

- PROHIBITIONS Employers are generally prohibited from requiring or requesting any EXAMINEE employee or job applicant to take a lie detector test, and from discharging, RIGHTS 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 EXEMPTIONS law does not apply to tests given by the Federal Government to certain ENFORCEMENT 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.

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

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

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

# 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, veteran 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 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

## Inspection

The Law requires that a representative of the employer and a representative VOSH inspector for the purpose of aiding the inspection.

Citation

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

**Proposed Penalty** 

The Law provides for mandatory penalties against private sector employers

of up to \$13,277 for each serious violation and for optional penalties of up to

\$13,277 for each other-than-serious violation. Penalties of up to \$13,277 per

day may be proposed for failure to correct violations within the proposed time

period. Also, any employer who willfully or repeatedly violates the Law may

Public Sector employers, all departments, agencies, institutions or other

political subdivisions of the Commonwealth, are subject to the penalty

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

Complaint

Employees or their representatives have the right to file a complaint with the

be assessed penalties of up to \$132,764 for each such violation.

provisions of 16VAC 25-60-260.

conviction doubles these maximum penalties.

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

his own actions and conduct on the job.

authorized by the employees be given an opportunity to accompany the

### Discrimination

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

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



the interests, rights and privileges of individuals within the Commonwealth; and protect citizens of the Commonwealth against unfounded charges of unlawful discrimination.

Unlawful Discriminatory Practice Defined Conduct that violates any Virginia or federal statute or regulation governing discrimination is an unlawful discriminatory practice under the Virginia Human Rights Act.

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re is no authorized employee represe must consult with a reasonable number of employees concerning safety and Regional Administrator of OSHA (address below) concerning the health conditions in the workplace.

ve, the VOSH inspector Complaints About State Plan Administration: Any person may complain to the Administration of the State Safety and Health Program.

## State Coverage

If upon inspection VOSH believes an employer has violated the Law, a The VOSH program shall apply to all public and private sector businesses in citation alleging such violations will be issued to the employer. Each citation the State except for Federal agencies, businesses under the Atomic Energy will specify a time period within which the alleged violation must be corrected. Act, railroad rolling stock and tracks, certain Federal enclaves, and businesses covered by 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 shown

### 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 Criminal penalties are also provided for in the Law. Any willful violation partially exempt, visit the OSHA Website resulting in the death of an employee is punishable, upon conviction, by a 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.

VOICE (804) 371-2327 Richmond, VA 232   FAX (804) 371-6524 (804) 371-2327	Suite 120 19 Manassas, VA 20110 (703) 392-0900	Suite 114 Abingdon, VA 24210 (276) 676-5465	
http://www.doli.virginia.gov Richmond North Run Busines 1570 East Parham	Road (757) 455-0891	Lynchburg 3704 Old Forest Road Suite B Lynchburg, VA 24501 (434) 385-0806	VIRGINIA DEPARTMENT OF LABOR AND INDUSTR
U.S. Department of Labor OSHA Regional Administrator The Curtis Center, STE 740 West 170 South Independence Mall West Philadelphia, PA 19106-3309 (215) 861-4900	28 Southwest / Roanoke Brammer Village 3013 Peters Creek Road Roanoke, VA 24019 (540) 562-3580	Verona P.O. Box 77 201 Lee Highway Verona, VA 24482 (540) 248-9280	VIRGINIA SAFETY AN HEALTH CODES BOARD

# VIRGINIA HUMAN RIGHTS ACT REASONABLE **ACCOMMODATIONS FOR PREGNANCY**

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

Effective July 1, 2020, employers with five or more employees for a 20-week period in the current or preceding year must provide reasonable accommodations for pregnancy, childbirth or related medical conditions, including lactation, unless the accommodation would impose an undue hardship. Employers also may not, in response to a request for a reasonable accommodation for pregnancy:

- $\blacktriangleright$  take adverse actions against an employee;
- deny employment or promotions; or
- > require an employee to take leave if another reasonable accommodation can be provided.

# **Reasonable Accommodations**

Examples of reasonable accommodations include more frequent or longer bathroom breaks, breaks to express breast milk, access to a private location other than a bathroom for the expression of breast milk, acquisition or modification of equipment or access to or modification of employee seating, a temporary transfer to a less strenuous or hazardous position, assistance with manual labor, job restructuring, a modified work schedule, light duty assignments, and leave to recover from childbirth.

## **Interactive Process**

When an employee requests an accommodation, employers must engage in a timely, good faith interactive process with the employee to determine if the requested accommodation is reasonable and, if not, discuss alternative reasonable accommodations that may be provided.

# Complaints

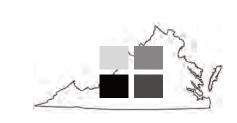
Any person who believes they were discriminated against on this basis may file a complaint with the Division of Human Rights or seek relief by filing a civil action in state court.



Ref.: Va. Code § 2.2-390

# **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

# VIRGINIA CODE § 40.1-28.7:8. COVENANTS NOT TO COMPETE PROHIBITED AS TO LOW-WAGE EMPLOYEES: CIVIL PENALTY.

### A. As used in this section:

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

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

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



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

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

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

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

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

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

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.



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

### YOU MAY APPLY FOR UNEMPLOYMENT INSURANCE BENEFITS IF:

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

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

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

# 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 Virginia Unemployment Compensation Act 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, <u>www.vec.virginia.gov</u> 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:

# **EMERGENCY NUMBERS CALL 911**

HOSPITAL:

FIRE DEPARTMENT:

POISON CONTROL:

OSHA:

# **PAY DAY NOTICE**

# PAY DAY IS ON:

MONDAY	FRIDAY
TUESDAY	SATURDAY
WEDNESDAY	SUNDAY
THURSDAY	
PAY SCHEDULE IS:	
	SEMI MONTHLY
	MONTHLY

# PAYCHECKS ARE ISSUED ON THE:

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:

**WORKERS' COMPENSATION NOTICE** 

# THE EMPLOYEE SHOULD:

Form VWC1

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

2. Promptly give to the employer and to the Virginia Workers' Compensation Commission notice of any claim for compensation for the period of disability beyond the seventh day after the accident. In case of fatal injuries, notice must be given by one or more dependents of the deceased or by a person in their 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 disease.

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.

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 Commission through your carrier or directly to the Commission.

3. Accurately determine the employee's average weekly wage, including overtime, meals, uniforms, etc.

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

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

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

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

Ref.: 16 VAC 30-50-80. Rule 7

# Equal Employment Opportunity is **THE LAW**

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations Applicants to and employees of most private employers, state and local governments, educational ir tions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

### RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay nge benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), tional origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accord loes not impose undue hardship.

### DISABILITY

Fitle I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of lisability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability nodation to the known physical or mental limitations of an otherwise qualified individual includes not making reasonable acc with a disability who is an applicant or employee, barring undue hardship.

### The Age Discrin ation in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimi based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES 1 addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex liscrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and sponsibility, under similar working conditions, in the same establishment.

GENETICS

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

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a liscrimination proceeding, or otherwise opposes an unlawful employment practice. WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

he limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect

**Employers Holding Federal Contracts or Subcontracts** r subcontract are protected under Federal law from discr on the following bases:

### RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmativ action to ensure equality of opportunity in all aspects of employment.

### INDIVIDUALS WITH DISABILITIES

ion 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discr ot making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

### DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Force service medal was awarded)

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

nation under these Federal law Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contae

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

#### Programs or Activities Receiving Federal Financial Assistant 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.

### INDIVIDUALS WITH DISABILITIES

POLICE:	
AMBULANCE:	

PHYSICIAN:





