

Virginia paid sick and safe leave: Overview

July 14, 2026



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Paid sick and safe leave (PSSL)

National landscape

Eighteen states, along with **Washington, DC**, and **Puerto Rico**, require employers to provide paid sick leave to employees. All jurisdictions, except **Nebraska** and **Puerto Rico**, allow the paid leave to be used for safety-related reasons.

Illinois, Maine, and Nevada have laws requiring accrued paid time off that can be used for any reason.

State	Effective date
Alaska	July 2025
Arizona	July 2017
California	July 2015
Colorado	January 2021
Connecticut	January 2012
Illinois	January 2024
Maine	January 2021
Maryland	February 2018
Massachusetts	July 2015
Michigan	March 2019
Minnesota	January 2024

State	Effective date
Nebraska	October 2025
Nevada	January 2020
New Jersey	October 2018
New Mexico	July 2022
New York	September 2020
Oregon	January 2016
Puerto Rico	1998
Rhode Island	July 2018
Vermont	January 2017
Virginia	July 2027
Washington	January 2018
Washington, DC	May 2008

Virginia paid sick and safe leave

2026 Chs. 1128/1129 (HB 5/SB 199) enacted May 20



Start dates

- **Employers with 50+ employees:** July 1, 2027
- **Employers with 25+ employees:** January 1, 2028
- **Employers with 1+ employees:** January 1, 2029

Qualifying reasons

- Employee's own illness, injury, health condition, or need for preventive care
- Care of a family member with illness, injury, health condition, or need for preventive care
- Situations involving domestic violence, sexual assault, stalking for employee or family member

Accrual rate, usage, carryovers, rehires, CBAs

Accrual. One hour of leave for every 30 hours worked, up to 40 hours per year; alternatively, front-load 40 hours

Usage. No waiting period; maximum of 40 hours per year; no requirement to pay out unused time at employment separation

Carryovers. Maximum of 40 hours per year; no front-loading exception

Rehires. Must restore balance for employees rehired within 12 months

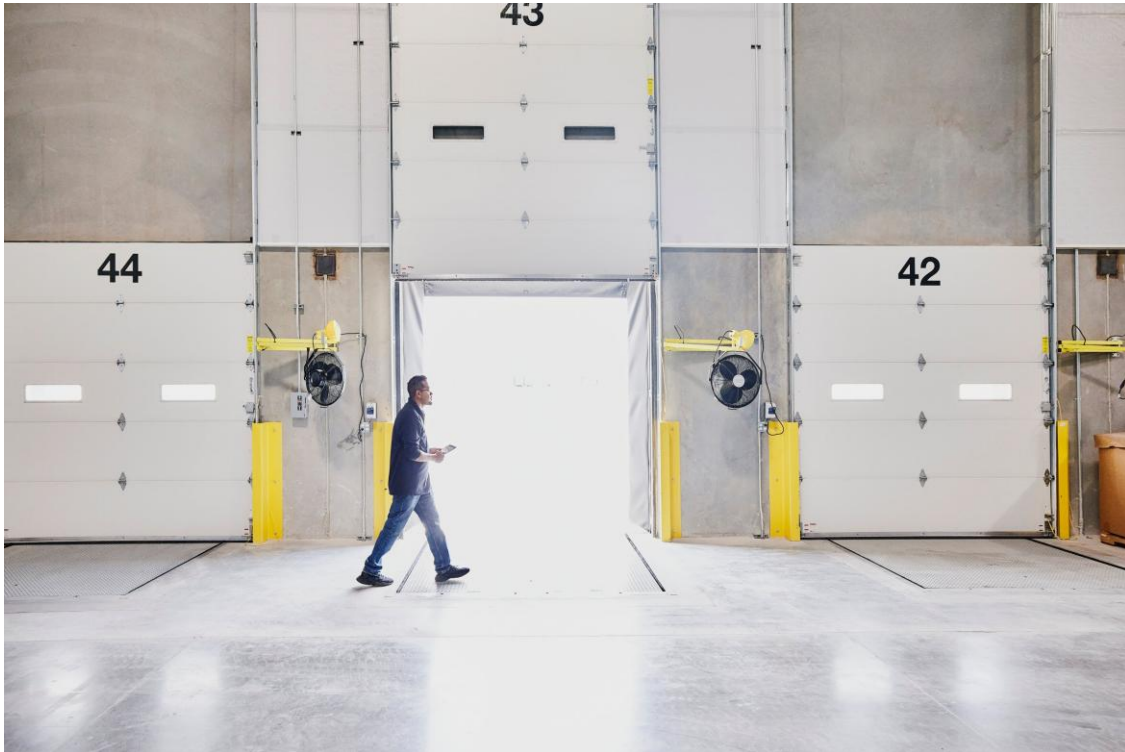
PTO policies and CBAs. Employer policies and collective bargaining agreements that provide an equivalent amount of paid leave to be used for the same purposes and under the same conditions excused from providing additional leave

