VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Wage Protection Division

Fact Sheet: Paid Sick Leave 101

Last Updated: October 20, 2026

This fact sheet provides general information about Virginia workers' rights under the Paid Sick Leave Act (§§ 40.1-33.6:1 through § 40.1-33.6:7 of the Code of Virginia).

Virginia Workers' Right to Paid Sick Leave

Beginning on July 1, 2027, Virginia workers have the right to accrue and use **at least 40 hours of paid sick leave** every year. Workers can use this leave when they are sick or injured, to go to the doctor or seek other medical treatment, or to care for a sick family member. Employers must provide workers with at least one hour of paid sick leave for every thirty hours worked. Alternatively, employers can meet their responsibilities under the paid sick leave act by providing workers with equivalent paid time off (PTO). Employers may cap workers' annual accrual and use of paid sick leave at 40 hours a year but are encouraged to provide more generous leave than is required by law.

Coverage

Virginia's paid sick leave law will phase in for small business:

- Beginning July 1, 2027, the law will apply to employers with 50 employees or more.
- Beginning January 1, 2028, the law will apply to employers with 25 employees or more.
- Beginning January 1, 2029, the law will apply to all businesses that employ workers in Virginia.
- Certain home care workers have had paid sick leave rights since 2021.

Generally speaking, the paid sick leave law will cover anyone who:

- Has a job that is physically located in Virginia; and
- Is employed by a covered employer.

The law applies equally to full-time, part-time workers, and seasonal workers. Paid sick leave rights also apply to both private and public-sector employees. (Certain health care and railroad workers are exempt from the paid sick leave law.)

Using Paid Sick Leave

Beginning on July 1, 2027, employees can use paid sick leave for:

- Taking care of themselves for an illness or injury;
- Caring for a family member with an illness or injury;
- Going to the doctor or seeking preventative care, whether for themselves or for a family member;
- For certain domestic violence related needs (e.g., seeking medical help, legal help, or relocation)

When the need for paid sick leave is foreseeable, such as for a planned doctor's appointment, employees must make a good-faith effort to provide notice of leave to employees. The same requirements do not apply to unforeseeable leave.

An employer may ask employees to estimate how long they will be on leave. However, an employer may not require that employees disclose specific details about the reason for using paid sick leave, including details about the employee or the employee's family member's medical conditions or details about domestic violence to take leave. For leave of three or more consecutive workdays, an employer may require employees to provide reasonable documentation of their need for leave, such as a doctor's note.

Earning Hours: Accrual and Front Loading

Employers must provide Virginia-based employees with at least 1 hour of paid sick leave for every 30 hours worked. Employees begin accruing paid sick leave on the first day of their employment. Employers may set a cap on the total number of hours that an employee can accrue every year, as long as that cap is at least 40 hours a year.

Front Loading: Employers may elect to "front load" paid sick leave hours to employees, which means that employers may provide 40 hours of paid sick leave to their employees at the beginning of the year. Some employers prefer to use front loading to reduce the recordkeeping and calculations required to track accrual.

Salaried Employees: Employers generally should assume that employees who are exempt from state and federal overtime protections because they are salaried professional, administrative, or executive employees work 40 hours a week for purposes of paid sick leave accrual. When there is evidence that an exempt employee's normal work week is less than 40 hours, paid sick leave can accrue based on the employee's regular work week.

How Sick Leave is Paid

Paid sick leave must be paid at the "regular rate" of pay for overtime purposes. For more information about calculating the regular rate of pay, please see United States Department

of Labor Wage & Hour Division Fact Sheet #56A: Overview of the Regular Rate of Pay Under the Fair Labor Standards Act (FLSA).

Frequently Asked Questions

- **Does an employer have to pay out unused paid sick leave?** Employers are not required to pay out any unused paid sick leave if an employee separates from their job, whether voluntarily or involuntarily. However, employers may choose to do so.
- **When does an employer's PTO policy comply with the law?** An employer can meet its requirements under the paid sick leave law with a flexible paid time off (PTO) policy that provides workers with equivalent paid time off, as long as the PTO policy is as generous as what is required under the Paid Sick Leave law. To be as generous, the employer's PTO policy must: provide employees with at least as much paid time off as the minimum required under the paid sick leave law; provide time off for all reasons covered under the paid sick leave law; and allow employees to take leave under the same conditions as the paid sick leave policy.
- **Do employers that already provide paid sick leave have to provide an additional 40 hours of leave?** Employers are not required to maintain a separate bank of paid sick leave. Employers that already provide workers with 40 hours of paid sick leave or equivalent paid time off before July 1, 2027, do not need to provide additional paid leave.

Retaliation Prohibited

Employers **may not take any adverse action** against any worker because they requested or took paid sick leave. Employers must ensure that their attendance policies, such as points-based attendance policies, cannot count paid sick leave against employees in a way that could lead to discipline, discharge, or other adverse actions.

Employers also may not take any adverse action against employees who report a potential violation of the law, including any violations of paid sick leave rights, to the government or to their employers. Furthermore, employers may not take adverse action against employees who participate in, providing information to, or otherwise cooperate with an investigation to enforce the Paid Sick Leave act.

An adverse action includes any action that punishes an employee for taking a protected activity or that would deter a reasonable person from engaging in protected activity. An employer may not terminate, demote, discipline, threaten, or reduce the hours of any employee because they engaged in protected activity.