

Virginia Employers Soon Must Adopt, Provide Accommodation Policies to Employees With Disabilities

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Starting on July 1, 2021, most Virginia employers must include information in their employee handbooks about reasonable accommodations for persons with disabilities and provide that information directly to any employee within 10 days after receiving notice that the employee has a disability.

This new requirement is modeled on last year's Virginia pregnancy accommodation law, which requires that employers include information in their handbooks about pregnancy accommodations, as well as provide that information to employees within 10 days of receiving notice that an employee is pregnant. These are the only two laws in Virginia requiring specific handbook policies, and the only two requiring notices to employees triggered by specific events that occur during employment. As a result, Virginia employers must now act promptly when an employee informs them that the employee is pregnant or has a disability.

Virginia's 2020 Pregnancy Accommodation Law

Under a law that took effect on July 1, 2020, Virginia employers with at least five employees must make reasonable accommodations to known limitations related to pregnancy, childbirth, or related medical conditions, in the absence of undue hardship. The law also mandates that employers include information in their handbooks about an employee's right to reasonable accommodation due to pregnancy, post such information in a conspicuous location, and provide that information directly to new employees and to any employee within 10 days of that employee providing notice to the employer that she is pregnant.

This was the first law in Virginia requiring specific information in employee handbooks and the first requiring employers to respond to an employee disclosure (in this case, pregnancy) with specific notice information. The Virginia Department of Labor, Licensing and Regulation (DLLR) has issued a [poster](#) that can be used as a basis for the employer's policy and notice to employees.

2021 Reasonable Accommodation Law

In 2021, the Virginia legislature [passed similar protections](#) for employees with disabilities. Starting on July 1, 2021, employers with more than five employees must ensure that their handbooks include information about an employee's right to reasonable accommodation for disabilities and must post that information in a conspicuous location.

Employers also must provide information about the law to new employees, as well as to any employee who discloses they have a disability within 10 days of that disclosure. As of the date of this article, no poster has been issued by the Commonwealth to satisfy the posting or notice requirements.

Compliance Steps for Employers

Employers covered by these laws whose handbooks do not contain information about (1) pregnancy accommodations and (2) accommodations for employees with disabilities should immediately adopt such policies and start distributing them to new hires.

In addition, employers should post the DLLR's pregnancy accommodation poster, as well as its own policy on reasonable accommodations for employees with disabilities.

An employee's disclosure of a pregnancy or disability triggers an additional notice requirement. Within 10 days of such disclosure, the employer must provide the employee with a copy of that policy or notice.

If you have any questions about these requirements, contact the Jackson Lewis attorney with whom they regularly work.

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