

EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL

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

Who is Protected?

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

What Organizations are Covered?

- State and local governments (as employers)
- Educational institutions (as employers)
- Unions
- What's **not** covered?

What's **not covered?**

- Individuals who are not employees
- Individuals who are not employees
- Individuals who are not employees

What's **not covered?**

- Individuals who are not employees
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VIRGINIA EARNED INCOME TAX CREDIT

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

Could you be eligible?

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

Two ways to increase your income:

- ✓ The Federal Earned Income Tax Credit
- ✓ The Virginia Credit for Low Income Individuals

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

USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

YOUR RIGHTS UNDER 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.

REEMPLOYMENT RIGHTS

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

- you ensure that your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed you must be restored to the job and benefits you would have attained if you had not been absent due to military service or in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you are a past or present member of the uniformed service, have applied for membership in the uniformed service or are obligated to serve in the uniformed service, then an employer may not deny you: initial employment; reemployment; retention in military employment; promotion; or - any benefit of employment, because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA, including testifying or giving a statement in connection with a proceeding under USERRA, even if that person has no service connection.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <https://www.dol.gov/agencies/vets/programs/userra/public>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

Publication Date - May 2022

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

Protected Veterans: The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against veterans, recently separated veterans (i.e., within three years of discharge or release from military service), and certain disabled veterans (i.e., with a service-connected disability rating of 30 percent or higher).

Retaliation: Retaliation is prohibited against any person who files a complaint of discrimination, participates in an EEOC 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 these Federal laws should contact immediately:

- The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 100 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-4211 (toll-free).
- If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting questions online to the OFCCP's Help Desk at <https://ofccp.dhs.gov/helpdesk>, or by calling an OFCCP regional or district office, listed in most telephone directories to employ and advanced notice of discrimination to individuals with disabilities at all levels of employment, including the executive level.

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 false 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.

REASONABLE ACCOMMODATIONS FOR PREGNANCY

Protections from Discrimination - Va. Code § 2.2-399 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
- 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 equipment 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.

OFFICE OF THE ATTORNEY GENERAL
Division of Human Rights
202 North 9th Street, Richmond, Virginia 23219
www.virginia.gov | human_rights@oag.state.va.us | P: (804) 225-2292; F: (804) 225-3294

EARNED INCOME TAX CREDIT

Life's a little easier with EITC

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

- Generally must be a U.S. citizen or resident alien all year
- 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 amount
- Must have a qualifying child and meet other requirements if you are married but not filing a joint return
- May not be a qualifying child of another person
- May not file Form 5555 (related to foreign earned income)

You must also have a qualifying child or if you do not have a qualifying child:

- You or your spouse (if filing a joint return) must be at least age 25 but under age 65.
- You and your spouse (if filing a joint return) must be married more than half the year, and
- You and your spouse (if filing a joint return) must 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.

Do you want help with the EITC?

- Go to www.irs.gov/efile 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 on the tax return can cause a delay in processing your claim for the tax credits.

*U.S. military personnel on extended active duty outside the United States are considered to live in the United States while on active duty.

FEDERAL MINIMUM WAGE

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 where employees can readily see it.

OVERTIME PAY At least 1 1/2 times your regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR Children and minors 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-hazardous jobs with certain work hour restrictions. Different rules apply in agricultural settings.

TIP CREDIT Employers of "tipped employees" who meet certain conditions can 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 employer's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

BUMP UP YOUR 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 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 violation. Employers who violate the minimum wage or overtime pay provisions of the law, civil money penalties may also be assessed.

PAYDAY NOTICE

Regular Paydays for Employees of

(Company Name) Shall be as follows:

By: _____ Title: _____

Weekly _____ Bi-Weekly _____ Monthly _____ Other _____

SEIZURE FIRST AID POSTER

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.

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

Seizure lasts longer than 5 minutes

Person does not return to their usual state

Person is injured, pregnant, or sick

Repeated seizures

First time seizure

Difficulty breathing

Seizure occurs in water

Do NOT restrain.

Do NOT put any objects in their mouth.

