

VIRGINIA

Virginia Enacts Paid Sick Leave Law for Home Health Workers

Under a new [law](#) effective July 1, 2021, employers of home health workers in Virginia must provide paid sick leave for specific purposes relating to the medical needs of the workers or their family members.

Covered Workers

The law covers home health workers who work on average at least 20 hours per week or 90 hours per month. “Home health worker” means an individual who provides personal care, respite or companion services to an individual who receives consumer-directed services under the state plan for medical assistance services.

The law does **not** cover workers who:

1. Are licensed, registered, or certified by a health regulatory board within the Department of Health Professions;
2. Are employed by a hospital licensed by the Department of Health; and
3. Work, on average, no more than 30 hours per month.

Paid Sick Leave

Workers accrue one hour of leave for every 30 hours worked, beginning at the start of employment. Carry-over and frontloading provisions apply, but accrual and use of paid sick leave may be capped at 40 hours per year.

Leave must be provided on the employee’s request; however, when the need for leave is foreseeable, the employee must try to provide advance notice and try to schedule the leave to avoid unduly disrupting the employer’s operations.

Employers with leave policies that provide equivalent benefits are not required to provide additional leave under the new law.

Highlights

Notice

Employers that require advance notice must include notice procedures in a written policy.

Compensation

Leave must be paid at the worker’s regular rate, without a tip credit, and benefits must be continued.

Documentation

Employers may require documentation supporting leave of three or more days.

Employers may substitute leave policies providing the same amount of leave for the same purposes required by the law.

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