

# Virginia Leave Laws

---

*This material is for general informational purposes only and does not constitute legal advice. For current and accurate guidance, please consult legal counsel in your jurisdiction.*

<b>Virginia Leave Laws</b>	<b>1</b>
<b>Paid Time Off (PTO) in Virginia</b>	<b>2</b>
Vacation Leave Quota	2
Accruals	2
Roll Over (Carry Over, Brought Forward)	2
Statutory Provisions Addressing Vacation Pay	3
Payment of Accrued, Unused Vacation on Termination	3
<b>Sick Leave in Virginia</b>	<b>4</b>
Federal Laws – Leave Quota	4
Virginia State Laws	5
Paid Sick Leave for Home Health Workers	5
<b>Maternity, Paternity, FMLA in Virginia</b>	<b>6</b>
Federal Law	6
Additional State Laws in Virginia	6
<b>Bereavement Leave in Virginia</b>	<b>7</b>
<b>Jury Duty Leave in Virginia</b>	<b>7</b>
Virginia Witness Leave / Virginia Crime Victim Leave	8
<b>Military Leave in Virginia</b>	<b>9</b>
Federal law	9
Virginia State Law	9
<b>Voting Leave in Virginia</b>	<b>10</b>
<b>Virginia State Holidays in 2025</b>	<b>10</b>
A complete list of holidays celebrated in Virginia in 2025:	10
2026	12
General Election Day a Legal State Holiday	12

# Paid Time Off (PTO) in Virginia

## Vacation Leave Quota

No federal or Virginia law requires employers to provide vacation leave.

Private employers in Virginia are not required to provide paid or unpaid vacation.

However, most employers provide employees with 10 paid days off after being employed for 1 year. The amount of paid time off can vary based on factors such as the industry, location, and the employee's length of service with the company.

If an employer chooses to offer vacation leave to its employees, paid or unpaid, it must comply with appropriate state law, established company policy, and the employment contract.

## Accruals

The accrual system is not mandatory in Virginia, but it is widely used by companies.

Employers have the flexibility to create their own vacation accumulation method, which may be in hourly, daily, weekly, bi-weekly, semi-monthly, or monthly intervals and is typically determined by the company's pay cycle. The most common payroll frequencies in Virginia are semi-monthly and monthly.

Virginia law doesn't specify whether an employer may cap (limit) the vacation leave employees can accrue over time, which means that employers are likely free to implement it.

## Roll Over (Carry Over, Brought Forward)

For more information, please visit [vacationtracker.io](https://vacationtracker.io)

A Use-It-or-Lose-It policy is not forbidden.

It is allowed to have a Use-It-or-Lose-It policy in which an employee forfeits any remaining vacation time after a certain date, usually at the end of the year. Virginia state law has not specifically addressed a use-it-or-lose-it policy in state statutes, which means that employers can implement it.

Companies usually enforce a use-it-or-lose-it vacation policy because some workers don't use their paid time off. Long-term employees can accrue a lot of paid time off over the years, which can be quite costly if company policy requires it to be paid out on termination. Moreover, employers encourage their workers to take regular PTO to maintain their physical and mental well-being and work efficiency.

## Statutory Provisions Addressing Vacation Pay

Not required.

An employer is not required to include vacation pay and benefits in company policy.

## Payment of Accrued, Unused Vacation on Termination

Not required. Employers only follow their own company policy.

The state does not require that employers provide a PTO payout at termination. A company policy or employment contract defines whether accrued, untaken vacation is paid upon termination.

An employer may legally establish a policy or contract that denies employees payment for accumulated vacation time upon their departure from the company.

For more information, please visit [vacationtracker.io](https://vacationtracker.io)



An employer must pay unused PTO to an employee who leaves the company only if there is a company policy, employment contract, or established practice of doing so.

If a company policy or employment contract is silent on this matter, an employer is also not required to provide a PTO payout on termination.

A screenshot of the Vacation Tracker web application. The main header reads 'Manage All Employee Time Off In Minutes, Not Days'. Below this are four bullet points: 'Slack, Teams, and Calendar integrations', 'Custom leave rules, accruals, and public holidays', 'Compliant with Leave Laws in every location', and 'Rollout in 15 minutes, with live setup call'. A 'Start your free trial' button is at the bottom left. On the right, a notification card shows a leave request from Maren Schleifer, stating 'Has submitted a leave request that requires your attention.' and 'Madelyn Darwart will be on leave during the same period'. Below this is a 'Pending requests' table with three rows: 'Work from home' (2 days, Jan 24th to Jan 26th), 'Vacation' (4 days, Jan 28th to Jan 30th), and 'Sick Day' (1 day, Jan 24th). Each row has 'Deny' and 'Approve' buttons. To the right of the table is an 'Approvers' section with 'First level' and 'Second level' approvers, each with a list of user avatars and a '+1' button. The interface includes Slack, Teams, and Google Calendar integration icons.