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

Learn more: epilepsy.com/firstaid

EPILEPSY FOUNDATION epilepsy.com

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

This publication was created by the Epilepsy Foundation, a nationwide nonprofit organization, and is part of our OPEN EPILEPSY™ awareness campaign. It was made possible with funding from the Centers for Disease Control and Prevention (CDC) under cooperative grant agreement number 1U58PD000626-04-00. Its contents are solely the responsibility of the Epilepsy Foundation and do not necessarily represent the views of the CDC.

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Los errores en la declaración de impuestos pueden causar un retraso en el trámite de su reclamación de los créditos tributarios.

*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.

Sólo imagine lo que podría hacerle con el EITC.

DISCRIMINATION

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, ethnic or 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 liberties of the 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.

Complaints may be filed with:
OFFICE OF THE ATTORNEY GENERAL
Division of Human Rights
202 North 9th Street
Richmond, Virginia 23219
www.oag.state.va.us | CivilRights@oag.state.va.us
P: (804) 225-2292; F: (804) 225-3294

FMLA - FAMILY AND MEDICAL LEAVE ACT

Your Employee Rights Under the Family and Medical Leave Act

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

Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you;
- Your serious mental or physical health condition that makes you unable to work;
- To care for your spouse, child or parent with a serious mental or physical health condition;
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent;
- Your own military service or that of a covered service member of the armed forces.

An eligible employee who is the spouse, child, parent or next of kin of a covered service member with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period for the following reasons:

- You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #286(EN) for more information.
- You may not be paid for FMLA leave. You will be required by your employer to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.
- You may take FMLA leave if you are an eligible employee if all of the following apply:

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

Airline flight crew employees have different "hours of service" requirements. You work for a covered employer if you are an employee of the employer for 20 weeks in the current or preceding year.

- You work for a private employer that had at least 50 employees during at least 20 weeks in the current or preceding year.
- You work for an elementary or public or private secondary school.
- You work for a public agency, such as a local, state or federal government agency.
- You work for a private employer that is covered by Title I of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave? Generally, to request FMLA leave you must:

- Follow your employer's normal policies for requesting leave;
- Give notice at least 30 days before you need FMLA leave; or
- If advance notice is not possible, give notice as soon as possible.

COVENANTS NOT TO COMPETE NOTICE

Code of Virginia Title 40.1, Labor and Employment Chapter 3, Protection of Employees Article 1, General Provisions § 40.1-288.78. Covenants not to compete prohibited as to low-wage employees.

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 employee's ability to follow 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 the employee is a seasonal employee, by the number of weeks 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 § 40.1-288.78. "Low-wage employee" includes interns, students, apprentices, and trainees employed, with or without pay, at a trade or occupation in order to gain work-related 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 Commerce.

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 later of (i) the date the covenant not to compete was signed, (ii) the date the low-wage employee was terminated or the employment relationship was terminated, or (iii) the date the employee takes any step to enforce the covenant not to compete. The court shall have jurisdiction to enforce the covenant not to compete and to award the employee reasonable attorney's 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. The Commissioner may also order the employer to pay 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 and expenses, and attorney fees from the former employer or other person who attempted 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, and shall be subject to a civil penalty not to exceed \$1,000 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 subject to this section. The Commissioner shall include provisions for an employer to consent to the payment 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 violation.

2020, c. 948, § 40.1-288.77.

The chapters of the acts of assembly referenced in the historical citation at the top of this section have been renumbered to correspond to the current numbering. The chapter numbers of the acts of assembly referenced have been renumbered. 5/25/2021 12:00:00

UNEMPLOYMENT COMPENSATION

NOTICE TO WORKERS

Unemployment Insurance (UI) benefits are available to workers who are unemployed and who meet the requirements of Virginia UI eligibility laws. You may file a UI claim in the first week that employment stops or work hours are reduced.

YOU MAY APPLY FOR UNEMPLOYMENT INSURANCE BENEFITS IF:

- You are totally unemployed.
- You are working reduced wages or hours.

