

Since 1983



1961 Diamond Springs Road
Virginia Beach, VA 23455
Phone (757) 460-6308
Fax (757) 457-9345

VIRGINIA EMPLOYEES

MANCON Employees,

Included in this packet is the following information:

1. Virginia Minimum Wage
2. Virginia Notice to Workers
3. Workers' Compensation Notice
4. Job Safety and Health Protection
5. EITC Poster
6. Reasonable Accommodations for Disability
7. Protections for Pregnant Employees
8. Virginia Human Rights Act
9. Resources for Virginia Veterans
10. Non-Compete Clauses for Low-Wage Employees
11. Seizure First Aid

If you have any questions, please contact your supervisor.

Thanks,
Human Resources

Virginia Minimum Wage Act

MINIMUM WAGE \$12.77 PER HOUR

EFFECTIVE JANUARY 1, 2026

As required by law, effective January 1, 2026, the adjusted state hourly minimum wage has been established at \$12.77 per hour. This change is based on a calculation that includes the previous minimum wage rate (\$12.41 per hour) and the annual change in the Consumer Price Index (CPI-U) for 2024.

Annual adjustments to the Virginia minimum wage rate will continue in future years using the same methodology.

BUSINESS SIZE

The Virginia Minimum Wage Act does not exempt employees based on the size of their employer.

Note: Employees of small businesses must be paid at a rate of no less than \$12.77 per hour if they are not otherwise exempt under the Act.

TIPPED EMPLOYEES

Under the “tip credit” provisions of the Fair Labor Standards Act, tipped employees (those who regularly receive more than \$30.00 a month in tips) may be paid at the tipped minimum wage of \$2.13 per hour. However, an employee’s hourly wages plus tips **must** meet the Virginia minimum wage rate of \$12.77 per hour. If they do not, an employer **must** pay the difference to an employee so that they earn **at least** \$12.77 per hour.

Questions? Contact DOLI’s Division of Labor and Employment Law:





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 US 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.vec.virginia.gov or by calling our Customer Contact Center at 1-866-832-2363. 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 for work and actively searching 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 eligibility requirements. 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 website www.vec.virginia.gov or call our Customer Contact Center at 1-866-832-2363.

THE LAW REQUIRES EMPLOYERS TO POST THIS NOTICE IN A PLACE VISIBLE TO ALL WORKERS.

EFFECTIVE MARCH, 14, 2024, EMPLOYERS MUST ALSO PROVIDE A COPY OF THIS NOTICE TO EACH WORKER AT THE TIME OF SEPARATION FROM EMPLOYMENT ([42 USC, §1103 \(h\)\(2\)](#)).

An Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities. Please call 866-832-2363 or
Email: translation@vec.virginia.gov for Language Access/Assistance.

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

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 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.

NOTICIA SOBRE COMPENSACIÓN LABORAL

Los empleados de ésta empresa estan cubiertos por la Ley de Compensacion Para Los Trabajadores de Virginia (Virginia Workers' Compensation Act). En caso de lesion por accidente o aviso de una enfermedad ocupacional:

EL EMPLEADO DEBE:

1. Dar aviso inmediato, por escrito, al empleador sobre lesiones o enfermedad ocupacional y dar la fecha del accidente o del aviso de la enfermedad ocupacional.
2. Dar aviso inmediato al empleador y a "Virginia Workers' Compensation Commission" de cualquier reclamo por compensación por periodos de incapacidad de más de siete días despues del accidente. En caso de lesiones fatales, el aviso debe ser dado por uno o mas de los dependientes o herederos del difunto o las personas que los representan.
3. Presentar una solicitud a la Comisión para una audiencia dentro de dos años de la fecha de la lesión por accidente or de la primera comunicación del diagnóstico de enfermedad ocupacional, si no llega a un acuerdo con el empleador en relacion al pago de compensación bajo la Ley.
4. Presentar una solicitud a la Comisión dentro de los dos años de la fecha del accidente, si el tratamiento médico es anticipado por mas de dos años de la fecha del accidente y el empleado no ha recibido una orden de la Comisión.

NOTA: El reporte de accidente del empleador no es la presentacion del reclamo del empleado. El pago voluntario sueldos o compensacion durante la incapacidad o de los gastos medicos, no afecta el transcurso de la limitación del tiempo para presentar reclamos. La Comisión debe de dar una orden cubriendo acuerdos voluntarios y si no, una reclamación debe de ser presentada por el empleado dentro de los dos anos del accidente; un año en caso de fallecimiento.

