

# Arizona 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 Arizona

Arizona doesn't have any state laws that demand paid time off, but employers are required to provide Paid Sick Leave (PSL).

However, employers often decide to offer paid or unpaid vacation leave. If an employer chooses to provide vacation leave it must be in accordance with their own established policies. This offer must follow employment law and be specified in the collective bargaining agreements.

Employers are mandated to provide Paid Sick Leave (PSL) according to the Healthy Families and Fair Wages Act (more about that in the *Sick Leave In Arizona* section below).

## Leave Quota

Arizona has 0 vacation days. Vacation leave is not required at all by state law.

In Arizona, employers are not required to provide employees vacation leave, either paid or unpaid. But, in case an employer chooses to provide such vacation benefits, paid or unpaid, it must follow the terms of its established policy and employment contract (more on AZ Statute 23-350(5)).

## Accrual

Policy that caps accruing over time is allowed, employers must let accruing of paid sick leave.

An employer can implement a policy (or put it into a contract) that caps the amount of vacation time an employee can accrue over time. State law requires that employees must be allowed to accrue and use paid sick leave.

## Rollover

Use-It-or-Lose-It Policy is allowed.

Use-It-or-Lose-It Policy is not addressed by state law. This depends on the employer's contract and policy. Employers can implement a "use-it-or-lose-it" policy that requires employees to use their vacation time by a certain date, (usually the end of the year) or lose it, providing that employees have reasonable time to use their vacation time. This way employers don't pay employees for any unused vacation time, instead, the employees forfeit the remaining vacation leave, unpaid.

Employers may benefit from a Use-It-or-Lose-It policy because some employees use very little PTO. Long-term employees can accumulate hundreds of hours of paid time off, which can be a costly liability if required to be paid out upon separation. Employers also want to encourage employees to use their PTO because they understand that if an employee does not take time off, their health, well-being, and work suffers.

## Payment of accrued, unused vacation on termination

Not guaranteed. It is not expressly provided for by state law.

There is no statute or court decision regarding an employer's ability to refuse the payment of accrued PTO upon separation from employment. This way employee contract and an employer's policy govern whether accrued but unused vacation is paid on separation.

Companies generally address the payout of paid time off upon termination of employment in an employment manual or handbook.

PSL (Paid Sick Leave) never has to be paid out on termination.

An employer may also legally establish a policy that disqualifies employees from receiving payment for earned and unused vacation upon separation from employment if the employee



fails to meet specific requirements, such as failing to provide timely notice of resignation or being released for a cause.

Payout: Earned vacation time is regarded as wages only when the employer has a policy or practice of paying employees for this time.

A screenshot of the Vacation Tracker web application interface. The background is purple. On the left, white text reads 'Manage All Employee Time Off In Minutes, Not Days'. Below this are four bullet points with checkmarks: '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'. A white button with a right arrow says 'Start your free trial'. On the right, there are three overlapping white cards. The top card shows a user profile for 'Maren Schleifer' and a message: 'Has submitted a leave request that requires your attention.' Below this, it says 'Madelyn Darwart will be on leave during the same period' with a 'See in Calendar' button. The middle card is titled 'Pending requests' and lists three requests: 'Work from home' (2 days, Jan 24th 2025 - Jan 26th 2025), 'Vacation' (4 days, Jan 28th 2025 - Jan 30th 2025), and 'Sick Day' (1 day, Jan 24th 2025). Each request has 'Deny' and 'Approve' buttons. The bottom card is titled 'Approvers' and shows two levels: 'First level' with three approvers and a '+9' button, and 'Second level' with two approvers. Logos for Slack, Teams, and Google are visible in the top right corner.

## Sick Leave in Arizona

### Arizona Federal Laws – Leave Quota

FMLA provides employees with 12 weeks of unpaid sick leave.

Arizona employers must comply with the Family and Medical Leave Act (FMLA). Employers are required to provide employees with 12 weeks of unpaid job-protected leave for maternity leave, serious illnesses, or if the employee needs to care for a spouse or child.

Employees are eligible for FMLA benefits if they:

- Have worked for their employer for at least 1 year (a minimum of 25 hours per week)
- Work at a location where the company employs at least 50 employees within a 75-mile

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

To learn more about FMLA and all federal laws in the USA, check out our [United States Leave Laws](#) page.

## Arizona Paid Sick Leave

1 hour of paid sick leave per 30 hours worked. Paid sick leave must be accrued and rolled over.

