

Seminar Series

2026
Employment
Law Update



Business Owners Strategic Solutions

THE SUCCESSION JOURNEY SERIES

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VIRGINIA EMPLOYMENT LAW UPDATE FOR BUSINESS OWNERS

PRESENTED BY DEB COLLINS OF YENG COLLINS LAW, PLLC



YENG COLLINS
— LAW, PLLC —

Seminar Series

Business
Scorecards and
Dashboards



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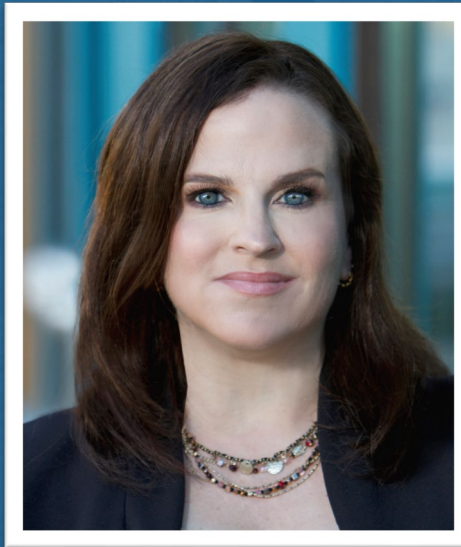
Yeng Collins Law, PLLC

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2026 BROUGHT SIGNIFICANT CHANGES IN THE EMPLOYMENT LAW LANDSCAPE IN VIRGINIA

- Virginia employers have increased obligations and liability as a result of several employee friendly changes to key employment laws, which took effect on July 1, 2026.
- These broad sweeping changes may require review and revision of your policies, practices, and employment documents.



PAY TRANSPARENCY & SALARY HISTORY BAN

VA. CODE § 40.1-28.7:12

PAY TRANSPARENCY AND SALARY HISTORY BAN

Under Virginia's new pay transparency law, employers:

- must now include a “good faith” wage or salary range in their internal and external job postings, including postings for promotions and transfers
- may no longer ask applicants or employees about their wage or salary history
- may not rely on an applicant or employee's wage or salary history when making hiring or compensation decisions
- may not retaliate against applicants or employees who decline to provide their wage or salary history or who ask how much a position pays

PAY TRANSPARENCY AND SALARY HISTORY BAN - FAQs

Can an applicant or employee voluntarily disclose their wage or salary history?

Yes, but the employer still may not use this information to refuse an interview, refuse to promote, undercut the posted range, or reduce their initial offer. Voluntarily offered pay information may be used to increase a salary offer, if doing so does not violate state or federal equal pay laws.

What is a “good faith” wage or salary range?

This term is undefined and allows employers to post a range allowing for differences based on experience, education, credentials, and other qualifications. However, the breadth of range will be considered when determining whether the employer acted in good faith, so the range should not be unreasonably broad (for example, \$45,000-90,000).

Employers can select an appropriate pay amount or range by referencing applicable pay scales, previously determined wage or salary ranges for the position, the actual wage or salary of the person currently holding the position, or the budgeted amount available for the position.

If we have to post pay ranges when advertising internal promotion and transfer opportunities, won't that create questions and potential conflict when employees realize other jobs have a higher pay range than their job?

Potentially yes, so employers should be prepared to explain how they established posted pay ranges and why workers in similar positions may earn different amounts.

PAY TRANSPARENCY AND SALARY HISTORY BAN – ENFORCEMENT

- Office of Attorney General has the power to investigate violations and bring civil actions against employers:
 - First violation: civil penalty of up to \$1,000
 - Subsequent violations: civil penalty of up to \$5,000 each
- Prospective and current employees also may sue within one year of an alleged violation and seek actual damages, as well as other legal or equitable relief
 - If the violation is failure to disclose the pay range for a position, must give the employer written notice and a chance to remedy the violation before filing suit
 - The employer has 15 business days to remedy the violation after receiving notice
 - If the violation is remedied in that time period, the employer may not be sued for a failing to properly disclose the pay for a position.



EXPANDED NON-COMPETE RESTRICTIONS

VA. CODE § 40.1-28.7:8

EXPANDED NON-COMPETE RESTRICTIONS

- Existing Virginia law prohibits an employer from entering into covenants not to compete with certain employees.
- Non-competes are banned against “low-wage earners,” defined currently as any employee making \$78,364.52/yr or less.
- Non-competes are banned against any employee that is non-exempt, i.e. hourly and subject to overtime pay.
- Anyone who cannot have a non-compete, also cannot have a non-solicitation of employees, or a non-solicitation of customers (that does more than prohibit solicitation by the employee).

EXPANDED NON-COMPETE RESTRICTIONS

- New laws further expand these prohibitions for covenants not to compete that are executed, renewed, or amended on or after July 1, 2026.
- Covenants not to compete are not enforceable when an employee is terminated without “cause,” unless the employer pays the employee “severance benefits or other monetary payment,” the amount of which must be disclosed at the time the covenant not to compete is executed.
- Non-competes banned against “health care professionals,” which are broadly defined as any person who is licensed, registered, or certified by the Board of Medicine, Nursing, Counseling, Optometry, Psychology, or Social Work.



