# LaborLawCenter.com

#### **EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL**

All aspects of employment, including:

Discharge, firing, or lay-off

Know Your Rights: Workplace Discrimination is Illegal The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

• Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic • Requesting or disclosing medical information of employees • Conduct that might reasonably discourage some • Employees (current and former), including managers and services, or family medical history) temporary employees • Retaliation for filing a charge, reasonably opposing Union members and applicants for membership in a union discrimination, or participating in a discrimination Vhat Organizations are Covered? lawsuit, investigation, or proceeding. What Employment Practices can be Challenged as Contact the EEOC promptly if you suspect discrimination State and local governments (as employers)

 Hiring or promotion Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the Assignment Pay (unequal wages or compensation) RaceColor • Failure to provide reasonable accommodation for a disability or a sincerely held religious belief, observance

Educational institutions (as employers

Staffing agencies

Sex (including pregnancy and related conditions, sexual orientation, or gender identity)
Age (40 and older) Job training Classification

 Referral
 Obtaining or disclosing genetic information of employees
 including information about filing a charge of discrimination, is available at www.eeoc.gov. **EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS** 

to the employer. Section 503 also requires that Federal contractors take affirmative action "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact.

Harassment (including unwelcome verbal or physical following ways:

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces to employ and advance in employment qualified individuals with disabilities at all levels ne nondiscrimination and affirmative action commitments of companies doing business with of employment, including the executive level. Protected Veteran Status The Vietnam 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 discrimination against, and requires affirmative action to recruit, employ, and on the following bases: Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, advance in employment, disabled veterans, recently separated veterans (i.e., within three years National Origin Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or or Armed Forces service medal veterans. Retaliation Retaliation is prohibited against a ational origin, and requires affirmative action to ensure equality of opportunity in all aspects person who files a complaint of discrimination, participates in an OFCCP proceeding of employment. Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of the compensation of the compensation of the compensation obligations under OFCCP's authorities should contact immediately: The Office of of other applicants or employees. Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, Avenue, N.W. Washington, D.C. 20210 1–800–397–6251 (toll-free) If you are deaf, hard of promotion, discharge, pay, fringe benefits, job training, classification, referral, and other hearing, or have a speech disability, please dial 7–1–1 to access telecomi 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 in most telephone directories under U.S. Government, Department of Labor and on OFCCP's

opposing discrimination, filing a charge, or participating in

What can You Do if You Believe Discrimination has

Do not delay, because there are strict time limits for filing

where you live/work). You can reach the EEOC in any of the

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

1–844–234–5122 (ASL video phone)

Visit an EEOC field office (information at

Additional information about the EEOC,

www.eeoc.gov/field-office)

a charge of discrimination (180 or 300 days, depending of

an investigation or proceeding

**Call** 1–800–669–4000 (toll free)

E-Mail info@eeoc.gov

1-800-669-6820 (TTY)

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil which receive Federal financial assistance. Individuals with Disabilities Section 504 of Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by

Discrimination is prohibited in all aspects of employment against persons with disabilities Title VI if the primary objective of the financial assistance is provision of employment, who, with or without reasonable accommodation, can perform the essential functions of or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits which receives Federal financial assistance, you should immediately contact the Federal employment discrimination on the basis of sex in educational programs or activities—agency providing such assistance.

#### **EARNED INCOME TAX CREDIT**

### Life's a little easier with



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 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

Must have earned income

- May not file as married filing separately • May not be a qualifying child of another person
- May not file Form 2555 or 2555-EZ (related to foreign earned income)
- Must have a qualifying child or if you do not have a qualifying child, you must: • be at least age 25 but under age 65 at the end of the year.
- live in the United States\* for more than half the year, and • not qualify as a dependent of another person.
- To claim the EITC, you have to file a federal tax return even if you owe no tax and are not required to file. File your tax return as soon as you have all the information you need about how much you earned. However, refunds for returns claiming the EITC can't be issued before mid-February This delay applies to the entire refund, not just the portion associated with the EITC.
- EITC provides a boost to help pay your bills or save for a rainy day. Just imagine what you could do with EITC.

