VIRGINIA RETAIL FEDERATION
PARTNERING FOR RETAIL ADVOCACY

July 14, 2026

Virginia Retail Federation (VRF) recognizes the importance of paid family and medical leave and supports policies that help employees care for themselves and their families during significant life events. Healthy employees and strong families benefit our communities and our workforce.

At the same time, VRF and its members encourage the Virginia Employment Commission to carefully consider the unique challenges that businesses face when implementing this program. Many businesses have limited staffing and financial resources. Even one employee taking extended leave can create significant operational and financial strain, particularly when it is difficult to hire temporary replacements or redistribute work among a small team.

VRF respectfully asks that the final regulations prioritize simplicity and predictability. Clear guidance, straightforward reporting requirements, and an efficient claims process will reduce administrative burdens for employers that may not have dedicated human resources staff. Advance notice requirements, when feasible, and timely communication between the program, employees, and employers will also help businesses plan for staffing needs while supporting employees who qualify for leave.

VRF would encourage the VEC to consider implementation timelines, educational resources, and technical assistance specifically designed for businesses of all sizes. Providing employers with sufficient time to prepare and understand their responsibilities will improve compliance and reduce unintended hardships.

The state of Maine was particularly successful in establishing a working PFML program. VRF recommends VEC look to Maine as an example of a successful program rollout and design.

Virginia has an opportunity to create a paid family and medical leave program that supports workers while recognizing the realities faced by business owners. That is why the adoption of regulations that balance these important goals by minimizing unnecessary administrative burdens, promoting transparency, and ensuring the program is sustainable for employers of all sizes.

Below are suggestions from VRF that would ease the implementation of these regulations.

Coverage: Covered individuals are defined as any individual other than an employee of the Commonwealth who (1) either meets the minimum monetary eligibility criteria set forth in subdivision A1 of 60.2-612 or is self-employed, elects coverage, and meets the requirements of 60.2-802; (2) meets the administrative requirements outlined in this chapter and in regulations; and (3) submits an application. Under subdivision A1 of 60.2-612, an unemployed individual shall be eligible to receive benefits only if, (1) He has, in the highest two quarters of earnings within his base period, been paid wages in employment for employers that are equal to not less than the lowest amount appearing in Column A of the "Benefit Table" appearing in § 60.2-602 on the line which extends through Division C and on which in Column B of the "Benefit Table" appears his weekly benefit amount. Such wages shall be earned in not less than two quarters.

If employees are otherwise eligible for PFML, but do not meet the State's current minimum amount to qualify, are they still eligible for (a) protections, (b) time off, or (c) payment benefits under the PFML? Or at that point are they deferred back to either FMLA (if applicable), Paid Virginia Sick leave (if applicable) or their employer's PTO policies.

Concurrency: The PFML outlines that leave taken that also qualifies as leave under the FMLA shall run concurrently (60.2-810A) and that an employer may require that payments made pursuant to this chapter be made concurrently or otherwise coordinated with payments made or leave allowed under the terms of disability or family care leave under an employer policy (60.2-810B). However, it is silent as to whether this would permit the employer to ***require*** the employee to use PFML concurrently with PTO or Virginia's new paid sick leave, as is commonly required under employer leave policies. Can we get clarification on the stacking of paid leaves and the interplay of PFML in connection with STD/LTD and PTO or any other paid leave offered by an employer? For example, if an employee is already receiving full compensation from another form of leave or payment provision, is the intent of the PFML to place the employee in a situation to receive more compensation than they would if they were working? Or would this situation render PFML ineligible from providing additional benefits in those instances.

Leave Stacking: What protections will be put in place to protect Virginia employers from the stacking of leaves outside of the 12 weeks contemplated to run concurrently under the PFML and FMLA? PFML not only covers federal FMLA qualifying reasons but adds a new category of "safety services" related to domestic violence, harassment, sexual assault, or stalking for which an employee can take extended paid leave (60.2-802(6)). PFML also expands the leave entitlement to allow extended paid leave for an employee to care for more attenuated relations than contemplated under federal FMLA (60.2-800). Given this, situations could occur where an employee takes leave covered under PFML (for a reason not contemplated or covered under federal FMLA) and is *then* entitled to a subsequent 12 weeks of time off covered under the federal FMLA; extending protected leave past the contemplated 12 weeks. For example, 4 weeks of safety leave under PFML, 12 weeks for serious personal health conditions under the federal FMLA.

Reporting: Claims pursuant to this chapter shall be payable for at least eight hours of family and medical leave accrued in one workweek unless the Commission sets a lower threshold. Employees are paid in weekly allotments**. How will this reporting be required by the Commission to ensure proper payment especially for those employees using the leave intermittently? (60.2-804E/60.2-807A) What can be done to lessen the reporting burdens for employers when employees are paid weekly?**

Internal Plan Exemption: If employers provide STD and LTD equal to or greater than the benefits covered under PFML and the employer applies for approval with the Commission, will those benefits meet the obligations provided under the PFML.60.2-816, exempting an employer from also contributing under the PFML?

Work Credit Hours: What impact, if any, will time taken under PFML have on work credit hours?

Thank you for your time and attention to these comments. We respectfully urge the agency to carefully consider the concerns raised and the potential impacts as you evaluate this matter. VRF appreciates the opportunity to participate in the public comment process.

Sincerely,

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Virginia Retail Federation
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