Eligibility, other provisions

- Applies to **all employees** (e.g., full-time, part-time, seasonal, temporary)
- **Family member** includes spouse, domestic partner, child; parent of employee or employee's spouse; grandparent, grandchild, sibling of employee, employee's spouse or domestic partner; individual for whom an employee is responsible for providing or arranging health or safety-related care; individual whose close association is equivalent to a family relationship.
- **Job protection, anti-retaliation, anti-discrimination, and notice** requirements apply.
- Aggrieved employees have right to bring a civil action and could be awarded twice the uncompensated leave and attorneys' fees; Commission of Labor can investigate and fine employers up to \$500 per violation.
- Separate, existing paid sick leave mandate for home health workers continues to apply.

Covered employees

All full-time, part-time, and temporary employees are eligible, regardless of hours worked.



However, the law excludes the following employees:

- Home health workers averaging at least 20 hours per week or 90 hours per month
- Employees who are:
 - Licensed, registered, or certified by a health regulatory board within the Department of Health Professions, and
 - Employed by a facility licensed by the Department of Health, the University of Virginia Medical Center, or Virginia Commonwealth University Health System Authority, and
 - Working on average no more than 30 hours per week or on an as-needed basis for these entities or an agency licensed by the Department of Behavioral Health and Developmental Services
- Employees covered by the Railroad Unemployment Insurance Act

Accruals and rate of pay

Accruals

- One hour of leave for every 30 hours worked, starting on hire date
- Annual accrual limit: 40 hours (unless employer sets a higher limit)
- 40-hour work week assumption for FLSA-exempt employees (unless their normal workweek is less)
- “Year” is any regular, consecutive 12-month period, as determined by employer



Rate of pay

- Regular rate of pay (excluding overtime pay)
- At least minimum wage without reduction for tip credit
 - 2026: \$12.77/hour
 - 2027: \$13.75/hour
 - 2028: \$15.00/hour

Payout, reinstatement, and transfers

Payout upon employment separation is not required.

Payout at year end is not required.

Carryover of all, unused PSSL is required, unless employer frontloads 40 hours at the start of the year.

Employees rehired within 12 months of employment separation must receive previously accrued, unused PSSL.

Transferring employees (different division, entity, or location) retain all accrued, unused PSSL at time of transfer.

Employees remaining with successor employer must receive previously accrued, unused PSSL.



Family member definition

Broad definition includes:

- Employee's spouse or domestic partner, biological child, stepchild, adopted or foster child, legal ward, child to whom the employee stands *in loco parentis*, or individual to whom employee stood *in loco parentis* when the individual was a minor
- Biological parent, stepparent, adoptive parent, foster parent, or legal guardian of employee or employee's spouse, or individual who stood *in loco parentis* to employee or employee's spouse when employee or employee's spouse was a minor
- Grandparent, grandchild, or sibling (including foster, adoptive, or step) of employee, employee's spouse, or domestic partner
- Individual for whom employee is responsible for providing or arranging health or safety-related care
 - For example, helping to obtain diagnostic, preventive, routine, or therapeutic treatment or ensuring safety following domestic violence, sexual assault, or stalking
- Any other individual related by blood or affinity whose close association with employee is equivalent to a family relationship



Domestic partner definition

Individual at least age 18 who qualifies with one of the following:

- Unilateral dependence or mutual interdependence evidenced by nexus of factors
- Registered as a domestic partner with registry maintained by employer of either party or in any US jurisdiction

Employer policies and collective bargaining agreements (CBAs)

Employer policies

- Existing discretionary leave, vacation, or paid time off (PTO) policies can satisfy law if they meet the law's requirements.
- Absence control policy cannot take into account PSSSL use if doing so leads to adverse action.
- Employers may require notice if they provide written policy containing notice procedures.

