

# Alabama Leave Laws

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*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.*

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# Paid Time Off (PTO) in Alabama

## Leave Quota

Alabama law doesn't require employers to provide vacation leave.

No federal or state law requires employers to provide paid or unpaid vacation time for their employees. However, if employers choose to offer vacation leave to their employees, paid or unpaid, it must adhere to applicable state law, established policy, or employment contract. Vacation, both paid and unpaid, is a mandatory subject of collective bargaining in a unionized workplace.

## Accrual

Employers in Alabama are not obligated to pay out accruals.

No federal or state law in Alabama requires employers to pay out an employee's accrued vacation, accrued sick leave, or other paid time off (PTO) at the termination of employment.

## Rollover

Use-It-or-Lose-It Policy is not prohibited.

Use-it-or-lose-it employee vacation policy means that the employer doesn't pay employees for any unused vacation leave at the end of the year. Instead, if unused, the employee forfeits his or her unpaid vacation time. Use-It-or-Lose-It policy is not addressed by state law. This depends on the employer's contract and policy.

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

## Payout

No laws related to vacation pay.

Alabama does not have any state statutes governing the payment of vacation time. (see *Amoco Fabrics and Fibers Co. v. Hilson*, 669 So. 2d 832, 835 (Ala. 1995)).

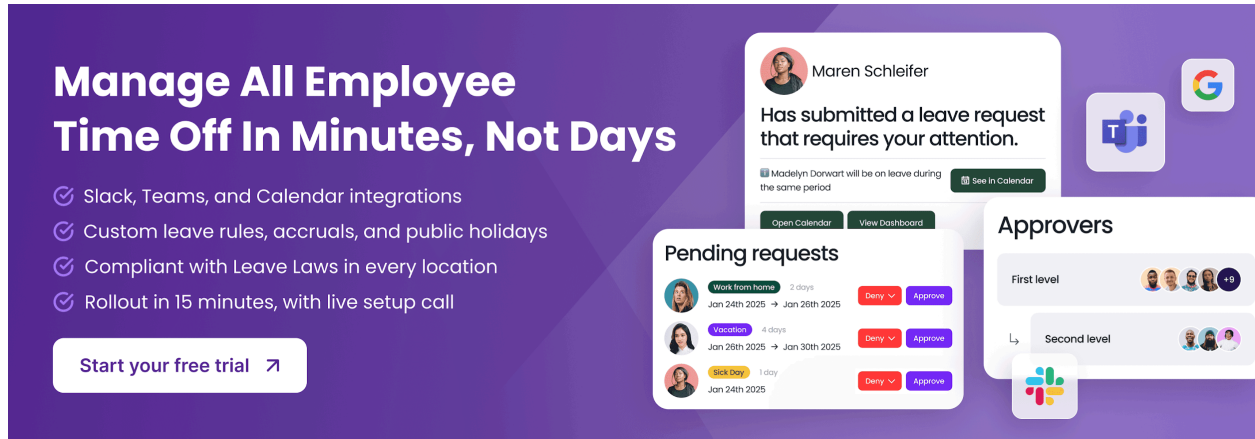
## Payment of accrued, unused vacation on termination

No, it is not explicitly provided for by state law.

An employer may lawfully establish a policy or enter into a contract disqualifying employees from paying for accrued, unused vacation upon separation from employment, whether by quitting, discharge, or layoff.

An employer may also legally establish a policy or enter into a contract that disqualifies employees from receiving payment for accrued, unused vacation upon separation from employment if they fail to meet specific requirements, such as providing two weeks' notice or being employed as of a particular date of the year. See *ISS International Service Systems v. Alabama Motor Express*, 686 So.2d 1184 (Ala. App. 1996).

An employer must pay any accrued, unused vacation to an employee upon separation from employment if its policy or contract requires it. See *Amoco Fabrics and Fibers Co. v. Hilson*, 669 So.2d 832 (Ala. Sup. Ct. 1995); *ISS International Service Systems v. Alabama Motor Express*, 686 So.2d 1184 (Ala. App. 1996).



