLE ACCOMMODATIONS FOR DISABILITY

reasonable accommodations that may be provided. Complaints Any person who believes they were discriminated against on this basis may file a complaint with the Office of Civil Rights. Office of the Attorney General

Office of Civil Rights 202 North 9th Street

### Richmond, Virginia 23219 www.ag.virginia.gov

## Complaints may be filed with: **OFFICE OF THE ATTORNEY GENERAL**

## **Virginia Employment Commission**

**NOTICE TO WORKERS** Must be able and available to work and making an active search for

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 online at www.vawc.virginia.gov

Auxiliary services are available upon to individuals with disabilities. Please call 804-584-9841 or 866-373-6915 for TO BE ELIGIBLE FOR BENEFITS, THE LAW REQUIRES THAT YOU: Language Access/Assistance. Have earned sufficient wages from employers who are subject to the

FIND OUT IF YOU QUALIFY

Did you know Virginia has an income tax credit for

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

**VIRGINIA HUMAN RIGHTS ACT** 

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

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

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

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

disability discrimination (including accommodation) or

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 1-800-669-4000 (toll free)

1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone) an EEOC field office (information at www.eeoc.gov/field-office)

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

### 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

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

Federal law from discrimination on the following bases:

Harassment (including unwelcome verbal or physical conduct) Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, protects applicants and employees Failure to provide reasonable accommodation for a disability; 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 mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and

advance in employment qualified individuals with disabilities at all

levels of employment, including the executive level.

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

Retaliation Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise

opposes discrimination by Federal contractors under these Federal laws.

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

The Office of Federal Contract Compliance Programs (OFCCP)

U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210 1-800-397-6251 (toll-free) If you are deaf, hard of hearing, or have a speech disability, please dial

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

7–1–1 to access telecommunications relay services. OFCCP may also

be contacted by submitting a question online to OFCCP's Help Desk

### at <a href="https://www.dol.gov/agencies/ofccp/contact">https://www.dol.gov/agencies/ofccp/contact</a>. **PROGRAMS OR ACTIVITIES RECEIVING**

company with a Federal contract or subcontract, you are protected under FEDERAL FINANCIAL ASSISTANCE Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services

> Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities

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.

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.

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

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and

the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

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

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

E. Any employer that violates the provisions of subsection B as determined by the Commissioner shall be subject

F. If the court finds a violation of the provisions of this section, the plaintiff shall be entitled to recover reasonable

costs, including costs and reasonable fees for expert witnesses, and attorney fees from the former employer or other

G. Every employer shall post a copy of this section or a summary approved by the Department in the same location

where other employee notices required by state or federal law are posted. An employer that fails to post a copy of

violation, shall be subject to a civil penalty not to exceed \$250 for a second violation, and shall be subject to a civil

penalty not to exceed \$1,000 for a third and each subsequent violation as determined by the Commissioner. Civil

penalties owed under this subsection shall be paid to the Commissioner for deposit in the general fund.

this section or an approved summary of this section shall be issued by the Department a written warning for the first

to a civil penalty of \$10,000 for each violation. Civil penalties owed under this subsection shall be paid to the

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

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

length of the test. Examinees have a number of specific rights, including the right to a written notice before testing,

REV. 06/27/2023

**REV. 02/2022** 

investigation or proceeding

more restrictive with respect to lie detector tests.

Employees or job applicants may also bring their own court actions

1-866-487-9243

FED **EMPLOYEE POLYGRAPH PROTECTION ACT** The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic

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 LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

WAGE AND HOUR DIVISION

VA

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

DEPARTMENT OF LABOR

UNITED STATES OF AMERICA

§ 40.1-28.7:8. Covenants not to compete prohibited as to low-wage employees; civil penalty. A. As used in this section: "Covenant not to compete" means a covenant or agreement, including a provision of a contract of employment, between an employer and employee that restrains, prohibits, or otherwise restricts an individual's ability, following the termination of the individual's employment, to compete with his former employer. A "covenant not to compete"

shall not restrict an employee from providing a service to a customer or client of the employer if the employee does

not initiate contact with or solicit the customer or client. "Low-wage employee" means an employee whose average weekly earnings, calculated by dividing the employee" 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

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

not include any employee whose earnings are derived, in whole or in predominant part, from sales commissions,

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 C. Nothing in this section shall serve to limit the creation or application of nondisclosure agreements intended to alleged violation and to pay a proposed penalty or a negotiated sum in lieu of such penalty without admission of any 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. civil liability arising from such alleged violation.

Code of Virginia

# **Department of Labor and Industry**

2020, cc. 948, 949, § 40.1-28.7:7.

civil action pursuant to this section.

Commissioner for deposit in the general fund.

