

## COMPARISON BETWEEN VIRGINIA OVERTIME PRIOR TO VOWA AND CURRENT LAW.

### **Overtime Compensation**

Employees were not entitled to overtime pay of time and a half for hours over forty in a normal work week under Virginia law prior to VOWA.

Now employees in Virginia are entitled to overtime pay of time and a half for hours over forty in a normal work week.

### **Employee Access to Federal Enforcement**

Employees could go to federal Wage and Hour to collect for overtime under the FLSA.

Employees can still go to federal Wage and Hour to collect for overtime under the FLSA.

### **DOLI Enforcement**

Employees could allow us to collect the straight time wages for hours over forty, but we could not collect the time and a half available under FLSA.

Now, employees can allow us to collect the straight time wages for hours over forty but DOLI does not have the authority to enforce Virginia overtime.

### **Employee Right to Sue/Collective Action**

Employees had the right to sue their employer in state court for overtime wages but were only entitled to straight time for hours over forty.

Now employees have the right to sue in state court and are entitled to collect overtime compensation for hours over forty.

### **Damages**

Employees' damages, if they prevailed in state court, were the pay withheld and liquidated damages in the amount of pay withheld plus attorney fees with the possibility of treble damages if the court determined the employers conduct was willful.

Employees' damages, if they prevail in state court, are pay withheld and attorney fees with liquidated damages unless the employer shows they meet the 'good faith' exemption (those available under the FLSA).