#### Do you want help with the EITC?

- Go to www.irs.gov/eitc for free information and to check out the interactive EITC Assistant to see if you qualify for the credit and estimate the amount of 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
- 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.

#### 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 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 trabajo
- Tienen que tener un número de Seguro Social válido para el empleo, emitido en la fecha de vencimiento de la declaración (incluidas las prórrogas),
- No pueden tener ingresos de inversión, como ingresos de intereses, que superen cierta cantidad
- Por lo general, tienen que ser ciudadanos de los Estados Unidos o extranjeros residentes todo el año
- No pueden presentar la declaración como "casado que presenta por separado" • No pueden ser un hijo calificado de otra persona
- No pueden presentar el Formulario 2555 o el Formulario 2555-EZ (relacionado con los ingresos ganados en el extranjero)
- Tienen que tener un hijo calificado o si no tienen un hijo calificado, ustedes tienen que: • tener 25 años de edad, pero menos de 65 años de edad al final del año,
- 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.

#### 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 los tiempos difíciles. Sólo imagine lo que podría hacer con el EITC.

### ¿Desea ayuda con el EITC?

• Visite www.irs.gov/eitc para obtener información gratuita y consultar el asistente EITC interactivo para ver si califica para el crédito y estimar la cantidad de su EITC.

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

- 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 sitio. • Utilice Free File en www.irs.gov/FreeFile para la presentación gratuita en línea a través de software de preparación de impuestos, disponible
- comercialmente

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. Es posible que también tenga que presentar el Formulario 8862 para las futuras 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 prohibirle reclamar el EITC por 2 años o 10 años, dependiendo de la causa de su error.

\* El personal militar de los EE.UU. en servicio activo prolongado fuera de los Estados Unidos se considera que vive en los Estados Unidos mientras está en servicio activo.

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

### EMPLOYEE POLYGRAPH PROTECTION ACT

**EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT** The Employee Polygraph Protection Act prohibits most private employers from preempt any provision of any State or local law or any collective bargaining agreemen

PROHIBITIONS Émployers are generally prohibited from requiring or requesting any strict standards concerning the conduct and length of the test. Examinees have a number employee or job applicant to take a lie detector test, and from discharging, disciplining, 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. law does not apply to tests given by the Federal Government to certain private own court actions. 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 uard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also ermits polygraph testing, subject to restrictions, of certain employees of private firms ho are reasonably suspected of involvement in a workplace incident (theft, nbezzlement, etc.) that resulted in economic loss to the employer. The law does not permits polygraph testing, subject to restrictions, of certain employees of private firms

who are reasonably suspected of involvement in a workplace incident (theft

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.

employees; civil penalty

using lie detector tests either for pre-employment screening or during the course of employment.

which is more restrictive with respect to lie detector tests. EXAMINEE RIGHTS Where polygraph tests are permitted, **EXAMINEE RIGHTS** Where polygraph tests are permitted, they are subject to numerous

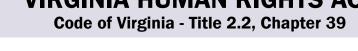
**ENFORCEMENT** The Secretary of Labor may bring court actions to restrain violations and **EXEMPTIONS** Federal, State and local governments are not affected by the law. Also, the assess civil penalties against violators. Employees or job applicants may also bring their individuals engaged in national security-related activities. The Act permits polygraph (a THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243 TTY: 1-877-889-5627

3/

## DISCRIMINATION

## **VIRGINIA HUMAN RIGHTS ACT**



It is the policy of the Commonwealth of Virginia to: **Unlawful Discriminatory Practice Defined** Safeguard all individuals within the Commonwealth from unlawful Conduct that violates any Virginia or federal statute or regulation discrimination because of race, color, religion, national origin, sex,

governing discrimination is an unlawful discriminatory practice under sexual orientation, gender identity, marital status, pregnancy, childbirth the Virginia Human Rights Act. Complaints may be filed with: OFFICE OF THE ATTORNEY GENERAL

Division of Human Rights 202 North 9<sup>th</sup> Street Richmond, Virginia 23219 www.ag.virginia.gov • human\_rights@oag.state.va.us P: (804) 225-2292; F: (804) 225-3294