**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

## http://www.doli.virginia.gov/doli\_regulations/doli\_regulations.html. YOU MAY ALSO CONTACT THE DEPARTMENT OF LABOR AND INDUSTRY OFFICES LISTED BELOW TO RECEIVE PRINTED COPIES OF THE VIRGINIA UNIOUE STANDARDS AND OBTAIN THE NAMES OF PUBLISHERS OF THE FEDERAL IDENTICAL STANDARDS.

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:

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.

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

**Employers** 

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

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

**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.

of an employee is punishable, upon conviction, by a fine of not more than \$70,000 or by

after a first conviction doubles these maximum penalties.

Headquarters

Main Street Centre

(804) 371-2327

600 East Main Street, Suite 207

Central Virginia/Richmond

**TWO** ways to verify poster compliance!

QR CODE Scan with phone camera:

Go to: JJKeller.com/LLPverify

Enter this code: 69498-062023

RICHMOND, VIRGINIA 23219

NORTH RUN BUSINESS PARK

1570 East Parham Road

RICHMOND, VA 23228

(804) 371-3104

ONLINE

imprisonment for not more than six months, or by both. Subsequent conviction of an employer

Main Street Centre

FAX (804) 371-6524

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

Employees or their representatives have the right to file a complaint with the nearest VOSH office requesting an inspection if they believe unsafe or unhealthy conditions exist in their workplace.

VOSH will withhold, on request, names of employees filing complaints. Complaints may be made at the Department of Labor and Industry addresses shown below. Discrimination

Industry within 60 days of the alleged discrimination. CASPA

Administrator of OSHA (address below) concerning the Administration of the State Safety and

Complaints about State Plan Administration: Any person may complain to the Regional

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

An employee who believes they have been discriminated against for exercising their rights under

the Law, may file a complaint with the Commissioner of the Virginia Department of Labor and

State Coverage 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 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

**Voluntary Activity** 

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)

Recordkeeping

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

U.S. DEPARTMENT OF LABOR OSHA

INDEPENDENCE MALL WEST

PHILADELPHIA, PA 19106-3309

(215) 861-4900

twenty-four (24) hours. Failure to report may result in significant monetary penalties.

### 600 East Main Street, Suite 207 REGIONAL ADMINISTRATOR THE CURTIS RICHMOND, VIRGINIA 23219 CENTER, STE 740 WEST 170 SOUTH **VOICE (804) 371-2327**

**VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY** 

Gary G. Pan

Commissioner

**VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY** 

Industry addresses

www.doli.virginia.gov OCCUPATIONAL SAFETY AND HEALTH OFFICE LOCATIONS Northern Virginia/Manassas 9400 Innovation Drive, Suite 120,

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

Manassas, VA 20110.

(703) 392-0900

3013 PETERS CREEK ROAD ROANOKE, VA 24019 (540) 562-3580 Abingdon **The Johnson Center** 

ABINGDON, VA 24210

(276) 676-5465

To update your labor law posters contact

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LYNCHBURG, VA 24501 (434) 385-0806 Verona P.O. Box 772 201 LEE HIGHWAY VERONA, VA 24482 (540) 248-9280

Lynchburg 3704 OLD FOREST ROAD

SUITE B

**VIRGINIA SAFETY AND HEALTH CODES BOARD** 

468 East Main Street, Suite 114,

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

JJKeller.com/laborlaw 800-327-6868 JUN2023 65890F FED-VA-ENG

62930

REV. 09/2022

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**REV. 09/2019** 

LABOR

LAWS

FED

What is FMLA leave?

health condition, and

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

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month

Your serious mental or physical health condition that makes you unable

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

Certain qualifying reasons related to the foreign deployment of your

The birth, adoption or foster placement of a child with you,

spouse, child or parent who is a military servicemember.

FMLA leave in a single 12-month period to care for the servicemember.

day or week. Read Fact Sheet #28M(c) for more information.

policy covers the reason for which you need FMI A leave

You are an **eligible employee** if **all** of the following apply:

You work for a covered employer,

months before your leave, and

How do I request FMLA leave?

Generally, to request FMLA leave you must

Am I eligible to take FMLA leave?

An eligible employee who is the spouse, child, parent or next of kin of a covered

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** 

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,

Airline flight crew employees have different "hours of service" requirements.

least 20 workweeks in the current or previous calendar year,

administered by the Office of Personnel Management.

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.

You work for a **covered employer** if **one** of the following applies:

You have at least 1,250 hours of service for your employer during the 12

Your employer has at least 50 employees within 75 miles of your work

You work for a private employer that had at least 50 employees during at

You work for a public agency, such as a local, state or federal government

You work for an elementary or public or private secondary school, or

agency. Most federal employees are covered by Title II of the FMLA,

employer, to use any employer-provided paid leave if your employer's paid leave