

Georgia Leave Laws

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 Georgia

Georgia has no state laws that demand PTO, except Georgia's Family Care Act (for employers with 25+ employees). There are mandatory types of unpaid leave: FMLA (for employers with 50+ employees), jury duty leave, military leave, and voting leave.

Vacation Leave Quota

Georgia law requires zero vacation days. Employers aren't required to provide vacation leave.

No federal or Georgia laws require employers to provide either paid or unpaid vacation time for their employees. However, let's suppose an employer chooses to offer vacation leave to their employees, paid or unpaid. In that event, it must be under applicable state law, established company policy, or employment contract. Many employers provide vacation benefits because it's one of the most desired perks for employees.

Accrual

Accruals are not obligatory in Georgia but are widely used by companies.

Companies are free to implement their schedules for vacation accrual. For instance, company policy could provide that an employee earns two vacation days per month or a particular number of hours per pay period. Some companies set a waiting period before a new employee can begin accruing vacation time. Other companies let employees accrue more vacation time when they have longer tenure at the company.

It is also permitted for companies to cap (set a limit on) how many vacation days employees may accrue. Many companies use this option to encourage employees to use their vacation time regularly.

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

Roll Over

The Use-It-or-Lose-It policy is not prohibited. An employer isn't obligated to let employees roll over unused leave into the following year.

Employers in Georgia are free to adopt a "Use-It-or-Lose-It" vacation policy. A Use-It-or-Lose-It vacation policy means that an employer does not have to pay employees for unused vacation leave at the end of the year. Therefore, an employee loses all remaining vacation days, unpaid.

An employer may benefit from a Use-It-or-Lose-It policy because some employees use very little of the PTO. A long-term employee may accumulate hundreds of hours of PTO, which could become a costly liability upon separation if it needs to be paid out.

Employers also want to encourage employees to use their PTO because they understand that when an employee does not take time off from work, their health, well-being, and work suffer.

Statutory Provisions Addressing Vacation Pay

There are no state statutes in Georgia connected to vacation pay.

Georgia doesn't have any state laws handling the payout of vacation time.

Payment of accrued, unused vacation on termination

No state statute in Georgia addresses payment of accrued vacation on termination.



An employer can establish a policy or employment contract prohibiting employees from paying for accrued but unused vacation when they resign, are discharged, or are laid off from their job. The contract or policy can also disqualify workers from payment of vacation leave upon separation if they don't follow precise requirements such as giving two weeks' notice.

An employer must pay an accrued vacation to an employee upon separation from employment only if the company's policy or contract requires it.

Payout

In case there is an obligation to pay out accumulated but unused vacation time at the termination of employment, the employer pays.

A screenshot of the Vacation Tracker app 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: '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 notification for 'Maren Schleifer' who has submitted a leave request. The middle card shows 'Pending requests' for three employees: 'Work from home' (2 days), 'Vacation' (4 days), and 'Sick Day' (1 day), each with 'Deny' and 'Approve' buttons. The bottom card shows an 'Approvers' hierarchy with 'First level' and 'Second level' approvers, each with a group of user icons.

Sick Leave in Georgia

Federal Laws – Leave Quota

Employers must provide up to 12 weeks of unpaid job-protected leave.

For more information, please visit vacationtracker.io

The federal Family and Medical Leave Act (FMLA) entitles qualified employees to take up to 12 weeks off for personal medical reasons, to care for a close family member suffering from a severe illness, or for maternity/paternity leave.

Employees qualify for FMLA benefits if they:

- have been working for their employer for at least 12 months (at least 25 hours per week) or 1,250 hours in the previous year
- work in a location where at least 50 people are employed by the company (in a 75-mile radius)

It's up to each employer to propose sick leave benefits outside of the minimum federal requirements.

Georgia State Laws

Georgia doesn't require private employers to provide employees with paid or unpaid sick leave, although many employers, especially big companies, do grant it as an important employee benefit. Suppose the company implements a paid sick leave policy. In that case, that is the only time employers are under any legal obligation to give leave. On the other hand, in Georgia, employees working in the public sector are granted paid sick leave.

Georgia Family Care Act (Care for Family Members)

Employers must let eligible employees have up to 5 days of paid sick leave to care for a close family member.

