

Legal Update

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Virginia to Require Employee Leave for Organ Donors

On April 12, 2023, Virginia enacted a [law](#) mandating that employers provide unpaid leave from work for organ and bone marrow donation. The law takes effect **July 1, 2023**.

Covered Employers and Employees

The new law applies to all employers that employ 50 or more employees, including the state and its agencies, institutions and political subdivisions. Employees are covered by the law if they have requested leave and, as of the date the leave begins:

- Will have been employed by their employer for at least a 12-month period; and
- Will have worked for their employer for 1,250 hours during the previous 12 months.

Leave

The law requires employers to allow employees to take 60 days of unpaid leave for organ donation per year and 30 days of unpaid leave for bone marrow donation per year.

Employees requesting leave must provide written physician verification that they are organ or bone marrow donors and that there is a medical necessity for the donation.

Employees may not take leave under the federal Family and Medical Leave Act concurrently with leave for organ or bone marrow donation.

Job Restoration and Continuation of Health Coverage

Employees returning from leave must be restored to their former positions or equivalent ones. Employees' health coverage must be continued during leave on the same terms as before the leave.

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Important Dates

April 12, 2023

Organ donor law was passed.

July 1, 2023

Organ donor law goes into effect.

Employers must continue to provide health benefits to employees as if they were not on leave.