VIRGINIA HUMAN RIGHTS ACT (VHRA)

VA. CODE § 2.2-3900

OVERVIEW OF THE VIRGINIA HUMAN RIGHTS ACT (VHRA)

- The VHRA protects employees from discrimination and retaliation based on their race, color, ethnicity, religion, national origin, sex, pregnancy, childbirth, lactation, or related medical conditions, age for those 40 and over, marital status, sexual orientation, gender identity, disability, veteran status, and military status
- No cap on compensatory damages or lost wages
- When filing in state court, claims are more likely to survive through to trial

EXPANSION OF THE VIRGINIA HUMAN RIGHTS ACT (VHRA)

- The VHRA now extends its anti-discrimination and anti-retaliation obligations to employers with 5 or more employees, down from the previous threshold of 15 employees.
- Additionally, employees will now have 2 years from the date of the alleged discriminatory/retaliatory act to file a complaint with the Office of Civil Rights, an increase from the previous 300-day limit.



VA WAGE PAYMENT ACT (VWPA)

VA CODE § 40.1-29

EXPANDED PAY PROTECTIONS – OVERVIEW OF VWPA

The VWPA:

- requires employers to establish regular pay period and rates of pay for employees.
 - With some exceptions, salaried employees must be paid at least once a month and hourly employees must be paid at least once every two weeks, or twice per month
- requires employers to pay a departing employee all owed wages on or before the date the employee would have been paid while employed (i.e., the next regularly scheduled payday)
- prohibits employers from withholding any part of an employee's wages without written and signed authorization from the employee (with exceptions for taxes, wage garnishments, pay advances) – THIS IS A FREQUENT ERROR EMPLOYERS MAKE
- allows employees to file suit if an employer does not pay wages in accordance with the law

EXPANDED PAY PROTECTIONS – CHANGES TO VWPA

- The Virginia Wage Payment Act (VWPA) now defines “wages” to include any form of pay the employer owes to the employee, including commissions, tips, bonuses, and even damages available due to misclassification.
- Employers accused of violating the VWPA may now “cure” the violation within 14 days of being notified of the violation by paying all wages unlawfully withheld, allowing them to assert a “good faith” defense to avoid additional damages or penalties.
- Employers are now required to retain employee paystubs or maintain an online accounting of pay records for at least 3 years.
 - Reminder: Virginia law requires that employers provide certain personnel records to an employee or former employee upon written request, including wage and salary information, within 30 days of receipt of such request.



RETIREFPATH

VA CODE § 2.2-2744

RETIREPATH – WHAT IS IT?

- RetirePath is a state-administered retirement savings program for private sector workers.
- Certain private sector businesses are required to participate in RetirePath if they don't already offer a qualified retirement savings plan.
 - Not required to pay anything towards the plan
 - Only obligated to facilitate offering RetirePath to eligible employees, and they can opt in or out
- Eligible employees can contribute to their RetirePath account directly from their paycheck:
 - must be at least 18 years old;
 - must work at least 30 hours a week; and
 - must receive taxable wages in Virginia
- Independent contractors or seasonal employees who work less than 90 days a year are not considered “eligible employees” but may still open a RetirePath account independently.

RETIREFPATH – WHAT'S NEW?

- Private employers will be required to register for and facilitate RetirePath if they:
 - Have 5 or more eligible employees (down from 25 or more);
 - have been operating for 2 or more years at the time of enrollment; and
 - do not currently offer a qualified, employer-sponsored retirement savings plan
 - Businesses that already offer a qualified plan, such as a 401(k), SIMPLE IRA, SEP IRA, or 403(b), do not have to participate in RetirePath

RETIREFPATH – WHAT NOW?

- Eligible employers will be notified when it's time to register
- Employers becoming eligible in 2026 must register and facilitate the program by the following deadlines:
 - For employers with 10-24 employees: September 30, 2026
 - For employers with 5-9 or 25 or more employees: October 30, 2026
- For employers that were eligible before 2026, the deadline to register has already passed
 - Should have already received notifications from RetirePath about how to register or certify an exemption
- Non-compliant employers are subject to enforcement action, which may include financial penalties



COMING ATTRACTIONS

LAWS ENACTED JULY 1, 2026, BUT TAKING EFFECT LATER



VA MINIMUM WAGE INCREASES

VA CODE § 40.1-28.10

INCREASE IN MINIMUM WAGE

- Virginia minimum wage is currently \$12.77
- Minimum wage will increase as follows:
 - On January 1, 2027: \$13.75/hour
 - On January 1, 2028: \$15.00/hour
 - January 1, 2029 and beyond: annual adjustments to reflect increases in the CPI



PAID SICK LEAVE (PSL)

VA CODE § 40.1-33.3

PAID SICK LEAVE (PSL) – THE BASICS

- A new Virginia law will require employers to offer paid sick leave (PSL) to nearly all employees, with phased coverage:
 - Beginning July 1, 2027 – Employers with at least 50 employees
 - Beginning Jan. 1, 2028 – Employers with at least 25 employees
 - Beginning Jan. 1, 2029 – All employers with at least one employee
- Once the law applies, employees must accrue at least one hour of PSL for every 30 hours worked, with a minimum annual cap of 40 hours
 - Employers may frontload the full 40 hours of PSL at the beginning of the year
- Employers must allow unused PSL to carry over into the next calendar year