EL EMPLEADOR DEBE:

1. Al momento del accidente, dar al empleado los nombres de por lo menos tres médicos, de los cuales el empleado puede escoger un médico para su tratamiento.
2. Reportar las lesiones a la Comision a traves de su representante o directamente a la Comisión.
3. Determinar exactamente el salario semanal del empleado, incluyendo sobretiempo, comidas, uniformes, etc.

Preguntas pueden ser contestadas llamando a la Comision. Un folleto explicando la Ley de Compensación Para Los Trabajadores esta disponible sin costo de:

THE VIRGINIA WORKERS' COMPENSATION COMMISSION
333 E. Franklin St., Richmond, Virginia 23219
1-877-664-2566
vwc.state.va.us

Cada empleador dentro de la operacion de la Ley de Compensacion Para Trabajadores en Virginia, DEBE DE EXPONER ESTE AVISO EN UN LUGAR VISIBLE, en la empresa o lugar de negocios.

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: [https://doli.virginia.gov/regulatory information/](https://doli.virginia.gov/regulatory%20information/). YOU MAY ALSO CONTACT THE DEPARTMENT OF LABOR AND INDUSTRY OFFICES LISTED BELOW TO RECEIVE PRINTED COPIES OF THE VIRGINIA UNIQUE STANDARDS AND OBTAIN THE NAMES OF PUBLISHERS OF THE FEDERAL IDENTICAL STANDARDS.

Employers

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

Employees

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

Inspection

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

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

Citation

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

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

Proposed Penalty

The Law provides for mandatory penalties against private sector employers of up to \$16,287 for each serious violation and for optional penalties of up to \$16,287 for each other–than–serious violation. Penalties of up to \$16,287 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 \$162,849 for each such violation.

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

Criminal penalties are also provided for in the Law. Any willful violation resulting in the death of an employee is punishable, upon conviction, by a fine of not more than \$70,000 or by imprisonment for not more than six months, or by both. Subsequent conviction of an employer after a first conviction doubles these maximum penalties.

Complaint

Employees or their representatives have the right to file a complaint with the nearest VOSH office requesting an inspection if they believe unsafe or

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

Discrimination

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

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

CASPA

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

State Coverage

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

Voluntary Activity

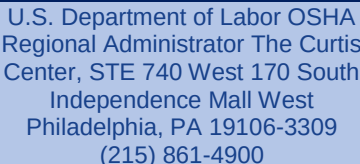
Voluntary efforts by the employer to assure its workplace is in compliance with the Law are encouraged. Voluntary Safety and Health Consultation and Training Programs exist to assist employers. These services may be obtained by contacting the Virginia Department of Labor and Industry addresses

Recordkeeping

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

Accident Reporting

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

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY		OCCUPATIONAL SAFETY AND HEALTH OFFICE LOCATIONS			 VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY
www.doli.virginia.gov		Headquarters Brookfield Place 6606 West Broad St, Suite 500 Richmond, Virginia 23230 VOICE (804) 371-2327 FAX (804) 371-6524	Northern Virginia/Manassas 9400 Innovation Drive, Suite 120, Manassas, VA 20110. (703) 392-0900	Abingdon The Johnson Center 468 East Main Street, Suite 114, Abingdon, VA 24210 (276) 676-5465	
		Central Virginia/Richmond North Run Business Park 1570 East Parham Road Richmond, VA 23228 (804) 371-3104	Tidewater/Norfolk 6363 Center Drive Building 6, Suite 101 Norfolk, VA 23502 (757) 455-0891	Lynchburg 3704 Old Forest Road Suite B Lynchburg, VA 24501 (434) 385-0806	Gary G. Pan Commissioner
			Southwest/Roanoke Brammer Village 3013 Peters Creek Road Roanoke, VA 24019 (540) 562-3580	Verona P.O. Box 772 201 Lee Highway Verona, VA 24482 (540) 248-9280	

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

Revised August 2025



EITC
EARNED INCOME
TAX CREDIT



The **EITC** is for working people who earn less than \$66,819. This year, the amount of the credit you could receive is up to \$7,830 if you claim qualifying children or up to \$632 if you don't claim qualifying children. The amount of the credit depends on:

- whether you are single or married
- if you have no children or the number of qualifying children you have
- the amount you earned

Just imagine what you could do with the EITC.



Life's a little easier with EITC



See if you qualify.
www.irs.gov/eitc

Are you eligible to claim the EITC for 2024?

