

Notice of the Average Weekly Wage for 2021

Pursuant to Va. Code § 40.1-28.7:8, the term “Low-wage employee” as applied to covenants not to compete has been calculated by the Virginia Employment Commission to include all employees and independent contractors who earn an average of less than \$1,195 per week.

Any employer who enters into, enforces, or threatens to enforce a covenant not to compete with any low-wage employee as defined by the statute will be in violation of the statute, and subject to a suit for damages, attorneys’ fees, and liquidated damages, and civil monetary penalties assessed by the Commissioner.

Additionally, the section contains a posting requirement for employers which advises, “Every employer shall post a copy of this section or a summary approved by the Department in the same location where other employee notices required by state or federal law are posted.” Posting a copy of the Code will meet the requirements for notice to employees required under the law.