



## A Summary of Logging Business Responsibilities Related to Wage and Hour Rules and OSHA Regulations in Virginia

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### Introduction

Logging businesses are responsible for keeping their employees safe while on the job and paying them fairly according to Virginia and Federal laws.

Logging business owners, managers, and employees should be aware of their responsibilities related to wage and hour rules and OSHA regulations as they apply to Virginia logging businesses. In Virginia, the Department of Labor and Industry (DOLI) is the lead agency related to wage and hour laws as well as workplace safety and OSHA regulations.

### Wage and Hour Laws

Both Virginia and Federal laws govern payment of employees. These laws relate to minimum wage, overtime pay, as well as posting notices to inform employees of their rights.

### Minimum Wage Laws

Virginia's minimum wage is currently in a period of phased increases to \$15.00 per hour with the following timeline:

- January 1, 2022 until January 1, 2023 \$11.00 per hour.
- January 1, 2023 until January 1, 2025 \$12.00 per hour.
- January 1, 2025 until January 1, 2026 \$13.50 per hour.
- January 1, 2026 until January 1, 2027 \$15.00 per hour.

Virginia's law also notes that if at any point the federal minimum wage is greater than Virginia's, then Virginia will adopt the federal minimum wage. Virginia does not require employers to display a

poster related to minimum wage, but if an employer would like to post one, they have a minimum wage notice poster that can be used. It can be found at:

<https://www.doli.virginia.gov/wp-content/uploads/2021/05/Combined-Minimum-Wage-Update-Details-and-Notice.pdf>

### Overtime Pay

Virginia overtime law was updated on August 10<sup>th</sup>, 2021. Employers should note that with a few limited exceptions, Virginia law requires employers to pay employees one and a half times their regular hourly pay rate for working more than 40 hours per week. This also applies to most salaried employees. There are limited exemptions for salaried employees who are executives, officers, or administrators. The Labor and Employment Division of DOLI enforces the overtime law and their website has additional detailed information related to overtime laws. In addition, their website has more details on specific questions related to calculating overtime pay for unique situations such as salaried employees, piece-rate employees, tipped, and commissioned employees as well.

<https://www.doli.virginia.gov/labor-law/faqs-virginia-overtime-law/>

### Logging Recognized as a Hazardous Industry

Any employee of a logging operation must be at least 18 years old. Logging and sawmilling operations are classified as hazardous operations and minors under the age of 18 cannot work on logging operations. Additional details can be found in the code of Virginia (16VAC15-30-50).

<https://law.lis.virginia.gov/admincode/title16/agency15/chapter30/section50/>

## OSHA Logging Standards

Under the Occupational Safety and Health Act (OSHA) employers are required to provide a safe workplace for their employees. OSHA covers the majority of employees with a limited number of exceptions. Those not covered by OSHA include those that are self-employed, immediate family members of farm employers, and workers who are regulated by another agency (for example mining) (<https://www.osha.gov>). In Virginia, OSHA is enforced through an approved state plan. The Virginia Occupational Safety and Health (VOSH) Program enforces a logging regulation that is identical to the federal OSHA Standard. <https://www.doli.virginia.gov/vosh-programs/> This publication is not intended to cover specific OSHA regulations. The federal OSHA logging regulations can be found in a helpful logging e-tool at the following website (<https://www.osha.gov/etools/logging>). Additionally, the Virginia Logger Safety Checklist Booklet (<https://resources.ext.vt.edu/contentdetail?contentid=1391>) provides a complete list of federal OSHA logging regulations along with a helpful guide to assist logging business owners with meeting OSHA regulations including training for employees and customizable company safety policies.

## Communicating Employee Rights and Protections Through Required Posters

Both Virginia and Federal Law require posters related to workplace safety as well as employee rights. The intention of these required posters is to communicate to workers about their rights and the protections available to them. These posters are intended to be posted in a conspicuous location where employees have the opportunity to read them. Finding a suitable location for posters on a logging operation can be challenging when job sites are outdoors and move frequently from one location to another. Many logging businesses have found ways to overcome these challenges by placing posters in

places that are regularly utilized by employees such as a maintenance shop, an enclosed trailer used onsite for maintenance or storage, or other areas where the posters can be out of the weather yet visible to employees working on the job.

There are a number of posters that may be required depending on the type, location, and size of business. Below is a summary of posters that may be required of Virginia logging businesses based on the typical size of logging businesses in Virginia.