CBAs

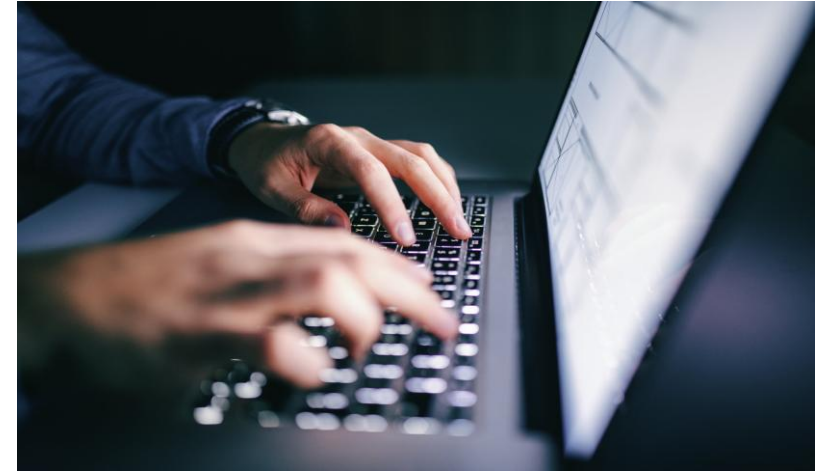
- Bona fide CBAs requiring paid leave meeting PSSSL requirements excuse employers from having to provide additional PSSSL to covered employees.
- Delayed effective date for employers with employees covered by Longshore and Harbor Workers' Compensation Act (LHWCA) and subject to a CBA in effect on July 1, 2027. PSSSL law effective on the earlier of:
 - December 31, 2030
 - CBA's expiration date



Required notices

Employer notice

- Must provide required notice to employees **in writing** and **through a posting**.
- Notice must include employee right to file complaint or sue employer for violations.
- Law does not require inclusion of PSSL information on pay stubs, earning statements (but future regulations might).
- Department of Labor & Industry (DOLI) will issue **regulations** (possibly including model notice and poster).



Employee notice

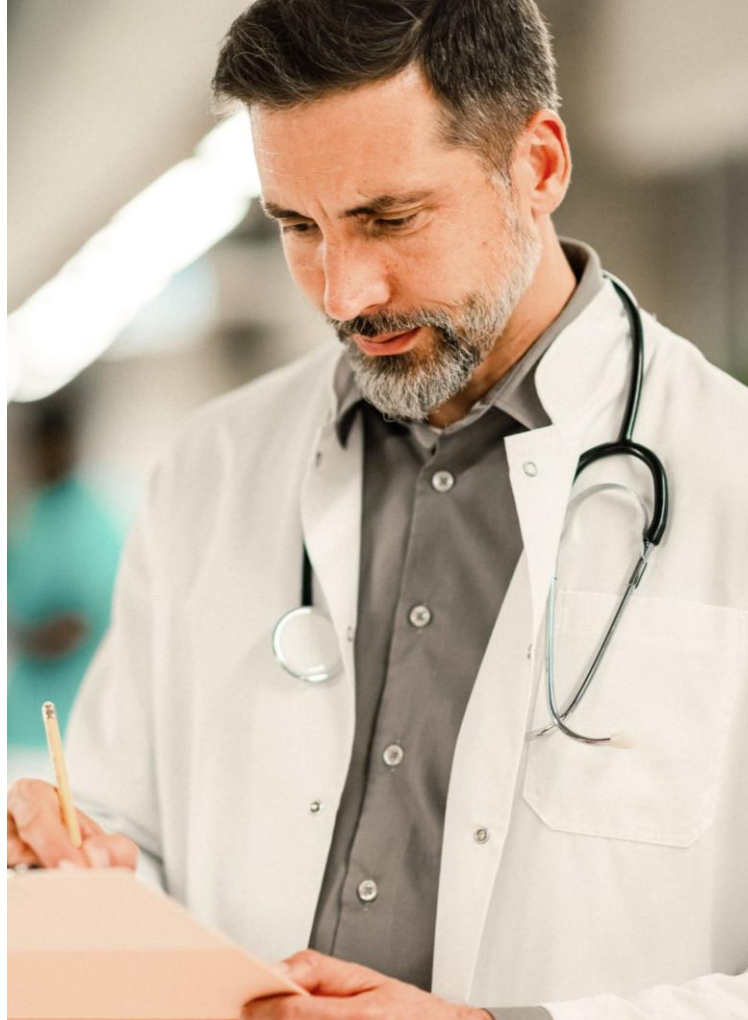
Employer must provide leave upon a request made **orally**, **electronically**, **in writing**, or by **any other means** acceptable to employer.

