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Paid Sick Leave and Paid Family and Medical Leave Coming to Virginia

Law and the Workplace on **June 17, 2026**

Notable leave developments are coming to Virginia. The state has enacted a significant expansion of its existing paid sick leave law—which presently only applies to home health workers—to all employees statewide. In addition, under the state's new Paid Family Medical Leave Insurance program, employees will be eligible for up to 12 workweeks of partially-paid, job-protected leave for certain qualifying family and medical reasons, as well as certain qualifying military exigencies.

Paid Sick Leave

The expanded paid sick leave law will now apply to all Virginia employers but takes effect in phases based on employer size as follows:

- **Effective July 1, 2027**, for employers with **50 or more employees**;
- **Effective January 1, 2028**, for employers with **25 or more employees**;
- **Effective January 1, 2029**, for employers with **1 or more employees**.

Employees of covered employers will be entitled to accrue 1 hour of paid sick leave for every 30 hours worked, up to a maximum of 40 hours per year. Employees may carry over unused paid sick leave from year to year; however, employers may limit usage to 40 hours in a given year. In lieu of carryover, employers may frontload the full amount of paid sick leave to employees for their immediate use at the start of each year. Employees must start accruing, and may use available paid sick leave, upon commencement of employment.

Employees may use available paid sick leave for their own or a covered family member's medical or preventative care needs, as well as reasons related to domestic or other types of violence.

The law provides a private cause of action, with available remedies including twice the value of any uncompensated sick leave and any actual damages. Employees also may file a complaint with the Virginia Commissioner of Labor and Industry, who can investigate and assess civil fines of up to $500 per violation. However, employers will have an opportunity to cure any alleged violation within a reasonable time to be established by regulation.

Employers will be required to: (i) notify employees of their rights under the paid sick leave law, both in writing and through a required posting; (ii) maintain paid sick leave records for three years; and (iii) ensure the confidentiality of any protected health or other sensitive information related to the leave. The state will promulgate regulations implementing these requirements.

Paid Family and Medical Leave Insurance ("PFMLI")

Under Virginia's newly enacted PFMLI program, beginning in December 2028, employees will be entitled to up to 12 workweeks of partially-paid, job-protected leave for certain qualifying family and medical reasons, as well as certain qualifying military exigencies.

The PFMLI program will be administered by the Virginia Employment Commission and financed through a payroll-funded deductions model, with contributions generally split between employers and their employees. Contribution collection is scheduled to begin on April 1, 2028. Employers that prefer not to participate in the state program may apply for a Commission-approved private insurance plan that meets certain minimum requirements.

Employees will be able to take PFMLI leave for any of the following reasons:

- To bond with a new child within the first year after the child's birth, adoption, or foster care placement;
- To care for a covered family member with a qualifying serious health condition;
- The employee's own qualifying serious health condition;
- To care for a covered service member who is the employee's next of kin or other family member;
- Certain qualifying exigencies arising from a covered family member's active military duty or notice of an impending call or order to active duty; or

- To seek certain safety services for the employee or their covered family member related domestic violence, harassment, sexual assault, or stalking (limited to 4 weeks of PFMLI benefits in a given benefit year).

The weekly benefit will be equal to 80% of the employee's average weekly wage, subject to a maximum cap of 100% of the statewide average weekly wage (to be updated each year).

The Commission is directed to promulgate implementing rules and regulations by April 1, 2028.

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As the effective dates of these new laws approach, Virginia employers should review their current leave policies and practices to ensure compliance with these new requirements. As always, we will continue to monitor and report developments in this area.

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