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Since 1953

VIRGINIA
Employment Laws

POSTER COMPLIANCE DATE 08/2019

Department of Labor and Industry

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: http://www.doli.virginia.gov/doli_regulations/doli_regulations.html. 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 $13,047 for each serious violation and for optional penalties of up to $13,047 for each other–than–serious violation. Penalties of up to $13,047 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 $130,463 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
MAIN STREET CENTRE
600 EAST MAIN STREET, SUITE 207
RICHMOND, VIRGINIA 23219.
VOICE (804) 371-2327
FAX (804) 371–6524

http://www.doli.virginia.gov

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

OCCUPATIONAL SAFETY AND HEALTH OFFICE LOCATIONS

Headquarters
MAIN STREET CENTRE
600 EAST MAIN STREET, SUITE 207,
RICHMOND, VIRGINIA 23219.
(804) 371-2327

Central Virginia/Richmond
NORTH RUN BUSINESS PARK
1570 EAST PARHAM ROAD
RICHMOND, VA 23228
(804) 371-3104

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) 562-3580

Abingdon
The Johnson Center
468 EAST MAIN STREET, SUITE 114,
ABINGDON, VA 24210
(276) 676-5465

Lynchburg
3704 OLD FOREST ROAD
SUITE B
LYNCHBURG, VA 24501
(434) 385-0806

Verona
P.O. BOX 772
201 LEE HIGHWAY
VERONA, VA 24482
(540) 248-9280

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY
C. Ray Davenport
Commissioner

VIRGINIA SAFETY AND HEALTH CODES BOARD

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

REV. 08/2019

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

EITC

Department of the Treasury, Internal Revenue Service

Life's a little easier with eitc
earned income tax credit

The EITC is for working people who earn less than $54,884. This year, the amount of the credit can vary from $2 up to $6,431. The amount of the credit depends on:

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

Are you eligible to claim EITC for 2018?

Here are the rules to claim the credit . . .

- Must work and 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)
- May not have more than $3,500 of investment income (such as interest)
- Generally must be a U.S. citizen or resident alien all year
- 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)

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.

Just imagine what you could do with the EITC.
See if you qualify.
www.irs.gov/eitc

Did you meet the rules?

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

- $15,270 ($20,950 if married filing a joint return) with no qualifying children
- $40,320 ($46,010 if married filing a joint return) with one qualifying child
- $45,802 ($51,492 if married filing a joint return) with two qualifying children
- $49,194 ($54,884 if married filing a joint return) with three or more qualifying children

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
- Filing as single or head of household when married
- Social Security number and last name mismatches

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.

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** for free online filing through commercially available tax preparation software.
- Find a qualified tax return preparer; find tips for choosing a tax preparer on irs.gov keyword: Choose Preparer.
- Call 1-800-829-4059 if you have access to TTY/TDD equipment for the hearing impaired.

Publication 962 Catalog Number 13772B
Department of the Treasury **Internal Revenue Service** www.irs.gov

REV. 11/2018

Workers' Comp.

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

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.

Form VWC1

Unemployment Ins.

Virginia Employment Commission

NOTICE TO WORKERS

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

YOU MAY APPLY FOR UNEMPLOYMENT INSURANCE BENEFITS IF:

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

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

The first week you are unemployed, register for work, and file a claim for benefits. You can file your claim online at www.vec.virginia.gov or by calling our Customer Contact Center at 1-866-832-2363. If you are totally unemployed you must register for work online at www.vawc.virginia.gov.

TO BE ELIGIBLE FOR BENEFITS, THE LAW REQUIRES THAT YOU:

- File a claim with the Virginia Employment Commission.
- Have earned sufficient wages from employers who are subject to the Virginia Unemployment Compensation Act or any other State within your Base Period.
- Must be unemployed through no fault of your own.
- Must be able and available to work and making an active search for work.
- Continue to report as instructed by the Virginia Employment Commission.

You cannot be paid unemployment benefits until you have filed your claim and have met all of the eligibility requirements. To speed payment of benefits, you should file your claim as soon as you become unemployed or your hours are reduced. If you have any questions about your rights and responsibilities under the Virginia Unemployment Compensation Act, visit our website, 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.

An Equal Opportunity Employer/Program

Auxiliary aids and services are available upon request to individuals with disabilities.

This notice is available in Spanish. Direct requests to:

EMPLOYER ACCOUNTS UNIT
PO BOX 1358
RICHMOND, VA 23218-1358

VEC B-29

REV. 04/2015

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