

Virginia

Virginia Enacts Paid Sick Leave, Effective July 1, 2027

Virginia Gov. Colorado Abigail Spanberger has signed into law a [bill](#) requiring employers to provide up to five days of paid sick leave (PSL) per year for employees to care for their own illness or an ill family member, or to take leave necessitated by domestic abuse, sexual assault or stalking.

Starting July 1, 2027, the paid leave requirement will be phased in over three years for successively smaller employers, until employers of all sizes are covered by 2029.

The bill was signed on May 20, 2026.

Covered Employers and Employees

The PSL law will apply to all employers doing business in or operating in Virginia, according to the following phased-in schedule:

- **July 1, 2027:** Employers with at least 50 employees;
- **Jan. 1, 2028:** Employers with at least 25 employees; and
- **Jan. 1, 2029:** Employers with at least one employee.

The law covers the Commonwealth and its agencies, institutions and political subdivisions.

Employers with paid time off policies that provide the amount of paid leave required by the PSL law are not required to provide additional paid sick leave, as long as the paid time off provided may be used for the same purposes and under the same conditions as PSL under the PSL law.

All employees are covered except home healthcare workers (who are covered by a different paid sick leave law), certain other health workers, railroad workers and specific collectively bargained employees. Part-time employees are covered.

Reasons for Leave

PSL may be taken for:

- An employee's mental or physical illness, injury or health condition; need for medical diagnosis, care or treatment; or preventive care;
- Caring for a family member with one of the conditions or needs listed above; or

Highlights

Virginia has enacted a paid sick leave law which will:

- Cover most Virginia employers and employees;
- Provide up to 40 hours of leave per year;
- Allow leave for reasons related to personal and family health, domestic abuse, sexual assault and stalking; and
- Allow employees to sue employers for alleged violations.

The new law will take effect on July 1, 2027, for employers with at least 50 employees. It will cover successively smaller categories of employers in the two following years, until it covers employers of all sizes.

- Absence for specific purposes related to domestic violence, sexual assault or stalking suffered by the employee or a family member of the employee.

The law defines “family member” expansively to include, for example, grandparents, grandchildren, siblings, domestic partners, individuals for whose care the employee is responsible, and individuals whose relationship with the employee is the equivalent of a family relationship.

Accrual, Carryover and Front-loading

Employees must accrue at least one hour of PSL for every 30 hours worked, beginning at the start of employment. Unused leave carries over to the following year; however, employers may limit employees’ accrual and use of PSL to 40 hours per year.

Employers may front-load all the PSL an employee is expected to accrue in a year at the beginning of the year, and they do not have to allow carryover of unused leave if they do so. Employers may loan PSL to employees before leave is accrued.

The PSL law does not require the payout of unused leave on separation from employment.

Use of Leave

PSL must be provided on the employee’s oral, written or electronic request, or a request made by other means acceptable to the employer. The request must include the expected duration of the leave when possible.

PSL must be used in hourly increments, unless the employer allows use in smaller increments.

Notice and Documentation

Employees must make a good-faith effort to provide advance notice of foreseeable PSL to their employer. They must also make a reasonable effort to schedule the leave in a manner that does not unduly disrupt the employer’s operations.

Employers that require notice of PSL must provide employees with a written policy that contains procedures for providing notice. An employer that has not provided a written policy may not deny leave to an employee based on noncompliance with the policy.

Employers may require reasonable documentation that PSL of three or more consecutive days was used for a permitted purpose. Documentation signed by a healthcare professional indicating that PSL is necessary is reasonable documentation for leave related to the health of the employee or their family member. For safe leave, acceptable documentation includes a police report; court document; documentation from a victim services advocate, the employee’s attorney, a member of the clergy or a healthcare professional; or the employee’s written statement that the use of PSL is for a permitted safe leave purpose.

Employers may not require details of health information about an employee or their family member or details of domestic violence, sexual assault or stalking as a condition of providing PSL. Any such information in the employer’s possession may not be disclosed without the employee’s consent.

Regulations

The Commissioner of Labor and Industry is charged with adopting implementing regulations for PSL covering employee notice and recordkeeping, enforcement and other issues.

Employee Protections, Enforcement and Penalties

The PSL law prohibits employers from retaliating against employees for:

- Requesting or exercising PSL benefits;
 - Alleging a violation of the law;
 - Participating in an investigation; or
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- Informing anyone of their potential PSL benefits.

Employers are further barred from interfering with, restraining or denying PSL benefits. Absence control policies may not count PSL as an absence that may lead to discipline, discharge or any other adverse action.

Violations of the PSL law are subject to administrative action and fines ranging from \$150-\$500 per violation. Aggrieved employees have the right to bring a private lawsuit against employers, which may result in awards of twice the amount of uncompensated sick leave, twice the amount of damages suffered, compensation for any lost wages and benefits, and appropriate equitable relief, including reinstatement.

Employer Takeaways

Employers should familiarize themselves with the main requirements of the new PSL law and watch for regulations and guidance as the law's effective date approaches.