

March 26, 2026

The Honorable Abigail Spanberger
Governor of Virginia
1111 East Broad Street
Richmond, VA 23219

Re: Senate Bill 2 & House Bill 1207 – Paid Family and Medical Leave

Dear Governor Spanberger:

On behalf of Virginia's business community, thank you for your service to the Commonwealth. The undersigned organizations are invested in ensuring Virginia remains a top state for business and a leading state for economic growth and job creation. We write regarding Senate Bill 2 and its cognate, House Bill 1207. We recognize that establishing a paid family and medical leave (PFML) program in Virginia is a priority of your Administration. While we have concerns about how this policy may affect Virginia businesses, we share the goal of supporting Virginia's workers and families while improving workforce participation. In that spirit, we write to share amendments to the legislation which ensure meaningful support for employees while remaining workable and predictable for employers required to comply with the law on a daily basis.

As enrolled, several provisions of the legislation would create significant operational challenges and result in unintended consequences. We respectfully request targeted amendments to address these issues, such that the legislation is more closely aligned with the federal Family and Medical Leave Act (FMLA) and models found in other states. These changes are not intended to diminish the purpose of the policy, but rather to ensure the program is predictable for employers of all sizes and industries and sustainable for the Commonwealth overall.

First, the legislation's eligibility framework is based on total earnings consistent with Virginia's unemployment insurance system and does not include any tenure requirement with a current employer. While this approach may seem logical on paper, it will not work in practice. Unemployment insurance is designed to provide temporary wage replacement *after* separation from an employer, whereas the program to be established would operate during an *ongoing* employment relationship. These are fundamentally different policies with fundamentally different objectives; to treat them alike would result in unintended consequences and undermine workforce planning in ways not currently contemplated. We respectfully urge you to amend the legislation to be consistent with the requirements of the federal FMLA which requires a demonstrated employment relationship before leave may be taken, including at least 12 months of service and 1,250 hours of work in the preceding year. Incorporating a reasonable tenure requirement would promote workforce stability, ensure a meaningful employer-employee relationship prior to leave being taken, and align Virginia's program with well-established federal standards which will better enable Virginia businesses to administer

the program. We respectfully urge you to amend the legislation to add the following language on line 329 after § 60.2-612: *“and has been employed (i) for at least 12 months by the employer with respect to whom leave is requested; and (ii) for at least 1,250 hours of service with such employer during the previous 12-month period.”*

Second, the legislation’s expansive definition of “family member,” specifically its inclusion of individuals with a “close association,” creates a meaningful risk of abuse and presents administrative challenges. The definition is notably broader than that used by the federal FMLA, extending coverage to domestic partners, grandparents, grandchildren, and others. While this definition reflects the nature of modern families and relationships, the additional catchall category of individuals with a “close association” is inherently subjective and would afford employers and the Commonwealth little ability to verify eligibility or apply a uniform standard. Retaining this allowance risks leave being requested under circumstances far beyond the program’s intended purpose, potentially undermining public confidence and complicating compliance efforts. Aligning the definition of “family member” more closely with FMLA categories would help eliminate ambiguity and ensure the program operates as intended. We therefore respectfully urge you to strike item 5 from the definition of “family member” found on lines 362 and 363.

Third, as enrolled, the legislation leaves the certification timeline to the sole discretion of the Virginia Employment Commission, potentially creating uncertainty for employers. Certification timelines have direct operational consequences for employers, especially small businesses, and should be established in statute rather than left open-ended. Employers must know the nature and anticipated duration of an employee’s leave to avoid violating the law, apply policies correctly, and maintain operational continuity. Longer certification periods will make it more difficult for employers to plan and will increase the risk of fraud and abuse. A 30-day window, twice as long as that allowed under the federal FMLA, would strike a workable balance between providing employees reasonable flexibility and providing employers the necessary predictability to comply with the law and align leave administration with established payroll cycles. This would also be consistent with legislation enacted in Colorado and the District of Columbia. We respectfully urge you to amend the legislation by adding on line 421, after certification, *“including a requirement that any such certification be submitted not later than 30 days after the commencement of leave taken pursuant to this chapter.”*

Together, these amendments would bring the legislation into closer alignment with federal law and the frameworks adopted by other states while preserving the goal of providing meaningful paid leave benefits to Virginians. Critically, these amendments ensure the program can be implemented in a manner that is predictable and sustainable for the employers who are essential partners in making any leave program function effectively.

We believe the targeted, narrow adjustments above strengthen the policy and ensure its success in the long term. The Virginia business community looks forward to working

with your Administration to implement this policy while maintaining a competitive business climate. Thank you for your consideration of this letter and our requests.

Respectfully submitted,

Virginia Chamber of Commerce
Virginia Agribusiness Council
Virginia Assisted Living Association
Virginia Automobile Dealers Association
Virginia Farm Bureau Federation
Virginia Food Industry Association
Virginia Hispanic Chamber of Commerce
Virginia Hospital & Healthcare Association
Virginia Maritime Association
Virginia Poultry Federation
Virginia Restaurant Lodging and Travel
Association
Virginia Trucking Association
Associated Builders and Contractors –
Virginia Chapter
National Federation of Independent
Business (NFIB)
Arlington Chamber of Commerce
Blackstone Chamber of Commerce
Bristol TN/VA Chamber of Commerce

Central Fairfax Chamber of Commerce
ChamberRVA
Culpeper Chamber of Commerce
Fredericksburg Regional Chamber of
Commerce
Greater Augusta Chamber of Commerce
Hampton Roads Chamber of Commerce
Hampton Roads Utility and Heavy
Contractor Association
Loudoun Chamber of Commerce
Louisa Chamber of Commerce
Mount Vernon-Springfield Chamber of
Commerce
New Kent Chamber of Commerce
Roanoke Regional Chamber of Commerce
Shenandoah County Chamber of
Commerce
Southern Virginia Chamber of Commerce
Top of Virginia Regional Chamber
Virginia Peninsula Chamber of Commerce