Here are the rules to claim the credit . . .

- Generally must be a U.S. citizen or resident alien all year
- Must work and have earned income
- Must have a valid Social Security number issued on or before the due date of the return (including extensions)
- May not have more than \$11,600 of investment income (such as interest)
- 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 2555 (related to foreign earned income)

You have to file a federal income tax return to get the EITC even if you owe no tax or are not required to file. The EITC provides a boost to help pay your bills or save for a rainy day.

Did you meet the rules?

If so, your earned income must be less than . . .

- \$18,591 (\$25,511 if married filing a joint return) with no qualifying children who have valid SSNs
- \$49,084 (\$56,004 if married filing a joint return) with one qualifying child who has a valid SSN
- \$55,768 (\$62,688 if married filing a joint return) with two qualifying children who have valid SSNs
- \$59,899 (\$66,819 if married filing a joint return) with three or more qualifying children who have valid SSNs

Special rules may apply for members of the U.S. Armed Forces in combat zones, members of the clergy, and those with disability retirement income.

Do you have a qualifying child who lives with you?

To be a qualifying child for the credit . . .

- The child must meet the relationship, age, residency, and joint return tests described at www.irs.gov/eitc or in Publication 596, Earned Income Credit.

Did you double check your facts?

Here are common errors to avoid . . .

- Claiming a child as a qualifying child who does not meet the relationship, age or residency tests
- Underreporting or overreporting income or expenses
- Social Security number and last name mismatches

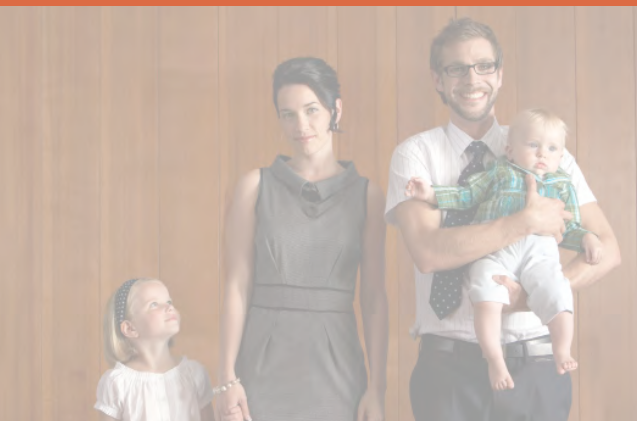
If you claim the EITC, the IRS can't release your refund until mid-February. Errors on the tax return can cause a delay in processing your claim for the tax credits.

Do you want help with the EITC?

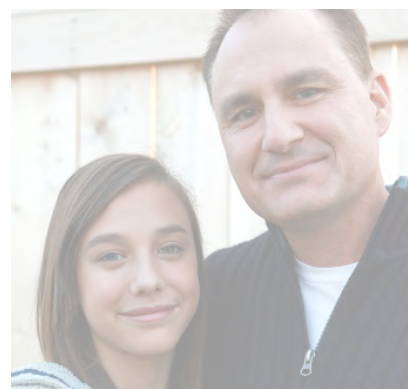
Go online or call us toll free . . .

- Go to www.irs.gov/eitc for free information and to check out the interactive EITC Assistant to see if you qualify for the credit and estimate the amount of your EITC.
- Visit a Volunteer Income Tax Assistance (VITA) site for free tax help and preparation. Go to www.irs.gov/VITA or call 1-800-906-9887 to find a site.
- Use Free File at www.irs.gov/FreeFile for free online filing through commercially available tax preparation software.
- Go to www.irs.gov/chooseataxpro to help locate a qualified tax return preparer.
- Call 1-800-829-4059 if you have access to TTY/TDD equipment for the hearing impaired.

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](http://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) 786-2992 or **(877) PAY-VTAX (877-729-8829)**
or visit: **www.tax.virginia.gov**

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 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.

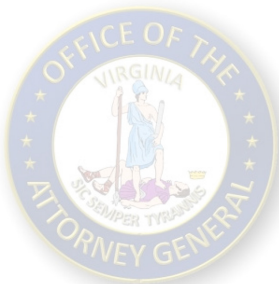
Interactive Process

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



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:

- 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.