YOU WILL NEED TO PROVIDE:

- Your full legal name.
- Your Social Security Number.
- Your authorization to work (if you are not a U.S. citizen or resident).

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.vcs.virginia.gov or by calling our Customer Contact Center at 1-866-832-2363. Register for work online at www.vcs.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.

EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests with their employees for pre-employment screening or during the course of employment.

PROHIBITIONS Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test. The Act also prohibits an employer from requiring or requesting any employee or job applicant to take a lie detector test. The Act also prohibits an employer from requiring or requesting any employee or job applicant to take a lie detector test. The Act also prohibits an employer from requiring or requesting any employee or job applicant to take a lie detector test.

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

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 five or more 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 them in performing a major 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 to a request for a reasonable accommodation for disability:

- 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 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 modified work schedule, and light duty assignments.

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 Office of Civil Rights.

OFFICE OF THE ATTORNEY GENERAL
Office of Civil Rights
202 North 9th Street, Richmond, Virginia 23219
www.virginia.gov
CivilRights@oag.state.va.us
P: (804) 225-2292; F: (804) 225-3294

WITHHOLDING STATUS

YOU MAY NEED TO CHECK YOUR WITHHOLDING STATUS

Since you last filed form W-4 with your employer did you:

- Marry or divorce?
- Gain or lose a dependent?
- Change your name?
- Have a new major source of income?
- Your non-wage income (interest, dividends, capital gains, etc.)?
- Your family wage income (you or your spouse started or ended a job)?
- Your itemized deductions?
- Your tax credits?

Can you answer "YES" to any of these questions? If you answered "yes" to any of these questions, you may need to file a new Form W-4. If you did not, you may need to file a new Form W-4.

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:

THE EMPLOYEE SHOULD:

1. Immediately give notice to the employer, in writing, of the injury or occupational disease and the date of accident or notice of the occupational disease.
2. Promptly give to the employer and to the Virginia Workers' Compensation Commission notice of any claim for compensation for the injury or occupational disease. The employee must give this notice to the Virginia Workers' Compensation Commission within 90 days of the date of the accident or notice of the occupational disease.
3. Accurately determine the employee's average weekly wage, including overtime, meals, uniforms, etc.

Compensation Act is available without cost from:

THE VIRGINIA WORKERS' COMPENSATION COMMISSION
333 E. Franklin St.
Richmond, Virginia 23219
1-877-664-2566
www.worcc.virginia.gov

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

Form WVCI

OCCUPATIONAL SAFETY AND HEALTH PROTECTION

Job Safety and Health Protection

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

THE VIRGINIA OCCUPATIONAL SAFETY AND HEALTH (VOSH) LAW, BY AUTHORITY OF TITLE 40.1 OF THE LABOR LAWS OF VIRGINIA, PROVIDES JOB SAFETY AND HEALTH PROTECTION FOR WORKERS. THE PURPOSE OF THE LAW IS TO ASSURE SAFE AND HEALTHFUL WORKING CONDITIONS THROUGHOUT THE STATE. THE VIRGINIA SAFETY AND HEALTH CODES, BOARD PROMULGATES AND ADOPTS JOB SAFETY AND HEALTH STANDARDS, AND EMPLOYERS AND EMPLOYEES ARE REQUIRED TO COMPLY WITH THESE STANDARDS. THESE STANDARDS MAY BE FOUND AT THE FOLLOWING WEB ADDRESS: https://doli.virginia.gov/regulatory_information/. YOU MAY ALSO CONTACT THE DEPARTMENT OF LABOR AND INDUSTRY OFFICES LISTED BELOW TO RECEIVE PRINTED COPIES OF THE VIRGINIA UNIQUE STANDARDS AND OBTAIN THE NAMES OF PUBLISHERS OF THE FEDERAL INDUSTRIAL STANDARDS.

Employers

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

Employees

Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the Law that apply to his own actions and conduct on the job.

Inspection

The Law requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the VOSH inspector for the purpose of aiding the inspection.

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

Citation

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

The VOSH citation must be prominently displayed at or near the place of alleged violation for three days or until the violation is corrected, whichever is later, to warn employees of dangers that may exist there.

