

June 15, 2026

WEBSTER, CHAMBERLAIN & BEAN, LLP – NONPROFIT ALERT

Virginia's New Paid Family and Medical and Sick Leave Laws: What Employers Need to Know

What is the New Virginia Family and Medical Leave Law?

In April of 2026, Virginia Governor Abigail Spanberger signed into law the Virginia Paid Family and Medical Leave Law (PFML). This new paid leave program (which is to take effect in January of 2028) is a dramatic shift in Virginia employment law and is required to be provided to all full-time and part-time employees. PFML will provide up to 12 weeks of paid benefits (at 80% of average weekly rates) per year for covered reasons – including caring for a new child (whether by birth, adoption, or foster); recovering from a serious health condition; caring for a family member with a serious health condition; military family needs; or domestic violence, sexual assault or stalking. Covered individuals who receive PFML and have been at their job for at least 120 days will be entitled to position restoration after taking their leave.

How Will the Program be Funded?

PFML will be funded by payroll contributions shared by covered employers and employees, with the Commissioner setting the rate annually. Employers with more than 10 employees must remit the full required contribution and deduct 50% from employee wages (or less if the employer agrees to pay more); employers with 10 or fewer employees deduct 50% from employee wages and are not required to contribute an employer share. Contributions are not required on wages above the Social Security contribution and benefit base.

How does this Coordinate with Existing FMLA Laws?

PFML that also qualifies for federal FMLA runs concurrently with FMLA. Employers may require that PFML payments be coordinated with payments or leave under disability or family care policies or collective bargaining agreements, with written notice to employees. The law does not reduce obligations under more generous employer policies or other laws.

Are There any Other Developments in Leave Law?

The Commonwealth also enacted a new paid sick leave law, to be rolled out over the next three years. Employees are to accrue at least one hour of paid sick leave for every thirty hours worked. Employers are required to carry over sick leave from year to year, but they are not required to allow accrual of more than 40 hours of paid sick leave. Permitted uses of paid sick leave include an employee's or family member's illness, diagnosis, treatment, or preventive care, and needs related to domestic violence, sexual assault, or stalking. Starting July 1, 2027, the new law will be effective for employers with fifty or more employees. On January 1, 2028, the law

June 15, 2026

will be effective for employers with twenty-five or more employees. Finally, on January 1, 2029, the law will be inclusive of every employer with one or more employee.

What Does this Mean for My Nonprofit?

Although these new leave laws are not set to take effect for at least six months, it is never too early to prepare. There is no carveout for nonprofits in either of the new leave laws, so if you have employees in Virginia, now is a good time to review your employee manuals and be ready to inform your employees of the change in law.

* * * *

Court L. Culver | cculver@wc-b.com | (202) 785-9500

Notice: This article is for informational purposes only and does not provide legal advice, nor does it create an attorney-client relationship with you or any other reader.