OFFICE OF THE ATTORNEY GENERAL



Division of Human Rights

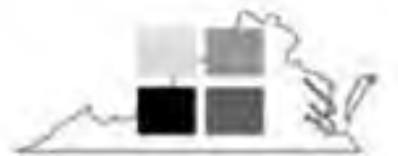
202 North 9th Street

Richmond, Virginia 23219

www.ag.virginia.gov

human_rights@oag.state.va.us

P: (804) 225-2292; F: (804) 225-3294



VIRGINIA 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, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status, or disability in employment, places of public accommodation, including educational institutions, in real estate transactions; preserve the public safety, health and general welfare; and further the interests, rights and privileges of individuals within the Commonwealth; and protect citizens of the Commonwealth against unfounded charges of unlawful discrimination.

Unlawful Discriminatory Practice Defined

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

Complaints may be filed with:

OFFICE OF THE ATTORNEY GENERAL

Office of Civil Rights

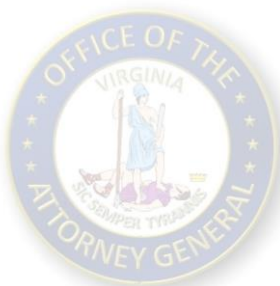
202 North 9th Street

Richmond, Virginia 23219

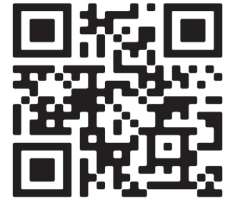
www.oag.state.va.us

CivilRights@oag.state.va.us

P: (804) 225-2292 | F: (804) 225-3294



RESOURCES FOR VIRGINIA VETERANS



 **SCAN ME**

The following resources are available at no cost to aid Virginia's veterans.
www.dvs.virginia.gov



→ Education, Transition, Employment → Benefits Services

▶ Veterans Education, Transition and Employment

VETE ensures that every Veteran or eligible person has a full and fair opportunity to reach his or her fullest potential through access to G.I. Bill approved post-secondary education, training/licensure/certifications, career preparation and workforce entry services.

Phone: 1-877-285-1299

Email: v3transition@dvs.virginia.gov

▶ Benefits

Connects Virginia Veterans to benefits and services they have earned including health, disability, compensation, pensions, disability claims appeals, and others.

Schedule an appointment at:
www.vesa.dvs.virginia.gov

→ Mental Health/Substance

▶ Virginia Veteran and Family Support Program

VVFS provides resource referrals, care coordination, and supportive services to Virginia Veterans, National Guard, Armed Forces Reserves, family members and caregivers.

Phone: 1-877-285-1299

→ Legal Services

▶ Office of the Attorney General Legal Resources

www.oag.state.va.us

▶ Virginia Lawyer Referral Service (State Bar)

www.vlrs.community.lawyer

→ Tax Benefits

▶ Virginia Tax

Phone: (804) 367-8031 | www.tax.virginia.gov

→ Unemployment Benefits

▶ Virginia Employment Commission

Phone: 1-866-832-2363 | www.vec.virginia.gov

→ U.S. Department of Veterans Affairs Veterans Crisis

Call 988, press 1 or text 838255

All calls and texts are free and confidential.

www.veteranscrisisline.net



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 (i) 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 or (ii) who, regardless of his average weekly earnings, is entitled to overtime compensation under provisions of 29 U.S.C. § 207 for any hours worked in excess of 40 hours in any one workweek. “Low-wage employee” includes interns, students, apprentices, or trainees employed, with or without pay, at a trade or occupation in order to gain work or educational experience. “Low-wage employee” also includes an individual who has independently contracted with another person to perform services independent of an employment relationship and who is compensated for such services by such person at an hourly rate that is less than the median hourly wage for the Commonwealth for all occupations as reported, for the preceding year, by the Bureau of Labor Statistics of the U.S. Department of Labor. For the purposes of this section, “low-wage employee” shall not include any employee whose earnings are derived, in whole or in predominant part, from sales commissions, incentives, or bonuses paid to the employee by the employer.

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

C. Nothing in this section shall serve to limit the creation or application of nondisclosure agreements intended to prohibit the taking, misappropriating, threatening to misappropriate, or sharing of certain information to which an employee has access, 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 an unlawful 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.

Seizure First Aid

How to help someone having a seizure

1

STAY with the person until they are awake and alert after the seizure.

- ✓ **Time** the seizure
- ✓ Remain **calm**
- ✓ Check for **medical ID**



2

Keep the person **SAFE**.

- ✓ Move or guide away from **harm**



3

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



Call
911
if...

- ▶ 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

- ✗ 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 and Register for Training: epilepsy.com/firstaid



EPILEPSY
FOUNDATION

epilepsy.com

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

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