In addition to the FMLA, employers are required to provide Paid Sick Leave (PSL) according to the Healthy Families and Fair Wages Act. This act has been in effect since 2017. It requires most private and municipal employers to provide paid sick time (PST) to all full-time, part-time, and temporary workers.

### Covered employers and employees

The law applies to almost every private employer. There is a limited exemption for “small businesses,” defined as those with annual gross revenues of less than \$500,000 that are not involved in interstate commerce or the production of goods for interstate commerce.

This law does not cover employees employed by the state or federal government.

What can be paid sick time (PSL) used for?

Employees may use earned paid sick time for a wide range of reasons:

- When an employee needs medical care related to mental or physical illnesses, injuries, health-related conditions, or preventive medical care.
- To take care of ailing family members (spouse, partner, biological, foster or adopted child, grandchild, parent, grandparent, sibling, or family member equivalent – Arizona Revised Statutes § 23-371).

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- A public health emergency or communicable disease exposure that provides isolation leave and quarantine according to Arizona Revised Statutes § 23-373;
- For absences due to domestic and sexual violence, abuse, or stalking.

The law forbids retaliation against employees seeking to exercise their rights.

If an employee uses earned paid sick leave on 3 or more consecutive workdays, an employer can require the employee to provide reasonable documentation for absence.

## Accrual rate and cap

Employees begin accruing paid sick time on the date they were hired. Yet, an employer may require that workers wait 90 calendar days after their date of employment before using it.

An employee accrues 1 hour of earned paid sick leave per 30 hours worked.

Rules:

- Employers with 15 or more employees: Maximum time accrued for employees is 40h per year
- Employers with less than 15 employers: Maximum time accrued for employees is 24h per year
- An employer can also choose to set a higher limit (if stated in the contract).

## Rollover

Paid sick leave must be rolled over.

The law mandates that if the employee has unused sick time at the end of the year, up to the employee's total yearly eligibility amount (24 or 40 hours), it must be rolled over into the next year.

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

## Payout of Sick Leave upon Termination

PSL (Paid Sick Leave) never has to be paid out when employment ends for any reason. This law doesn't demand an employer to pay out unused paid sick time at the end of the employment relationship.

## Payout of Sick Leave in Arizona

An employer is the one who pays.

## Maternity, Paternity, FMLA in Arizona

Arizona doesn't have a maternity/paternity leave law; employees can benefit from the federal law – FMLA.

Arizona has no additional laws concerning Maternity and Paternity leave. Expecting and new parents are entitled to leave under the federal Family and Medical Leave Act (FMLA) and the Pregnancy Disability Act. For more information, look under the section *Sick leave in Arizona => Arizona federal laws*. Employers may offer parental benefits more than the bare minimum.

Another federal law that protects new mothers is The Pregnancy Discrimination Act (PDA). This act protects and safeguards the rights of pregnant women. The Pregnancy Discrimination Act forbids an employer from discriminating against employees based on pregnancy or maternity-related healthcare issues.

The Arizona Civil Rights Act prohibits discrimination in the workplace based on gender (AZ Rev. Stat. Sec. 41-1463 et seq.). Discrimination based on gender includes maternity and pregnancy. For all employment-related purposes, including receiving benefits under fringe benefit programs, women should be treated equally. This act applies to all companies with 15 or more employees.

State employees are given sick leave for pregnancy-related conditions or to care for a child, spouse, or parent with a serious illness. (AZ Admin. Code Sec. R2-5A-B603).

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

## Payout

Maternity leave is unpaid.

## Bereavement Leave in Arizona

Employers are not required to give either paid or unpaid bereavement leave.

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

Private companies are open to either not giving their employees leave upon the death of their loved ones or varying the length and nature of the leave. Employers may decide to provide bereavement leave and may be required to follow any bereavement policy or practice they have in place. Bereavement leave can be obtained for the death of a close family member. These are a spouse, a natural child, an adopted or a foster child, a son or daughter in law, a stepchild, a natural parent, a stepparent, adoptive parent, a parent in law, a brother, a sister, or any sibling in law, an individual who stood in loco parentis, grandparent or grandchildren.

State employees may take off up to 24 regularly scheduled work hours due to the death or funeral of a close member of the family.

## Payout

Bereavement leave is unpaid.

## Jury Duty Leave in Arizona

Employers must provide employees unpaid leave to serve on a jury.

