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Reminder – Virginia's New Disability Discrimination Provisions Goes Into Effect July 1, 2021

By Jessica Summers

During its 2021 Special Session, the Virginia General Assembly passed a new law (HB1848) to amend and expand the Virginia Human Rights Act (VHRA).

Specifically, the new law, which went into effect July 1, 2021, adds disability as a protected category under the VHRA and requires employers to provide reasonable accommodations to employees with disabilities.

These new provisions apply to all employers in Virginia with five or more employees. In other words, Virginia's new law applies to a broader range of employers than the federal Americans with Disabilities Act (ADA) which only applies to businesses with 15 or more employees.

Of critical importance to ensuring employer compliance – the new law requires that employers "post in a conspicuous location and include in any employee handbook information concerning an employee's right to reasonable accommodation for disabilities." The law further requires that such information "also be directly provided to (i) new employees upon commencement of their employment and (ii) any employee within 10 days of such employee's providing notice to the employer that such employee has a disability."

Employers that are large enough to be covered by the ADA may already have this covered. However, the amended VHRA goes above and beyond the ADA (which only has a posting requirement) to expressly require employers to include reasonable accommodation information in their employee handbook (if they have one) and mandate a specific timeline for providing such information to new employees or employees who provide notice of a disability. Thus, all Virginia employers are well advised to take a close look at their policies and procedures to determine whether they need to take any steps or make any updates to bring themselves into full compliance.