- Request **must include expected leave duration**, when possible.
- **Employers may require certain notice procedures** if detailed in a written policy provided to employees.
- Otherwise, employees must make a **good faith effort** to provide notice in advance of a foreseeable leave.
- Employees must make **reasonable effort** to schedule leave so as not to unduly disrupt operations.

Documentation, recordkeeping

Documentation

- Leave cannot be conditioned on disclosure of health information/details of domestic violence, sexual assault, or stalking.
- Employer can require **reasonable documentation** if leave is three or more consecutive workdays. Reasonable documentation includes:
 - For sick leave: healthcare professional's certification
 - For safe leave:
 - Police report
 - Court document
 - Documentation from victim services advocate, employee's attorney, clergy member, or healthcare professional
 - Employee's written statement



Recordkeeping

- Employer must establish and maintain recordkeeping systems regarding the use and accrual of paid sick leave.
 - Records must be kept for **three years**.
- Employer must ensure **confidentiality** of employee's or family member's health information and information related to domestic violence, sexual assault, or stalking.
 - Can only disclose to employee or with employee's consent, unless otherwise required by law.

Job protections

Prior to leave

Employer cannot:

- Require employee to find replacement
- Require employee to work alternate shift



During leave

Law does not directly address benefit continuation.

Return to work

Employee entitled to same or equivalent position.

Employer prohibitions

- No retaliatory actions for:
 - Requesting PSSL or exercising PSSL rights
 - Alleging PSSL violation
 - Participating in or cooperating with PSSL investigation
 - Informing an individual about potential PSSL benefits
- No interference with exercise of PSSL rights (including absence control policy that leads to adverse action for using PSSL)

Enforcement and penalties

DOLI will issue regulations implementing the enforcement, penalty, and civil action provisions of the law

DOLI complaint system

Reminder: Employer notice to employees must include right to file complaint with DOLI or bring a civil lawsuit.

- Complaint must be filed with DOLI within one year of alleged violation.
- DOLI has investigatory powers (including subpoenas); mediation is available.
- Employer can request informal conference with DOLI within 15 days of notice of alleged violation.
- No employer liability if violation is corrected within reasonable time.

Civil penalties

Knowing violations subject the employer to the following penalties:

- First violation: \$150
- Second violation within two years: \$300
- Third, subsequent violations within two years: \$500 per violation



Civil lawsuits

- DOLI, state attorney general, and aggrieved employees can sue offending employers within two years of alleged violation.
- Prevailing employees can seek damages, including double amount of uncompensated leave and actual damages; injunctive relief; reinstatement; lost wages, benefits; reasonable attorney fees and costs.