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



Ariz. Rev. Stat. § 21-236

An employer must allow employees to take job-protected unpaid leave when called to perform their jury duty (to serve as grand or trial jurors). The employer is not allowed to require an employee to use any available leave (annual, sick, or vacation hours) for responding to a jury summons.

When an employee returns from jury duty, he or she must be reinstated in their previous position or promoted to a higher position if the employee would have been eligible for the promotion had they not served on the jury. While serving as jurors, employees can't lose their seniority.

If an employer has 5 or fewer full-time employees, the court must postpone an employee's jury duty if another employee is already serving on the jury.

Employees must provide the employer with a copy of the jury summons as proof of requirement.

Crime Victims' Leave. Employers with 50 or more employees are required to provide unpaid leave to crime victims.

## Payout Jury Duty Leave

Court pay:

Employees who serve as jurors in Arizona are paid \$12.00 a day and a mileage reimbursement of 0.45 per mile.

Instead of this fee, federal government employees are paid their full wages.

Employer pay:

Jury duty is unpaid in Arizona.

# Military Leave (National Guard Leave) in Arizona

An employer must provide unpaid leave to members of the National Guard or U.S. military members.

Members of National Guard, Arizona National Guard, and the United States armed forces reserves must be granted unpaid leave to perform an active duty or attend camps, maneuvers, formations, or armory drills. Also, members of the National Guard are allowed unlimited time off.

## Federal Law

The federal law USERRA (Uniformed Services Employment and Reemployment Rights Act) applies to all employers in the U.S. USERRA safeguards the rights of Army and Air National Guard members called away from their civilian jobs for military service. An employer can not discriminate against an employee based on their military service. An employee may be fired only for good reason for up to one year after they return from service, even if they work *at will*.

## Arizona state law

Members of state military forces or National Guard members called up by the state have the same rights and benefits guaranteed under USERRA.

In addition to the federal law USERRA, Arizona has enacted a law to protect the employment status and protects against discrimination for the people who serve in the armed forces (38 USC 4301 et seq.). Arizona law provides unpaid leave for men and women who are called to active duty or to attend training for U.S military forces. State law also prohibits an employer from attempting to dissuade employees from enlisting in the state or national military forces by

threatening economic harm. (AZ Rev. Stat. Sec. 26-167). The state law of Arizona basically extends similar rights provided by USERRA. So, the rights guaranteed by USERRA are expanded to all members of the military forces who are called to active duty.

Upon return from leave, employees are guaranteed to:

- be restored to their former position or to a higher position that is proportional to the employee's experience and skills, without losing seniority or precedence
- retain vacation benefits

Employers are not permitted to discharge National Guard members or to prevent or obstruct their employment.

Public employees may be given paid military leave under Ariz. Rev. Stat. § 38-610.

## Federal vs. State Law

USERRA pre-empts less protecting state law on the employment and reemployment rights of uniformed service members. As a result, if Arizona law is less protecting than USERRA, the rights granted by USERRA will apply, not Arizona law. But, if Arizona law is more protecting than USERRA, then Arizona law will apply.

USERRA protects the rights of Army or Air National Guard members when summoned from their civilian jobs for federal service. Yet, USERRA doesn't apply when a member of the National Guard is called up for state active duty. Hence, if National Guard members have reemployment privileges after state active duty, it must be through state law.

## Payout

Military leave is unpaid.

# Voting Leave in Arizona

3 hours of paid leave.

Federal law doesn't require an employer to give employees time off to vote, but the state of Arizona mandates voting leave time.

An employer must provide employees with up to 3 hours of paid leave to vote in any municipal, county, state, primary, federal, or general election. To be eligible for paid voting leave, an employee must provide notice one day before the election to their employer.

An employer has the right to specify the hours when an employee can leave to vote.

An employer must only provide enough paid leave for the employee to have 3 consecutive hours to vote between the opening of polls and the start of their shift or the end of their shift and the closing of the polls. For example, if voting polls open at 8:00 a.m. and an employee's shift starts at 10:00 a.m., the employer could comply with the voting leave law by letting the employee arrive at work at 11:00 a.m. and paying the employee wages for the 1 hour they would have otherwise worked. By giving the 1 hour of paid leave at the beginning of the employee's shift, the employer would be confirming that the employee had 3 consecutive hours to vote.

An employer who denies an employee the right to paid voting leave may be charged with a class 2 misdemeanor, punishable by a maximum fine of \$750 or 4 months in prison.

Ariz. Rev. Stat. § 16-402

## Payout

Voting time cannot be deducted from an employee's pay.