Proposed Penalty

The Law provides for mandatory penalties against private sector employers of up to \$15,875 for each serious violation and for optional penalties of up to \$15,875 for each other-than-serious violation. Penalties of up to \$15,875 per day may be proposed for failure to correct violations within the proposed time period. Also, any employer who willfully or repeatedly violates the Law may be assessed penalties of up to \$15,875 for each such violation.

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

Criminal penalties are also provided for in the Law. Any willful violation resulting in the death of an employee is punishable, upon conviction, by a fine of not more than \$75,000 or by imprisonment for not more than six months, or by both. Subsequent conviction of an employer after a first conviction doubles these maximum penalties.

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Headquarters
Brookfield Place
6606 West Broad Street, Suite 500
Richmond, Virginia 23230
Phone: (804) 371-2327
Fax: (804) 371-6524

Central Virginia/Richmond
North Run Business Park
2070 East Parham Road
Richmond, VA 23228
(804) 371-3104

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

Northern Virginia/Manassas
9400 Innovation Drive, Suite 120, Manassas, VA 20110, (703) 392-0900

Tidewater/Norfolk
6363 Center Drive Building 6, Suite 101 Norfolk, VA 23502 (757) 455-0891

Southwest/Roanoke
Brammer Village 3013 Peters Creek Road Roanoke, VA 24019 (540) 662-3580

Verona
201 Lee Highway Verona, VA 24482 (540) 248-9280

Lynchburg
3704 Old Forest Road Suite B Lynchburg, VA 24501 (434) 385-0806

Gary G. Pan Commissioner

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

VIRGINIA SAFETY AND HEALTH CODES BOARD

Los errores en la declaración de impuestos pueden causar un retraso en el trámite de su reclamación de los créditos tributarios.

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DISCRIMINATION

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, ethnic or 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 liberties of the 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.

Complaints may be filed with:
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Division of Human Rights
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Richmond, Virginia 23219
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FMLA - FAMILY AND MEDICAL LEAVE ACT

Your Employee Rights Under the Family and Medical Leave Act

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

Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you;
- Your serious mental or physical health condition that makes you unable to work;
- To care for your spouse, child or parent with a serious mental or physical health condition;
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent;
- Your own military service or that of a covered service member of the armed forces.

An eligible employee who is the spouse, child, parent or next of kin of a covered service member with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period for the following reasons:

- You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #286(EN) for more information.
- You may not be paid for FMLA leave. You will be required by your employer to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.
- You may take FMLA leave if you are an eligible employee if all of the following apply:

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

Airline flight crew employees have different "hours of service" requirements. You work for a covered employer if you are an employee of the employer for 20 weeks in the current or preceding year.

- You work for a private employer that had at least 50 employees during at least 20 weeks in the current or preceding year.
- You work for an elementary or public or private secondary school.
- You work for a public agency, such as a local, state or federal government agency.
- You work for a private employer that is covered by Title I of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave? Generally, to request FMLA leave you must:

- Follow your employer's normal policies for requesting leave;
- Give notice at least 30 days before you need FMLA leave; or
- If advance notice is not possible, give notice as soon as possible.

COVENANTS NOT TO COMPETE NOTICE

Code of Virginia Title 40.1, Labor and Employment Chapter 3, Protection of Employees Article 1, General Provisions § 40.1-288.78. Covenants not to compete prohibited as to low-wage employees.

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 employee's ability to follow 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 the employee is a seasonal employee, by the number of weeks 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 § 40.1-288.78. "Low-wage employee" includes interns, students, apprentices, and trainees employed, with or without pay, at a trade or occupation in order to gain work-related 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 Commerce.

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 later of (i) the date the covenant not to compete was signed, (ii) the date the low-wage employee was terminated or the employment relationship was terminated, or (iii) the date the employee takes any step to enforce the covenant not to compete. The court shall have jurisdiction to enforce the covenant not to compete and to award the employee reasonable attorney's 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. The Commissioner may also order the employer to pay 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 and expenses, and attorney fees from the former employer or other person who attempted 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