Home health workers

A separate PSL law applies to home health workers averaging at least 20 hours per week or 90 hours per month

Overview

- One hour of leave accrues for every 30 hours worked.
- Exempt employees are presumed to work 40 hours per week.
- Accrual and use cap of 40 hours per year.
- Unlimited carryover of unused, accrued leave.
- No waiting period for accrual or use.
- Notice provisions similar to new PSSSL law.
- Leave of at least three consecutive workdays before employer can request reasonable documentation.
- Employers with a paid leave policy or subject to a CBA that requires paid leave may not have to provide additional paid sick leave to eligible employees.



Differences from new PSSSL law

- Frontloading is permitted but does not eliminate carryover requirement.
- Permitting leave for issues arising from domestic violence, sexual assault, or stalking not required.
- Family member definition omits domestic partners and their grandparents, grandchildren, and siblings.
- Restoration of unused leave accrued prior to separation not required for rehires.
- Prohibitions against retaliatory actions are not as extensive as in the new PSSSL law.

Virginia volunteer emergency responders

Job protection; paid leave use

2026 Ch. 330 (SB 100)

Provides job protection for volunteer emergency responders

- Covers active members of volunteer fire departments, emergency medical service agencies, or auxiliary units.
- Prohibits discrimination and retaliation against an employee for failure to report to work when:
 - Actively responding to an emergency
 - During a state of emergency, if one hour advance notice provided and incident report and certification provided upon return to work
- **Does not require paid leave, but allows employees to use paid sick leave or other paid leave in lieu of taking the time off unpaid.**
- Grants employees the right to bring a civil action against an employer for alleged prohibited retaliatory action. Injunction, reinstatement, and compensation for lost wages are available remedies (along with attorney fees and costs).



Local mandates and first effective dates

California

- Berkeley, October 2017
- Emeryville, July 2015
- Long Beach, November 2012*
- Los Angeles, November 2014*
- Oakland, March 2015
- San Diego, July 2016
- San Francisco, February 2007*
- Santa Monica, January 2016
- West Hollywood, January 2022*

Minnesota*

- Minneapolis, July 2017
- St. Paul, July 2017

Maryland

Montgomery County, October 2016

New Mexico

Bernalillo County, July 2020*

Washington

- SeaTac, January 2014*
- Seattle, March 2012*
- Tacoma, February 2016

New York

- New York City, April 2014
- Westchester County, October 2019*

Pennsylvania

- Allegheny County, December 2022
- Philadelphia, May 2015
- Pittsburgh, March 2020

Illinois

- Chicago, July 2017
- Cook County, July 2017

Notes

- * **Long Beach** ordinance applies only to certain hotel employers.
- * **Los Angeles** paid sick leave was initially available to hotel employees; all other employers had to comply by July 2016.
- * **San Francisco** sick leave started in February 2007, with a supplemental sick leave requirement during a public health emergency first effective October 2022.
- * **West Hollywood** sick leave was initially available to hotel employees first; all other employers had to comply by July 2022.
- * In **Minnesota**, **Bloomington** repealed its paid sick leave ordinance in April 2026; **Duluth** did the same in January 2024.
- * **Bernalillo County's** ordinance requires accrued paid leave that can be used for any purpose.
- * **Westchester County's** sick leave ordinance was preempted by the state law, effective September 30, 2020; the county's safe leave ordinance is still in effect.
- * **SeaTac** ordinance applies only to certain hospitality and transportation employers.
- * In **Seattle**, gig workers in the food delivery network industry were first eligible for a gig worker paid leave in May 2023; the paid leave for gig workers now extends to all app-based workers at network companies (e.g., Uber, Lyft, DoorDash). Seattle also has an employment-based ordinance.

Virginia PSSL Resources

State resources

- Law: 2026 Chs. [1128/1129](#), HB 5/SB 199 (May 20, 2026)
- Statute: [Art. 2.1:1](#)
- [Virginia Department of Labor & Industry \(DOLI\) webpage](#)
- DOLI phone number: 804-371-2327

Mercer resources

- [Virginia enacts paid family and medical leave mandate \(June 17, 2026\)](#)
- [Domestic partner benefits remain popular but present challenges \(August 20, 2025\)](#)
- [Roundup: State accrued paid leave mandates \(July 23, 2025\)](#)
- [Law & Policy Insights](#)



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