ENGAGE PEO

Client Alert
Virginia: New Employment Laws Effective July 1, 2026

Wage Transparency

WHAT'S NEW: Virginia recently enacted a wage transparency law, **effective July 1, 2026.**

WHAT IT MEANS: Under the new law, employers are **prohibited** from the following:

- Seeking wage or salary history from prospective employees.
- Relying on wage or salary history in considering the prospective employee for employment or in determining the wages or salary to be paid, except when the prospective employee voluntarily reveals their prior wages as explained below.
- Refusing to interview, hire, employ, or promote a prospective employee, or retaliating against a prospective employee for refusing to provide wage or salary history.

Under the new law, employers are required to do the following:

- Disclose in each public and internal posting for each job, promotion, transfer, or other employment opportunity the wage, salary, or wage/salary range for the position
- Set a wage or salary range in good faith.
- If an employee voluntarily provides their wage or salary history without the employer prompting, the employer may rely on that information to support a wage or salary **higher** than the employer's initial offer of compensation, as long as it does not violate the equal pay provisions under state or federal law.

WHAT EMPLOYERS SHOULD DO: Employers should review and revise all job posting templates to require input of wage and salary ranges. Employers should also review all hiring policies and practices and ensure managers are trained on and aware of the requirements and prohibitions.

Human Rights Act Amended

WHAT'S NEW: Virginia recently amended the Human Rights Act to expand the definition of employer and increase the statute of limitations for filing a claim. **The new law goes into effect on July 1, 2026.**

WHAT IT MEANS: The Virginia Human Rights Act is the statute that prohibits discrimination in the employment context.

Definition of employer: Under existing law, "employer" is defined as a person who employs 15 or more employees. The new definition provides that **employers with 5 or more employees** are subject to all provisions of the law.

Statute of Limitations: Under existing law, employees have 300 days to file a claim with the Office of Civil Rights of the Department of Law. The Governor has approved legislation extending the filing deadline under the Virginia Human Rights Act from 300 days to two (2) years, **effective July 1, 2026.**

WHAT EMPLOYERS SHOULD DO: Employers who are newly covered under the legislation should update policies and train managers on the changes.

Voluntary Emergency Responder Protections

WHAT'S NEW: Virginia enacted a law prohibiting discrimination and/or retaliation against an employee who is absent due to serving as a volunteer emergency responder. The law takes effect on July 1, 2026.

WHAT IT MEANS: Under the new law, employers shall not discriminate against or penalize an employee solely because the employee fails to report to work because the employee is serving as a volunteer emergency responder and is rendering service in response to an emergency alarm or state of emergency.

- The employee is required to provide the employer with notice at least one (1) hour before the employee is scheduled to report to work. Upon returning to work, the employee must provide a copy of the incident report and a certification by the incident commander or other officer in charge affirming that the employee was actively engaged and was necessary for rendering emergency services.
- Employers are **not** required to pay an employee for work time missed. An employee may use paid sick leave or other paid leave that the employee has accrued.
- This law does not apply if the employee is deemed an essential employee by statute or contract.

WHAT EMPLOYERS SHOULD DO: Employers should train managers on the new requirements and update leave policies and procedures. **Here is a sample policy.**

If you have any questions about these updates, please contact your HR Business Partner/Consultant.