REQUESTING LEAVE Generally, employees must give 30-days' advance notice of the

need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify

the employer as soon as possible and, generally, follow the employer's usual procedures

Employees do not have to share a medical diagnosis, but must provide enough nation to the employer so it can determine if the leave qualifies for FMLA

protection. Sufficient information could include informing an employer that the

employee is or will be unable to perform his or her job functions, that a family member

is necessary. Employees must inform the employer if the need for leave is for a reason for

which FMLA leave was previously taken or certified. Employers can require a certification

or periodic recertification supporting the need for leave. If the employe<mark>r determines</mark> that

the certification is incomplete, it must provide a written notice indicating what

EMPLOYER RESPONSIBILITIES Once an employer becomes aware that an employee'

need for leave is for a reason that may qualify under the FMLA, the employer must notify

the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a

notice of rights and responsibilities under the FMLA. If the employee is not eligible, the

mployer must provide a reason for ineligibility. Employers must notify its employees i leave will be designated as FMLA leave, and if so, how much leave will be designated as

**ENFORCEMENT** Employees may file a complaint with the U.S. Department of Labor

Wage and Hour Division, or may bring a private lawsuit against an employer. The FMLA

does not affect any federal or state law prohibiting discrimination or supersede any state

or local law or collective bargaining agreement that provides greater family or medica

nnot perform daily activities, or that hospitalization or continuing medical <mark>trea</mark>tmer

### FMLA - FAMILY AND MEDICAL LEAVE ACT

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION **LEAVE ENTITLEMENTS** Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons: The birth of a child or placement of a child for adoption or foster care; To bond with a child (leave must be taken within 1 year of the child's birth or placement); To care for the employee's spouse, child, or parent who has a qualifying serious health For the employee's own qualifying serious health condition that makes the employee For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use: 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 oyee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies. BENEFITS & PROTECTIONS While employees are on FMLA leave, employers must ontinue health insurance coverage as if the employees were not on leave. Upon return

from FMLA leave, most employees must be restored to the same job or one nearly dentical to it with equivalent pay, benefits, and other en An employer may not interferé with an individual's FMLÁ rights or retaliate against meone 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. LIGIBILITY REQUIREMENTS An employee who works for a covered employer may neet three criteria in order to be eligible for FMLA leave. The employee must: Have worked for the employer for at least 12 months; Have at least 1,250 hours of service in the 12 months before taking leave;\* and · Work at a location where the employer has at least 50 employees within 75 miles of the Special "hours of service" requirements apply to airline flight crew employees.

For additional information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 WWW.WAGEHOUR.DOL.GOV

leave rights.



D. A low-wage employee may bring a civil action in a court of competent and may exclude chapters whose provisions have expired. 8/5/2021 12:00:00

### Title 40.1. Labor and Employmen

Chapter 3. Protection of Employees Article 1. General Provisions § 40.1-28.7:8. Covenants not to compete prohibited as to low-wage

"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 mmediately 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 G. Every employer shall post a copy of this section or a summary approved by rainees employed, with or without pay, at a trade or occupation in order to gain 🔝 the Department in the same location where other employee notices required work or educational experience. "Low-wage employee" also includes an individual by state or federal law are posted. An employer that fails to post a copy of this who has independently contracted with another person to perform services section or an approved summary of this section shall be issued by the independent of an employment relationship and who is compensated for such Department a written warning for the first violation, shall be subject to a civil services by such person at an hourly rate that is less than the median hourly wage penalty not to exceed \$250 for a second violation, and shall be subject to a civil for the Commonwealth for all occupations as reported, for the preceding year, by penalty not to exceed \$1,000 for a third and each subsequent violation a the Bureau of Labor Statistics of the U.S. Department of Labor. For the purposes determined by the Commissioner. Civil penalties owed under this subsection of this section, "low-wage employee" shall not include any employee whose shall be paid to the Commissioner for deposit in the general fund.

earnings are derived, in whole or in predominant part, from sales commissions, The Commissioner shall prescribe procedures for the payment of proposed incentives, or bonuses paid to the employee by the employer. B. No employer shall enter into, enforce, or threaten to enforce a covenant not shall include provisions for an employer to consent to abatement of the alleged to compete with any low-wage employee.

