

## Employment and Labor

### Virginia Employment Law

At Berry & Berry, PLLC, our Virginia employment lawyers represent private sector, state, county, and municipal employees in the Commonwealth of Virginia in various types of investigations, county and state grievance procedures, disciplinary action defense, whistleblower issues, equal employment opportunity (EEO) matters, and executive, non-compete and severance agreements. When employment issues for Virginia employees arise, it is very important to obtain legal advice and/or representation for your employment matter.

Please [contact us](#) to schedule a consultation to discuss your individual Virginia employment matter.

Some of the areas of Virginia employment law where we advise and represent employees including the following:

#### **(1) Wrongful Termination for Employees in Virginia**

If a Virginia employee is terminated, there can be a number of grounds to allege wrongful termination for dismissals from employment in Virginia. These can include being terminated for an illegal reason as listed below, or perhaps in violation of an employment contract. Our Virginia employment lawyers represent employees in regards to wrongful termination matters in the Commonwealth of Virginia. Some helpful articles follow:

[Wrongful Termination in Virginia](#)

[8 Tips When Facing Virginia Employment Law Problems](#)

#### **(2) Discrimination and Sexual Harassment Claims**

Our Virginia employment attorneys represent Virginia employees in employment discrimination and sexual harassment cases. The Virginia Human Rights Act (Virginia Code § 2.2-3901) protects employees against conduct that violates any Virginia, federal statute, or regulation governing discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability. These issues often arise in the context of disciplinary actions (termination/suspension from employment) or illegal or improper promotion decisions. We represent Virginia employees in these types of employment matters before the Virginia Office of Attorney General, Division of Human Rights; the Equal Employment Opportunity Commission (EEOC); local Virginia county-based human rights commissions, such as the Fairfax and Arlington County Human Rights offices; and in arbitration. Some helpful articles

follow:

[Filing Sexual Harassment Complaints in Virginia](#)

[Fairfax County Human Rights Act Discrimination Complaint Process](#)

### **(3) Virginia State and County Grievance Procedures**

Our law firm represents county (e.g. Fairfax, Arlington, Loudoun, Prince William, etc.) and state employees in Virginia in grievance matters involving employment issues. Most counties in the Commonwealth of Virginia provide internal grievance procedures to address disciplinary and other employment issues (e.g., Fairfax County Grievance Procedure). At the state level, the Virginia Department of Human Resource Management has established a [grievance process](#) in conjunction with Virginia Code § 2.2-3003 through which a Virginia state government employee can bring employment issues to management. Many types of these issues, such as those involving discipline or performance, can be taken to the hearing level. We represent county and state employees during their grievance presentations, grievance hearings, grievance appeals, and in court. The following article explains the Virginia process for state employees.

[Virginia's Grievance Process for State Employees](#)

### **(4) Internal or Administrative Investigations in Virginia**

We are often called upon to represent private and public sector employees in Virginia who have become subject to internal or administrative investigations. In these types of matters, it is important for Virginia employees to have a Virginia employment lawyer represent and/or to advise them through the investigative process (e.g., during questioning, written responses, and personal interviews). Depending on the individual type of employer and type of investigation, we often represent employees in investigations conducted by private sector employers, public sector employers (County and State investigators), governmental authorities, and law enforcement employers (county, municipal and state police). For Virginia employees under investigation, it is important to obtain counsel as early as possible in the process to protect their employment and other rights.

### **(5) Whistleblower Issues for Virginia Employees**

Virginia has recognized an exception to the employment at-will doctrine for employees who have engaged in whistleblowing. [Bowman v. State Bank of Keysville](#), 331 S.E.2d 797, 801 (Va. 1985). Basically, Virginia courts evaluate whether an employee has been terminated for a reason that violates an established public policy in Virginia to make a determination as to whether whistleblowing has occurred. For example, if an employer has terminated a Virginia employee because he or she was told to unlawfully discriminate against another employee but refused to do so, this could give rise to a claim of retaliatory discharge. Another example could involve a situation where an employee is required or coerced to lie to government investigators, refuses to do so, but is then terminated. We represent Virginia employees in these types of whistleblower matters.

## **(6) Executive, Severance, or Non-Compete Agreements for Virginia Employees**

Other types of employment issues can arise in Virginia, including those involving the negotiation of executive, severance, or non-compete agreements. Each state has its own laws and interpretation of these types of agreements, and we advise and represent employees in Virginia on these types of issues and how Virginia law impacts such agreements. We represent executives and other employees in negotiations involving executive compensation and other terms of employment. Our firm also represents Virginia employees with respect to severance agreements and the enforcement of such agreements. Furthermore, we often represent Virginia employees in regard to [non-compete agreement](#) issues. Non-compete agreements tend to be generally disfavored by the Virginia courts; therefore, the terms of non-compete agreements should be narrowly tailored in Virginia if they are to be upheld. We advise and represent Virginia employees with respect to their proposed or existing non-compete agreements. The following is an article for employees with respect to non-compete agreements.

[Virginia Non-Compete Agreements for Employees](#)

[Independent Contractors and Non-Compete Agreements in Virginia](#)

## **(7) Payment of Wages**

In Virginia, wages and overtime earned must be paid under existing state and federal law. We represent employees and former employees in cases involving non-payment of wages and/or overtime. An article below describes the process in the context of former employees wages.

[Seeking Unpaid Wages for Former Virginia Employees](#)

## **Contact Us**

There are a number of important employment and contractual rights that are afforded to Virginia employees. Therefore, it is important for employees in Virginia to seek legal advice from an attorney who is knowledgeable about Virginia employment laws and who will evaluate their rights under the laws. Please [contact Berry & Berry, PLLC](#) to schedule an initial consultation regarding your Virginia employment issue. Also, please follow our blog on Virginia employment law at [www.employmentlawvirginia.com](http://www.employmentlawvirginia.com).