The image shows a mockup of the Vacation Tracker application interface. On the left, a purple banner contains the title "Manage All Employee Time Off In Minutes, Not Days" and a list of features: "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". Below this is a "Start your free trial" button. On the right, a notification card from Maren Schleifer states "Has submitted a leave request that requires your attention." and shows a calendar snippet for Madelyn Dorwart. Below the notification is a "Pending requests" table with three rows: "Work from home" (2 days, Jan 24th-26th), "Vacation" (4 days, Jan 26th-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 showing a hierarchy with "First level" and "Second level" approvers, each with a group of user avatars and a "+9" indicator. Integration icons for Slack, Teams, and Google are also visible.

**Manage All Employee Time Off In Minutes, Not Days**

- ✓ Slack, Teams, and Calendar integrations
- ✓ Custom leave rules, accruals, and public holidays
- ✓ Compliant with Leave Laws in every location
- ✓ Rollout in 15 minutes, with live setup call

[Start your free trial](#)

**Notification:** Maren Schleifer has submitted a leave request that requires your attention. Madelyn Dorwart will be on leave during the same period.

**Pending requests**

Request Type	Duration	Period	Actions
Work from home	2 days	Jan 24th 2025 → Jan 26th 2025	Deny Approve
Vacation	4 days	Jan 26th 2025 → Jan 30th 2025	Deny Approve
Sick Day	1 day	Jan 24th 2025	Deny Approve

**Approvers**

- First level: [Avatars] +9
- Second level: [Avatars]

# Sick Leave In Alabama

## Alabama State Laws – Leave Quota

Alabama law provides 0 days, federal law provides 12 workweeks of unpaid sick leave.

No Alabama law requires employers in the private sector to provide employees sick leave, paid or unpaid, although many employers do give it as a popular employee benefit. However, it is essential to remember that if sick leave benefits are promised, an employer may create a legal obligation to give it; it must comply with its established policy or employment contract.

Private sector employees in Alabama have only the rights guaranteed by federal law – FMLA.

State employees receive 4 hours of sick leave for each biweekly service period.

## Alabama Federal Laws – Leave Quota

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

Alabama employers must comply with the Family and Medical Leave Act (FMLA). Employers are required to provide employees with 12 weeks of unpaid leave.

Employees qualify for FMLA benefits if they:

- Have worked for their employer for at least 12 months (a minimum of 25 hours per week) or have worked at least 1,250 hours over the past 12 months
- Work at a location where the company employs at least 50 employees (within a 75-mile radius)

It is up to each individual employer to offer sick leave benefits outside of the minimum federal requirements.

## Accruals

Alabama law does not obligate employers to pay accrued sick leave benefits to employees when they leave their jobs.

## Payout

Sick leave in Alabama is unpaid.

## Maternity, Paternity, FMLA in Alabama

12 weeks of unpaid maternity/paternity leave offered by the federal law. Alabama State Law has not covered these leave types.

Alabama does not have a law that requires private employers to provide maternity and paternity leave, job protection, or benefits for new parents.

However, expectant and new parents are entitled to leave under the federal Family and Medical Leave Act (FMLA). FMLA requires employers to provide private or public sector employees at least 12 weeks (3 months) of unpaid family leave time to look after a baby during the first year after birth or placement for adoption. In order to take advantage of this act, employees must have worked for a period of 12 months and have completed at least 1250 hours of work in a company. In addition, the company must have at least 50 employees (within a 75-mile radius). Employers are free to offer parental benefits above and beyond the bare minimum.

Another federal law protecting new mothers is The Pregnancy Discrimination Act (PDA). This law prohibits discrimination on the basis of pregnancy in any aspect of employment, including firing, hiring, promotions, and fringe benefits. This applies to all companies that have 15 or more employees.

State employees may use accrued sick time for pregnancy if the employee works until she is physically disabled, then returns to work as soon as she is able. (AL Admin. Code Sec. 670-X-14-.01 et seq.).

Several big Alabama companies provide paid parental leave: BBVA, Baker Donelson, Regions Financial, and Alabama Power/The Southern Company (to name just a few).

## Payout

Maternity and paternity leaves are unpaid.

# Bereavement Leave in Alabama

Employers are not required to give bereavement leave.

No federal or state law requires an employer to provide employees with bereavement leave, paid or unpaid, or time off to organize or attend a close family member's funeral.

