

Legislative Changes to Virginia Employment and Child Labor Laws

Increased Protections and Opportunities for Virginia Workers

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/EINPresswire.com/ -- Effective July 1, 2023, legislation passed by the General Assembly during the 2023 session will go into effect, which alter existing labor laws and create new protections for

workers in the Commonwealth. These bi-partisan measures help advance Governor Glenn Youngkin's goals of accelerating Virginia's economy and keeping Virginians safe.



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NEWS RELEASE

The logo for the VA DOLI is pictured.

"In our effort to keep Virginia as the top place in the nation to live and work, these sensible new laws create protections for hard working Virginians, while strategically removing barriers to entry for certain career paths," said Secretary of Labor Bryan Slater. "It's a win-win scenario for Virginians."



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Secretary of Labor, Bryan Slater

Children Ages Sixteen Years or Older in Registered Apprenticeship to work in Certain Occupations:

Children aged sixteen or older who are registered apprentices may be permitted to work in barbershops or cosmetology salons licensed by the Virginia Department of Professional and Occupational Regulation's Board for Barbers and Cosmetology, in accordance with the Board's regulations. [Senate Bill](#) 1363 amends § 40.1-100 Code of Virginia to add this exemption.

Under § 40.1-100 Code of Virginia, certain employment for youth employees is prohibited or limited. These limitations include the prohibition of any child under eighteen years of age from performing work "in any capacity in preparing any composition in which dangerous or poisonous chemicals are used."

Information about Registered Apprenticeship programs can be obtained by contacting DOLI's Division of Registered Apprenticeship at <https://www.doli.virginia.gov/registered-apprenticeship/>. Information about regulation and licensure under the Board for Barbers and Cosmetology can be obtained by contacting the Board Office at (804) 367-8590.

Employer Use of Employee Social Security Numbers:

New legislation limits employers from using employee Social Security numbers as identifying information on certain employer-issued records. Senate Bill 1040 amends the Code of Virginia to add § 40.1-28.7:10 which prohibits an employer from using an employee's Social Security number, as an employee identification number or as part of an identification card, access card, badge, or any other similar employer-issued card.

The legislation also delegates enforcement of the statute to the Commissioner of DOLI who will investigate complaints by employees alleging improper use of their Social Security number. Employers found in violation of the statute shall be subject to civil penalties for each violation found and possible circuit court petitions for injunctive relief.

Unpaid Organ Donation Leave:

The Commonwealth, its agencies, and political subdivisions must give eligible employees unpaid organ donation leave under Virginia law. Senate Bill 1086 adds 40.1-33.7–40.1-33.12 to the Virginia Code. These laws require employers to give eligible employees up to 60 business days of unpaid organ donation leave and 30 business days of bone marrow donation leave.

Employees must have worked at least 12 months and 1,250 hours in the year prior to the leave period. Employees must provide written physician verification of donation and medical necessity. An employee's use of unpaid organ donation leave does not break continuous service for benefits accrual or health benefit plan continuation. Employees cannot be retaliated for exercising their organ donation rights.

The DOLI Commissioner now enforces unpaid organ donation leave. DOLI will investigate employee complaints of statutory rights violations and mediate between employer and employee. Civil penalties may apply to violating employers. Virginia Transplant Council dba Donate Life Virginia can answer questions about living organ donation at (866) 823-6667.

Minimum Wage Exemption Removed for Certain Workers with Disabilities:

Coverage extended to workers under the Virginia Minimum Wage Act will be amended by House Bill 1924. This legislation amends the existing exemption under § 40.1-28.9 Code of Virginia for any person who is paid pursuant to 29 U.S.C. §214(c) of the Fair Labor Standards Act of 1938, as amended. Individuals employed under Section 14(c) Certificates issued by the United States Department of Labor's Wage and Hour Division will no longer be exempt from the Virginia Minimum Wage Act if such certificate was issued on or after July 1, 2023. Individuals employed under certificates issued prior to July 1, 2023 will continue to be exempt from the Virginia Minimum Wage Act pending the second enactment of House Bill 1924 on July 1, 2030.

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