C. Nothing in this section shall serve to limit the creation or application of penalty without admission of any civil liability arising from such alleged violation. nondisclosure agreements intended to prohibit the taking, misappropriating, 2020, cc. 948, 949, § 40.1-28.7:7.

secrets, as defined in § 59.1-336, and proprietary or confidential information.

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

assessments of penalties that are not contested by employers. Such procedures violation and to pay a proposed penalty or a negotiated sum in lieu of such threating to misappropriate, or sharing of certain information, including trade

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters

### VIRGINIA EARNED INCOME TAX CREDIT

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







uniformed services.

that particular employer

cases, a comparable job

of service; and

service in the uniformed service and:

other than honorable conditions

### Could you be eligible?



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

### Two ways to increase your income:

A LD

- 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

### **ANTI-DISCRIMINATION NOTICE**

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

For information, please contact The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

### FEDERAL MINIMUM WAGE

### FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009

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

readily see it. **OVERTIME PAY** At least 1 ½ times your regular rate of pay for all hours worked over 40 in a workweek.

non-farm jobs and at least 18 to work in non-farm jobs declared hazardous may be doubled when the violations are determined to be willful or by the Secretary of Labor. Youths 14 and 15 years old may work outside repeated. The law also prohibits retaliating against or discharging workers school hours in various non-manufacturing, non-mining, non-hazardous who file a complaint or participate in any proceeding under the FLSA. jobs with certain work hours restrictions. Different rules apply in agricultural TIP CREDIT 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 **NURSING MOTHERS** The FLSA requires employers to provide reasonable

her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk. **ENFORCEMENT** The Department has authority to recover back wages and **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

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 CHILD LABOR An employee must be at least 16 years old to work in most in the death or serious injury of any minor employee, and such assessments

> **ADDITIONAL INFORMATION**  Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Special provisions apply to workers in American Samoa, the

Commonwealth of the Northern Mariana Islands, and the Commonwealth 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 break time for a nursing mother employee who is subject to the FLSA's know the difference between the two because employees (unless overtime requirements in order for the employee to express breast milk for exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not. Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



### **UNEMPLOYMENT COMPENSATION**

#### **NOTICE TO WORKERS** Every day many unemployed workers tell us that unemployment • Must be unemployed through no fault of your own.

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

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:

**WORKING REDUCED HOURS:** 

· 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.

Bi-Weekly

to a request for a reasonable accommodation for disability:

deny employment or promotions; or

Since you last filed form W-4 with your employer

any of these questions or you owed extra tax

the date of accident or notice of the occupational disease

which the employee may select the treating physician.

when you filed your last return, you may need to fil

deceased or by a person in their behalf

years from the date of the accident

uniforms, etc.

the Office of Civil Rights.

did you...
• Marry or divorce?

gains, etc.)?

Your tax credits? you can answer "YES"...

Gain or lose a dependent?

Your family wage incon

Your itemized deductions?

THE EMPLOYEE SHOULD:

started or ended a job)?

Were there major changes to...

take adverse actions against an employee;

PAYDAY NOTICE

**Regular Paydays for Employees of** 

Monthly

**DISABILITY ACCOMMODATIONS** 

**VIRGINIA HUMAN RIGHTS ACT REASONABLE** 

**ACCOMMODATIONS FOR DISABILITY** 

Protections from Discrimination – Va. Code § 2.2-3905.1 Effective July 1, 2021, employers with more than five employees for a 20-week period in the

current or preceding year must provide reasonable accommodations for otherwise qualified persons with disabilities if necessary to assist such person in performing a particular job, unless

the accommodation would impose an undue hardship on the employer. "Person with a disability"

means any person who has a physical or mental impairment that substantially limits one or more of

her major life activities or who has a record of such impairment. Employers also may not, in response

**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

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

Any person who believes they were discriminated against on this basis may file a complaint 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

WITHHOLDING STATUS

YOU MAY NEED TO CHECK YOUR WITHHOLDING

**WORKERS' COMPENSATION** 

**WORKERS' COMPENSATION NOTICE** 

The employees of this business are covered by the Virginia Workers' Compensation Act. In

case of injury by accident or notice of an occupational disease:

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

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

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

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

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

voluntary payment of wages or compensation during disability, or of medical expenses, does not

affect the running of the time limitation for filing claims. An award based on a voluntary

1. At the time of the accident, give the employee the names of at least three physicians from

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

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.