PAID SICK LEAVE (PSL) – LEAVE USE AND NOTICE REQUIREMENTS

- Employers must allow employees to use PSL for various personal or family health needs, as well as issues related to domestic violence, sexual assault, or stalking.
- Employers may require reasonable documentation for absences of at least three consecutive workdays.
- Employees must give notice of need to use leave in advance, where feasible, IF the employer requires such notice by written policy provided to the employee.
- Employees must make a reasonable effort to schedule PSL use to not unduly disrupt employer operations.
- Employers must provide notice to employees of their rights under the law, both in writing and through a posting - regulations on implementation and enforcement are still to come.

PAID SICK LEAVE (PSL) – EXISTING PTO POLICIES & PAYOUT

- An employer's existing paid leave/PTO policies may satisfy the new PSL mandate if they provide at least 40 hours of leave annually that can be used usable for the same purposes and on the same conditions.
- Employers are not required to pay out accrued but unused PSL upon termination.
- Employers who fail to comply with the PSL mandate will face civil fines and civil lawsuits by employees seeking unpaid leave and damages.



PAID FAMILY AND MEDICAL LEAVE (PFML)

VA CODE § 60.2-800

PAID FAMILY AND MEDICAL LEAVE (PFML) – THE BASICS

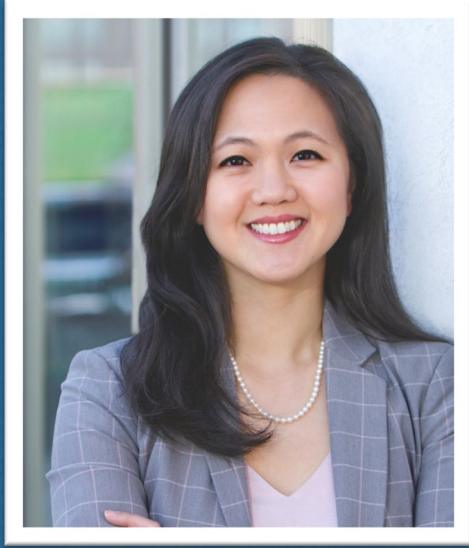
- A new Virginia law will require covered employers to offer Paid Family and Medical Leave (PFML) to eligible employees, with a phased rollout:
 - April 1, 2028: Payroll contributions begin for covered employers and employees
 - December 1, 2028: Eligible employees may begin applying for and receiving PFML benefits
- The PFML program will provide eligible workers with up to 12 weeks of paid leave each year for qualifying family and medical reasons, including:
 - welcoming and caring for a new child through birth, adoption or foster care
 - recovering from a serious health condition
 - caring for a family member with a serious health condition
 - military family needs
 - domestic violence, sexual assault or stalking

PAID FAMILY AND MEDICAL LEAVE (PFML) – FUNDING AND PAYOUT

- The PFML program is funded through a public trust by small payroll contributions paid by employers, employees, self-employed individuals, and other workers.
- Employers with 11 or more employees are required to remit both employer and employee contributions.
 - Employers may choose to cover a portion of the employee's contribution.
- Employers with 10 or fewer employees are not required to pay the employer contribution.
- The PFML program is designed to provide wage replacement of up to 80% of the employee's average weekly wage, up to a cap of the state's average weekly wage.

PAID FAMILY AND MEDICAL LEAVE (PFML) –ELIGIBILITY

- Most Virginia workers will be eligible to participate, including:
 - Full-time and part-time employees
 - Employees of small businesses
 - Self-employed individuals who choose to participate
- Specific eligibility requirements, documentation standards and application procedures will be provided as the program is developed and regulations are finalized.



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CHESAPEAKE SOCCER CLUB GALAXY

Mail to: PO Box 16438
Chesapeake, Virginia 23328

<https://www.chesapeakesoccerclub.com/>

Welcome to Chesapeake Soccer Club! Throughout its history CSC has maintained a commitment to recreational, advanced and elite level soccer, with a strong focus on family support and team development. CSC is a non-profit, all-volunteer organization that operates in accordance with USYSA and VYSA guidelines. Our club motto "It's about Kids" reminds us all that youth soccer is truly about the kids: their development, their fun. In today's world of increasingly competitive youth sports, we are committed to keeping the kids first, to ensure that every child and family that wants to learn the game of soccer has the opportunity to do so in a safe, affordable, enjoyable environment.

Seminar Topics and Recommendations:

In addition to the succession planning series, there will be other seminars throughout the year on various topics of interest such as business assessments and enhancements, employee benefits, financial planning, tax planning, and business coaching.

If there are particularly topics of interest you would like to share, please email your suggestions and recommendations to info@theoneboss.com.

VISION

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BUSINESS ENHANCEMENT SEMINAR SERIES, AND TOPICS OF INTEREST

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