## Sick Leave in Virginia

### Federal Laws – Leave Quota

Federal law requires 12 weeks of unpaid sick leave.

The standard federal Family and Medical Leave Act (FMLA) applies to Virginia (as it is in all the states in the U.S.A). The leave is job-protected.

Employees qualify for FMLA benefits only if:

- they have been employed for at least 12 months (at least 25 hours per week) or 1,250 hours in the previous year

For more information, please visit [vacationtracker.io](https://vacationtracker.io)

- they work in a location where at least 50 people are employed by the company (in a 75-mile radius)

The FMLA entitles qualified employees to take up to 12 weeks off for:

- personal medical reasons – illness or injury
- to care for a close family member (child, spouse, or parent) suffering from a severe illness
- maternity or paternity leave.

Employers are free to propose additional sick leave benefits that are better than the minimum federal requirement.

Check out our article on [FMLA](#) to learn more.

## Virginia State Laws

Most Virginia employers are not required to provide any sick leave benefits, except for home health workers.

### **Paid Sick Leave for Home Health Workers**

Employers must provide paid sick leave to home health workers who work an average of more than 20 hours per week or more than 90 hours per month. Only agencies of the federal government are excluded.

A “home health worker” is a person who provides personal care, respite care, or companion services to a person receiving consumer-directed services under the state plan for medical assistance services. This doesn’t apply to persons who: (a) are licensed, registered, or certified by a health regulatory board within the Department of Health Professions; (b) are employed by a

For more information, please visit [vacationtracker.io](https://vacationtracker.io)

hospital licensed by the Department of Health; (c) work no more than 30 hours on average, per month.

An employee accrues 1 hour of paid sick leave for every 30 hours worked. Front-loading is permitted. Carrying over to the following year is allowed. Employers can set a yearly cap at 40 hours. Accrual begins at the start of employment. This leave can be used for the employee's own health reasons or the health of a close family member.

## Maternity, Paternity, FMLA in Virginia

### Federal Law

12 weeks of unpaid maternity/paternity leave is provided by FMLA.

The Family and Medical Leave Act (FMLA) is a federal law that allows eligible workers to take up to 12 weeks of unpaid, job-protected leave per year for family or medical reasons, including maternity or paternity leave. Unless otherwise authorized by the employer, an employee must take this leave continuously. More information about FMLA eligibility can be found above, under the section *Sick Leave in Virginia: Federal Laws – Leave Quota*.

The Pregnancy Discrimination Act (PDA) is one more federal law that protects pregnant women. According to the PDA, discrimination against pregnant people is prohibited in all areas of employment: hiring, firing, pay, job assignments, promotions, fringe benefits, training, leave, and health insurance.

### Additional State Laws in Virginia

No additional state maternity/paternity laws.

For more information, please visit [vacationtracker.io](https://vacationtracker.io)

Like many other states in the US, Virginia doesn't require employers to provide maternity or parental leave, paid or unpaid.

Despite the lack of legal requirements, many companies in Virginia offer complete maternity/paternity leave plans.

Payout

Maternity and paternity leave in Virginia are unpaid.

## Bereavement Leave in Virginia

An employer is not required to provide bereavement leave.

Although there is no legal obligation for employers to provide bereavement leave or time off to attend a family member's funeral, the majority of American companies offer paid time off for this purpose. Generally, the duration of the bereavement leave is up to 3 work days, but some companies are more generous and may offer up to 5 or 6 days.

Payout

Bereavement leave in Virginia is unpaid.

## Jury Duty Leave in Virginia

Employers must provide employees with unpaid time off for jury duty.

Employers are required to provide employees with unpaid, job-protected leave to report to jury selection or jury duty. Employees may have to show their employer a jury summons to be given the necessary leave.

For more information, please visit [vacationtracker.io](https://vacationtracker.io)

Employees who serve on jury duty for 4 or more hours in a day (travel time included) are excused from any work shift that begins after 5 p.m. on that day, or before 3 a.m. on the following day.