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

agreement must be entered or a claim filed within two years; one year in death cases.

accidental injury or first communication of the diagnosis of an occupational disease.

accident. In case of fatal injuries, notice must be given by one or more dependents of the

IRS at 1-800-829-3676

**IRS** 

Department of the Treasury

- 3/

Form VWC1

See your employer for a copy of Form W-4 or call the

Now is the time to check your withholding. For more

details, get Publication 919, How Do I Adjust My Tax

Withholding?, or use the Withholding Calculator a **www.irs.gov/individuals** on the IRS web site.

Employer: Please post or publish this Bulletin Board

Poster so that your employees will see it. Please

indicate where they can get forms and info

Internal Revenue Service www.irs.gov

manual labor, job restructuring, a modified work schedule, and light duty assignments.

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

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

• Must be able and available for 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, 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 services are available upon to individuals with disabilities. Please call 804-584-9841 or 866-373-6915 for Language Access/Assistance. This notice is available in Spanish.

Direct requests to: **Employer Accounts** P.O. Box 26441 Richmond1 VA 23261-6441

#### **USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT** YOUR RIGHTS UNDER USERRA

# THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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 • If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.

 Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition you return to work or apply for reemployment in a timely manner after conclusion exclusions) except for service-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.

f you are eligible to be reemployed, you must be restored to the job and benefits you • For assistance in filing a complaint, or for any other information on USERRA, contact vould have attained if you had not been absent due to military service or, in some VETS at 1-866-4-USA-DOL or visit its website at https://www.dol.gov/agencies/ **vets**/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra you: • are a past or present member of the uniformed service; • have applied for • If you file a complaint with VETS and VETS is unable to resolve it, you may request that embership in the uniformed service; or • are obligated to serve in the uniformed service; your case be referred to the Department of Justice or the Office of Special Counsel, as then an employer may not deny you: • initial employment; • reemployment; • retention in

• You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA

Publication Date — May 2022 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:

nttps://www.dol.gov/agencies/vets/programs/userra/poster. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this rement by displaying the text of this notice where they customarily place notices for employees.

# REASONABLE ACCOMMODATIONS FOR PREGNANCY

#### VIRGINIA HUMAN RIGHTS ACT REASONABLE ACCOMMODATIONS FOR PREGNANCY Protections from Discrimination – Va. Code § 2.2-3909 Effective July 1, milk, access to a private location other than a bathroom for the expression of 2020, employers with five or more employees for a 20-week period in the breast milk, acquisition or modification of equipment or access to or

current or preceding year must provide reasonable accommodations for modification of employee seating, a temporary transfer to a less strenuous or the accommodation would impose an undue hardship. Employers also may work schedule, light duty assignments, and leave to recover from childbirth. not, in response to a request for a reasonable accommodation for pregnancy: ➤ take adverse actions against an employee;

ou have the right to be reemployed in your civilian job if you leave that job to perform

you ensure that your employer receives advance written or verbal notice of your

you have five years or less of cumulative service in the uniformed services while with

you have not been separated from service with a disqualifying discharge or under

employment; • promotion; or • any benefit of employment, because of this status.

roceeding under USERRA, even if that person has no service connection.

n 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

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

deny employment or promotions; or > require an employee to take leave if another reasonable accommodation Reasonable Accommodations Examples of reasonable accommodations

pregnancy, childbirth or related medical conditions, including lactation, unless hazardous position, assistance with manual labor, job restructuring, a modified 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. include more frequent or longer bathroom breaks, breaks to express breast **OFFICE OF THE ATTORNEY GENERAL** Division of Human Rights