## **Payout**

Bereavement leave is unpaid.

# Jury Duty Leave in Alabama

Employers must give their employees paid time off for jury duty leave in Alabama.

Alabama law requires employers to grant job-protected, paid leave to full-time employees to perform jury duty. The employee must present a jury summons to their employer as evidence of requirement the next working day after receiving the summons.

An employer is not allowed to require an employee to use annual leave, vacation days, unpaid leave, or sick leave for time spent responding to a summons for jury duty, participating in the jury selection process, or serving on a jury. The employer may deduct the employee's wages received for serving as a juror from the employee's compensation.

An employer can't discharge or take any other damaging employment action against an employee serving on a jury, provided the employee returns to work on the next working day after being dismissed from jury duty.

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

## Jury Duty Pay

### Government pay

Employees who serve as jurors in Alabama are paid \$50.00 a day and a mileage reimbursement of 0.535 per mile.

### Employer pay

An employer has a duty under Alabama law to compensate all full-time employees serving as jurors by paying their salary without any deductions for the \$50.00 per day they receive for jury service.

## Military Leave in Alabama

Employers are obligated by Federal law USERRA, supplementary state law to give military leave in Alabama.

Ala. Code §§ 31-12-1 to 31-12-4

### Federal Law

The federal Uniformed Services Employment and Reemployment Rights Act (USERRA) applies to all employers in the U.S. USERRA protects Army and Air National Guard members who are called away from civilian jobs for federal service.

Members of the Alabama National Guard and militia who are called to active state duty for at least 30 consecutive days or called to federally funded duty for homeland security



have the same leave and reinstatement rights and benefits as those guaranteed by USERRA.

Public employees called to duty also have additional health and retirement benefits under statute 31-12-7. Although the statute applies to private employers as well, the Supreme Court of Alabama previously ruled that forcing private employers to pay for military leave was a violation of the Alabama Constitution.

## Alabama state law

In addition to the federal law USERRA, Alabama has enacted a law to help protect the employment status of men and women serving in the military (38 USC 4301 et seq.). This state law gives military members paid leave for days spent in the field, coast defense, or other training or service required by the National Defense Act of the United States Reserves federal laws. Paid leave for an employee called into active state service is a maximum of 168 hours per calendar year (AL Code Sec. 31-2-13). Upon return from leave, employers must provide employees with all benefits (such as sick leave or annual leave, etc.) without losing time/efficiency rating.

## Federal vs. State Law

USERRA, a federal law, preempts less protective state law on uniformed service people's employment and reemployment rights. As a result, if Alabama law is less protective than USERRA, the rights granted by USERRA will apply, not Alabama law. But, if Alabama law is more protective than USERRA, then Alabama law will apply.

USERRA protects Army or Air National Guard members when called away from their civilian jobs for federal service. However, USERRA does not apply when a member of

the National Guard is called up for state active duty. Therefore, if National Guard members have reemployment rights after state active duty, it must be through state law.

## **Payout**

USERRA doesn't require military leave to be paid in all cases. However, an employer must treat military leave the same as other comparable types of leave. Therefore, if an employer offers different kinds of paid leave, the employer must pay for military leaves similar to those other paid leaves. USERRA rules do not allow employers to treat service members differently by paying employees for some leave while freeing them from paying military service obligations.

There isn't much agreement on what other types of leave are comparable to military leave. Therefore, employers should pay close attention to this issue and seek legal advice if necessary.

# Voting Leave In Alabama

Voting leave is permitted in Alabama, for one hour of unpaid leave, with advance notice required.

Alabama law requires that all employees registered to vote must be permitted to take up to one hour of leave to vote in any municipal, county, state, federal, primary, or general election. However, the law does not specify whether the leave is paid, so it is likely unpaid.

To be eligible for voting leave in Alabama, an employee must provide reasonable notice to the employer.

The employer is permitted to specify the hours during which the employee must take the leave. However, the employer is not required to provide the leave if an employee's work schedule begins at least 2 hours after the polls open or ends at least 1 hour before the polls close.

Proof of voting is not required.

## **Payout**

Voting leave is unpaid in Alabama.