

# *Virginia*

## *Regulatory Hot Tip 2015 – 1*

*Professional Insurance Agents Association of Virginia and DC, Inc.*

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### Summertime Is Over!

I hope that this hot tip finds everyone concluding a fabulous summer. I wanted to remind you that many of the laws passed in the 2015 session of the General Assembly became effective on July 1, 2015 (unless they had another inception date embedded in the statute). So be mindful of the new laws.

I also wanted to make you aware of a couple of Virginia employment laws that might be of interest to you as employers. The first new statute is VA Code § 40.1-28.7. Basically, this provision outlines certain details of the relationship between employers, employees and personal social media accounts, and the employer's ability to gain access to these personal accounts. Under this new Virginia law, employers cannot gain access to an employee's user name or password for their personal social media accounts. Further, the employer cannot add an

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employee, supervisor or administrator to the list of contacts associated with an employee's personal social media account. Further, should an employer inadvertently gain access to the employee's user name or password or other login information because of the employee using an electronic device provided to the employee by the employer, or a program that monitors an employer's network, the employer can't use the information; but there is savings clause of sorts that holds that an employer shall not be liable for inadvertent receipt of the information. This applies to both employees and prospective employees.

The second statute is VA Code § 40.1-28.7:2, which has been in existence for a couple of years, in short says that when your employee is a victim of a crime then, you as the employer, must allow your employee to be present at any court proceeding relating to the crime against your employee. There is an undue hardship exception provision for the benefit of the employer, but basically, the law wants the employer to cooperate by granting such leave.

Again, I hope that you had a great summer and are looking forward to a busy fall, with best wishes,