An employer is not allowed to force its employees to use any other type of leave (vacation time, sick leave, etc.) to cover leave taken for jury duty.

An employer may not fire, threaten to fire, penalize, or punish the employee in any way due to their jury service.

### *Payout*

The employer pays:

Employers don't have to pay wages or salaries to someone who is on jury duty leave, but most employers do it as the court compensation is rather low.

The court pays:

Employees who serve as jurors in Virginia are paid \$30.00 a day (though juror pay is only a token amount).

## **Virginia Witness Leave / Virginia Crime Victim Leave**

Virginia law also requires employers to provide unpaid leave for:

- any witness in a case, responding to a subpoena
- crime victims to attend criminal proceedings

Job protection and notice requirements apply the same as for jury duty leave.



# Military Leave in Virginia

## Federal law

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law that applies to employers of all sizes and types in the U.S. USERRA protects employees called to active duty in the U.S. military, including the U.S. Armed Forces, Reserves, and National Guard. USERRA provides reinstatement rights, protection from discrimination, the right to continue group health care benefits for up to 24 months during their leave, and up to 5 years of unpaid leave for military service (with exceptions to this 5-year limit).

## Virginia State Law

In addition to the federal USERRA, Virginia state law provides employment protection, rights, and benefits for:

Members of the Virginia National Guard, the state local militia, or the state defense force

When called to active duty by the governor, employers must provide unpaid leave for them, for up to 5 years. All job protections, reemployment rights, and protections against discrimination apply to them.

Members of the Civil Air Patrol

Members of the Civil Air Patrol are entitled to unpaid leave, up to 10 workdays a year for training, and 30 workdays a year when responding to an emergency. When an employee comes back from leave, he or she should be put back in their previous job with the same salary, benefits, and seniority they had before the leave.

Payout

For more information, please visit [vacationtracker.io](https://vacationtracker.io)

Military leave in Virginia may be paid or unpaid, at the employer's discretion.

## Voting Leave in Virginia

Not required by state law.

Virginia law doesn't require an employer to provide employees with time off to vote on Election Day.

Currently, 29 states have laws providing employees with time off for voting. Virginia is not among them.

Payout

Voting leave Virginia is unpaid.

## Virginia State Holidays in 2025

A leave for holidays is not required by state law.

Private employers in Virginia are not required to provide paid or unpaid leave for holidays.

However, the majority of employers in Virginia provide several paid holidays.

Holiday pay ("time-and-a-half," or 150 percent of the regular rate) is also not mandated by law.

Virginia officially observes 13 state holidays.

**A complete list of holidays celebrated in Virginia in 2025:**

For more information, please visit [vacationtracker.io](https://vacationtracker.io)

Holiday	Observed in 2025	General Date
New Year's Day 2025	Wednesday, January 1	January 1
Martin Luther King, Jr.	Monday, January 20	3rd Monday in January
Washington's Birthday	Monday, February 17	3rd Monday in February
Memorial Day	Monday, May 26	Last Monday in May
Juneteenth	Thursday, June 19	June 19
Independence Day	Friday, July 4	July 4
Labor Day	Monday, September 1	1st Monday in September
Columbus Day	Monday, October 13	2nd Monday in October
Veterans Day	Tuesday, November 11	November 11
Thanksgiving Day	Thursday, November 27	4th Thursday of November
Day after Thanksgiving	Friday, November 28	Friday after Thanksgiving

Christmas Day

Thursday, Dec. 25

December 25

(\*) Election Day is always on the Tuesday next after the first Monday in November so it occurs from November 2 to November 8. It happens in even-numbered years.

*Holidays that fall on Saturday are observed on the prior Friday; holidays that fall on Sunday are observed on the following Monday.*

## 2026

Holiday	Observed in 2026	General Date
New Year's Day 2026	Thu, Jan 1, 2026	January 1
Martin Luther King, Jr.	Monday, January 19	3rd Monday in January

## General Election Day a Legal State Holiday

Election Day is observed as a legal public holiday in the state of Virginia.

In Virginia, Election Day is recognized as an official state holiday, providing state workers the day off. However, most companies continue to work as usual since it is not a federal holiday. The year 2025 is not a general election year. Nevertheless, even in 2025, Election Day will be recognized as a legal public holiday only in Virginia and [New Jersey](#), while it remains an observance in the other 49 states.



Election Day must be held on the Tuesday next after the 1st Monday in November, so this date may be any from November 2 to November 8. General elections for federal office are held in even-numbered years.