**Job Safety and Health Protection** - Outlines the requirements of employers and employees under VOSH for maintaining safe working conditions. [Virginia Occupational Safety and Health Poster English -August-2020.pdf.pdf](https://www.doli.virginia.gov/vosh-programs/vosh-posters/english-august-2020.pdf)

**Reasonable Accommodations for Pregnancy** – As of July 1, 2020, if employers have five or more employees they must provide reasonable accommodations for pregnancy. [https://www.doli.virginia.gov/wp-content/uploads/2020/11/OUTREACH\\_INFO-SHEET\\_PREGNANCY-DISCN-PROVISIONS\\_2020-07-17\\_FINAL.pdf](https://www.doli.virginia.gov/wp-content/uploads/2020/11/OUTREACH_INFO-SHEET_PREGNANCY-DISCN-PROVISIONS_2020-07-17_FINAL.pdf)

**Fair Labor Standards Act (FLSA) – Minimum Wage (WH-1088)** – Outlines employee rights under the Fair Labor Standards Act, including the Federal minimum wage laws. <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/minwagep.pdf>

**Employee Polygraph Protection Act (EPPA)** – This act prohibits most private employers from using lie detector tests for screening applicants or during employment. <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/eppac.pdf>

Depending on the specifics of your business there are other posters that may need to be displayed if for example you have more than 15 employees, more than 50 employees, or are involved with federal contracting. A full explanation of required posters can be found at (<https://www.doli.virginia.gov/request-a-poster/>). The US Department of Labor also has an online tool available to walk you through the process of determining required posters for your business based

on your specific operation. You can access their *FirstStep* Poster Advisor through the following link. [claws - FirstStep Poster Advisor \(dol.gov\)](http://www.dol.gov) Additionally, there are also vendors of commercial products that combine all possible posters into a single large poster to display at your worksite. These posters are often laminated and make it easy to display posters for all possible scenarios, however not all of them may apply to your operation or to your employees.

371-2327. Always refer back to the appropriate regulating agencies to determine if laws may have changed and what laws may be applicable to your specific operation.

## Additional Resources

<https://www.osha.gov/employers>

<https://www.doli.virginia.gov/>

<http://sharplogger.vt.edu/>

Visit Virginia Cooperative Extension: [ext.vt.edu](http://ext.vt.edu)

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2021

CNRE-135NP

**Job Safety and Health Protection**  
 VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

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.dol.virginia.gov/doli\\_regulations/doli\\_regulations.html](http://www.dol.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.

**Citation**  
 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.

**Proposed Penalty**  
 The Law provides for mandatory penalties against private sector employers of up to \$13,277 for each serious violation and for optional penalties of up to \$13,277 for each other-than-serious violation. Penalties of up to \$13,277 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 \$132,704 for each such violation.

**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.

**CASPA**  
 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.

**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 trains, certain Federal employees, and businesses covered by the Federal Maritime jurisdiction.

**Recordkeeping**  
 Employers now have a new system for tracking workplace injuries and illnesses. OSHA's new recordkeeping log (Form 302) 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-slc.gov/recordkeeping/pub319next.html](http://www.osha-slc.gov/recordkeeping/pub319next.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**

**HEADQUARTERS**  
 Main Street Center  
 600 East Main Street, Suite 207  
 Richmond, Virginia 23219  
 VOICE: (804) 371-2327  
 FAX: (804) 371-4624  
<http://www.doli.virginia.gov>

**U.S. DEPARTMENT OF LABOR**  
 OSHA Regional Administrator  
 The Curtis Center, 675 7th Street  
 110 South Independence Mall West  
 Philadelphia, PA 19106-2602  
 (215) 861-4900

**Northern Virginia/Maryland**  
 9403 Inverness Drive, Suite 102  
 Manassas, VA 20108  
 (703) 362-0090

**Tidewater/Norfolk**  
 6383 Center Drive  
 Building B, Suite 101  
 Norfolk, VA 23502  
 (757) 455-0261

**Southwest/Roanoke**  
 Brammer Village  
 3015 Peters Creek Road  
 Roanoke, VA 24019  
 (540) 555-3336

**Abingdon**  
 The Johnson Center  
 408 East Main Street, Suite 114  
 Abingdon, VA 24210  
 (276) 876-5465

**Lynchburg**  
 2704 Old Forest Road  
 Suite B  
 Lynchburg, VA 24501  
 (540) 385-0806

**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. August, 2020

Figure 1. Example of Job Safety and Health Protection poster required to be posted on site ([Virginia Occupational Safety and Health Poster English -August-2020.pdf.pdf](http://www.doli.virginia.gov)).

This publication is intended as a brief overview of requirements for logging businesses related to wage and hour laws and OSHA regulations and to provide key contact information on where to find additional information. Laws, regulations, and interpretations can change quickly. For the most up to date and detailed information refer to the VA DOLI website at [www.doli.virginia.gov](http://www.doli.virginia.gov) or contact them at (804)