

Virginia Enacts Paid Family and Medical Leave

On April 22, 2026, the Virginia General Assembly enacted legislation establishing Virginia's Paid Family and Medical Leave (PFML) program. Eligible employees will be able to receive benefits under the program beginning December 1, 2028. Payroll contributions are set to begin April 1, 2028.

The Virginia Employment Commission (VEC) posted a set of [FAQs](#) explaining the paid leave requirements.

■ Overview of Virginia's Paid Family and Medical Leave Program

Virginia's PFML program will be administered by the VEC. Eligible employees may receive up to 12 weeks of paid leave per benefit year for qualifying medical and family reasons.

Covered life events for PFML include:

- Birth, adoption, or foster placement of a child
- The employee's own serious health condition
- Caring for a family member with a serious health condition
- Qualifying military family needs and care for a covered service member
- Seeking defined "safety services" related to domestic violence, harassment, sexual assault, or stalking

Weekly benefits are set at 80% of an employee's average weekly wage and will be capped at 100% based on the statewide weekly wage, which will be adjusted annually.

■ Job and Benefit Protection

Like federal FMLA, eligible employees are entitled to job restoration to the same or an equivalent position upon return, continuation of benefits (or restoration upon return) and service credit during leave. Employers are also prohibited from retaliation or interference with an employee's right to take leave, and leave may be taken intermittently or on a reduced schedule.

■ Payroll Contributions

PFML benefits will be funded through mandatory payroll contributions shared by employers and employees and paid into the Family and Medical Leave Insurance Trust Fund. Small employers with less than ten employees do not have to contribute to the fund but must still remit the employee portion. Contribution rates and administrative details will be established through VEC regulations.

■ Approved Private Plan

Employers can satisfy their obligations through a VEC approved private plan, provided the plan offers benefits and protections are equal to or greater than those required under the statute. Importantly, PFML benefits cannot be waived by agreement, including through collective bargaining.

■ Employer Action

- Review and update leave and payroll policies
- Assess whether a private plan may be advantageous
- Prepare HR and payroll systems for required contributions
- Train managers on expanded leave rights and job protection rules
- Stay tuned for additional updates as we get closer to the effective date