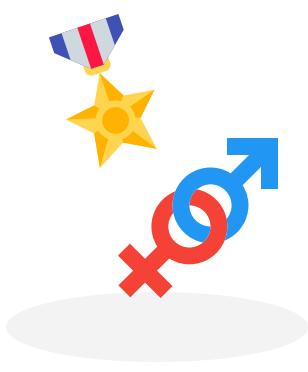


Big Changes for Virginia Employers July 1, 2020

1. DISCRIMINATION



Employers with more than 5 employees cannot discriminate on the basis of sexual orientation, gender identity, or veteran status and can be sued under Virginia's Human Rights Act ("VHRA") with no cap on damages. [Va. Code §§ 2.2-2901-3904 through 2.2-3908; 15.2-1500.1 and 22.1-295.2]

2. MISCLASSIFICATION



Employees have a new private claim if employers misclassify the employee as a contractor (1099s). There is presumption that everyone is an employee. The VDT can now determine on its own and assess civil penalties for each misclassified employee \$1,000 per employee for the first offense, \$2,500 for the second offense, and \$5,000 for the third or subsequent offense. [Va. Code § 40.1-28.7:7]

3. VIRGINIA WAGE PAYMENT ACT (VWPA)



New private claim for employees, including attorneys fees and treble damages if "knowingly" done. The Virginia Department of Labor and Industry ("DOLI") has increased authority to investigate employers' failure to pay wages. [Va. Code §40.1-29]

4. NON-COMPETES FOR "LOW WAGE" EMPLOYEES PROHIBITED



New law prohibits "a covenant not to compete with any low-wage employee" like interns, students, apprentices, or trainees and has a posting requirement and includes a prohibition on agreements that restrict an employee from providing a service to a client if the employee does not solicit client. [Va. Code § 40.1-28.7:7]

5. MINIMUM WAGE INCREASE DELAY



Due to COVID-19, the Minimum Wage increase to \$9.50 per hour has been delayed until May 1, 2021. Remember that for-profit companies must pay at least \$7.25/hour in Virginia and interns are generally considered "employees" and must be paid. [Va. Code §§ 40.1-28.9 and 40.1-28.10 (effective May 1, 2021)]



Remember during these hard times to stay **positive** and **look out for each other**. Limit your worry and agitation by lessening the time you spend watching and listening to the media but still be mindful to stay informed.

Source: https://www.who.int/docs/default-source/coronaviruse/coping-with-stress.pdf?sfvrsn=9845bc3a_2