202 North 9th Street. Richmond, Virginia 23219

# SEIZURE FIRST AID POSTER Seizure First Aid



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

Keep the person **SAFE** 

✓ Move or guide away from harm

✓ Check for medical ID

- ✓ Keep airway clear ✓ Loosen tight clothes around neck ✓ Put **something small and soft** under the head
- Person does not return to their usual state
- Person is injured, pregnant, or sick

Do X Do **NOT** restrain. X Do **NOT** put any objects in their mouth. NOT

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

**EPILEPSY** FOUNDATION epilepsy.com

24/7 Helpline: 1-800-332-1000  $This publication was created by the Epilepsy Foundation, a nation wide network organization, and is part of our END EPILEPSY {\it `awareness campaign. This publication is publication or a construction of the properties of the pr$ is made possible with funding from the Centers for Disease Control and Prevention (CDC) under cooperative grant agreement number 1NU58DP006256-04-00.

### Its contents are solely the responsibility of the Epilepsy Foundation and do not necessarily represent the views of the CDC.



# 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: <a href="http://www.doli.virginia.gov/doli\_regulations/doli\_regulations.html">http://www.doli.virginia.gov/doli\_regulations.html</a>. YOU MAY ALSO CONTACT THE EPARTMENT OF LABOR AND INDUSTRY OFFICES LISTED BELOW TO RECEIVE PRINTED COPIES OF THE VIRGINIA UNIOUE STANDARDS AND OBTAIN THE NAMES OF PUBLISHERS O

### **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.

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.

#### 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**

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.

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 maximum penalties.

#### Main Street Centre 600 East Main Street, Suite 207

LABOR AND INDUSTRY

**VIRGINIA DEPARTMENT OF** 

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

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

### 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.

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

CASPA

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 Abingdon

The Johnson Center

Abingdon, VA 24210

(276) 676-5465 Lynchburg 3704 Old Forest Road Suite B

468 East Main Street, Suite 114,

Lynchburg, VA 24501 (434) 385-0806 Verona

Gary G. Pan **Commissioner** 

EMPLOYERS: THIS POSTER MUST BE DISPLAYED IN A PROMINENT PLACE IN THE ESTABLISHMENT TO WHICH YOUR EMPLOYEES NORMALLY REPORT TO WORK. September, 2022

VA-1122-F03

VIRGINIA DEPARTMENT OF

Learn more: epilepsy.com/firstaid

# EFA440/PAB0220 Rev. 02/2020 ©2020 Epilepsy Foundation of America, Inc.

### OCCUPATIONAL SAFETY AND HEALTH PROTECTION

THE FEDERAL IDENTICAL STANDARDS.

#### employees filing complaints. Complaints may be made at the Department of Labor and Industry addresses shown below.

# Inspection

## Where there is no authorized employee representative, the VOSH inspector must

The Law provides for mandatory penalties against private sector employers of up

Public Sector employers, all departments, agencies, institutions or other political subdivisions of the Commonwealth, are subject to the penalty provisions of

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

Headquarters

Main Street Centre

Central Virginia/Richmond

#### Richmond, Virginia 23219 VOICE (804) 371-2327 FAX (804) 371-6524

Richmond, VA 23228 (804) 371-3104 **Independence Mall West** Philadelphia, PA 19106-3309 (215) 861-4900

#### 600 East Main Street, Suite 207, Manassas, VA 20110. (703) 392-0900 Richmond, Virginia 23219. (804) 371-2327

North Run Business Park Norfolk, VA 23502 1570 East Parham Road (757) 455-0891 Southwest/Roanoke Brammer Village 3013 Peters Creek Road

### 6363 Center Drive Building 6, Suite 101

Tidewater/Norfolk

Northern Virginia/Manassas

9400 Innovation Drive, Suite 120,

Roanoke, VA 24019 (540) 562-3580

P.O. Box 772 201 Lee Highway Verona, VA 24482 (540) 248-9280

**VIRGINIA SAFETY AND HEALTH CODES BOARD** 

Employer Support Of The Guard

3

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

# 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** 



Repeated seizures

First time seizure

Difficulty breathing

Seizure occurs in water

### Call ► Seizure lasts longer than 5 minutes 911