



townhall.virginia.gov

Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Department of Labor and Industry
Virginia Administrative Code (VAC) Chapter citation(s)	16VAC15-90 [NEW]
VAC Chapter title(s)	Paid Sick Leave
Action title	Notice of Intended Regulatory Action on Paid Sick Leave
Date this document prepared	June 8, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

Chapters 1128 and 1129 of the 2026 Virginia Acts of Assembly require the Department of Labor and Industry (DOLI) to promulgate regulations necessary to implement new paid sick leave rights for Virginia workers, as outlined in Code of Virginia §§ 40.1-33.6:1 through 40.1-33.6:7. DOLI intends to promulgate a new chapter of regulations, 16VAC15-90, to meet this statutory mandate. DOLI must adopt new regulations by July 1, 2027. DOLI is initiating this NOIRA to begin a regulatory process to fulfill this mandate.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

- “Commissioner” means the Commissioner of Labor and Industry.
- “DOLI” means the Department of Labor and Industry
- “Employee” has the same meaning as provided in § 40.1-33.6:1.
- “Paid sick leave” means the benefits provided under the terms of §§ 40.1-33.6:1-6:7 of the Code of Virginia.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

The mandate for this regulatory change is Chapters 1128 and 1129 of the 2026 Virginia Acts of Assembly, which direct DOLI to promulgate regulations for the implementation and enforcement of paid sick leave rights for Virginia workers, as provided in the Code of Virginia §§ 40.1-33.6:1 through 40.1-33.6:7.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The Department of Labor and Industry is the promulgating agency.

DOLI has legal authority to promulgate this regulation pursuant to Chapters 1128 and 1129 of the 2026 Acts of Assembly. Specifically, the third enactment clause of Chapters 1128 and 1129 expressly directs DOLI to, “adopt regulations pursuant to § 40.1-33.6:7 of the Code of Virginia, as created by this act, for the implementation and enforcement of Article 2.1:1 (§ 40.1-33.6:1 et seq.) of Chapter 3 of Title 40.1 of the Code of Virginia, as created by this act.”

In addition, § 40.1-6 of the Code of Virginia, which establishes DOLI’s general powers and duties, provides in relevant part that the Commissioner has the legal authority to “make such rules and regulations as may be necessary for the enforcement of this title ...”

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

The purpose of this regulatory action is to establish a statewide framework to implement and enforce paid sick leave rights for Virginia employees. When established, these regulations will protect the public health, safety, and welfare of Virginians by providing qualifying employees with the right to accrue and use paid sick leave, as specified in the Code for:

- An employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;
- Care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care of a family member who needs preventive medical care; or
- Absence due to domestic violence, sexual assault, or stalking, provided that the leave is to allow the employee to seek or obtain medical care, mental health care, counseling, legal services, relocation or securing of an existing home, or other victim services for the employee or the employee's family member.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

DOLI intends to promulgate regulations for the implementation and enforcement of the paid sick leave requirements as authorized by Chapters 1128 and 1129 of the 2026 Virginia Acts of Assembly, including all regulations required by the statutory text.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

There are no viable alternatives to regulation, as this regulatory action is mandated through 2026 Acts of Assembly, Chapters 1128 and 1129.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert "This NOIRA is not being used to announce a periodic review or a small business impact review."

In addition, pursuant to the ORM procedures and § 2.2-4007.1 of the Code of Virginia, the agency is conducting a small business impact review of this regulation. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The agency is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to:

Zahra Qarni
Director, Policy and Planning
Virginia Department of Labor and Industry
6606 W. Broad Street
Unit 500
Richmond, VA 23230
Email: zahra.qarni@doli.virginia.gov
Fax: (804) 786-2376

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.