Employers in Georgia aren't required to provide paid sick leave to their employees. However, all employers with 25 or more employees who already offer paid sick leave must allow eligible employees to use their sick leave to care for close family members. "Close family members" are defined to include the employee's spouse, child, grandchild, parent, grandparent, or any dependents on the employee's most current tax return.

Employees are eligible if they work at least 30 hours per week. Eligible employees can use up to 5 days of paid sick leave per calendar year to care for a close family member.

This type of sick leave doesn't apply to short-term and long-term disabilities.

The Georgia Family Care Act started as temporary, but it became permanent law from July 1, 2023.

Maternity, Paternity, FMLA in Georgia

Federal law

Federal law—the FMLA—offers 12 weeks of unpaid maternity or paternity leave.

The Family and Medical Leave Act (FMLA) requires employers to offer private or public sector employees 12 work weeks of unpaid family leave after the birth of a child or after the adoption of a child. This leave must be connected without a break unless otherwise granted by the employer. FMLA is available for biological, adopted, and foster children.

The FMLA does not apply to all employers. The law only applies to employers with 50+ employees for at least 20 weeks during the present or last year. Smaller employers are excused. For more information about eligibility for FMLA benefits, look above under the section Sick Leave in Georgia: Federal Laws – Leave Quota.

For more information, please visit vacationtracker.io

The Pregnancy Discrimination Act is yet another federal law that protects pregnant employees. According to the Pregnancy Discrimination Act (PDA), discrimination against pregnant people is prohibited in all areas of employment: hiring, firing, pay, job assignments, promotions, layoffs, fringe benefits, training, leave, and health insurance.

Additional State Laws in Georgia

Georgia has no additional laws regarding maternity and paternity leave.

Georgia does not have a specific state law that makes it mandatory for employers to offer paid maternity leave to employees. Expecting and new parents are entitled to leave only under the federal Family and Medical Leave Act (FMLA).

Payout

Maternity and paternity leave in Georgia is unpaid.

Bereavement Leave in Georgia (Funeral Leave)

Employers in Georgia are not required to give bereavement leave.

Bereavement leave is leave an employee takes due to the death of a close individual, usually a close relative.

No federal or Georgia law requires an employer to provide employees with paid or unpaid bereavement leave or any time off to be at a close family member's funeral. In the event an employer decides to provide bereavement leave for employees, they may be required to follow a bereavement policy they have in place.

Payout

Bereavement leave in Georgia is unpaid.

Jury Duty Leave in Georgia

Employers must provide unpaid leave.

In Georgia employers must provide employees with job-protected unpaid leave to respond to a jury summons or serve on a jury.

Although Georgia doesn't have laws explicitly requiring employers to provide paid time off for employees to serve on juries, an Attorney General's Opinion from 1989 states that an employee is entitled to be paid while absent from work to serve on a jury. A 1998 opinion also says that an employee not paid wages for jury leave can initiate a civil action against the employer. Paying employees during leave for jury duty has become a common practice in many Georgia counties.

Employees will receive a nominal jury duty payment from the State of Georgia for each day they serve on a jury and potential reimbursements for travel expenses.

Employers may decide to pay employees who serve on jury duty.

Employers are prohibited from firing, disciplining, or otherwise punishing (or threatening to punish) an employee for taking time off work to attend court proceedings after receiving a subpoena, a jury summons, or any other court order.

Employees may have to show their employer the jury summons to be given the necessary leave.

Payout

The court pays:

State law prescribes payment of no less than \$5.00 and not more than \$50.00 daily, with most counties paying \$25.00.

The employer pays:

Employers in Georgia are not required to pay employees for jury duty leave.

Military Leave in Georgia

Federal law

All employers in the U.S. are subject to the federal Uniformed Services Employment and Reemployment Rights Act (USERRA). Members of the Army and Air National Guard called to active duty for federal service are protected by USERRA. An employer can't discharge or discriminate against employees based on their military service.

Georgia State Law

Members of the U.S. armed forces or Georgia National Guard (or the national guard of any other state) called into active federal or state service are entitled to unlimited unpaid leave for active service and up to 6 months of leave in any 4 years for service school or annual training. Employees are entitled to reinstatement with full benefits unless the employer's circumstances have changed so much to make reinstatement unreasonable or impossible.

For more information, please visit vacationtracker.io

* In addition to the USERRA (Uniformed Services Employment and Reemployment Rights Act), Georgia law provides reemployment rights to full-time and part-time employees who served in the state or U.S. military.

Employers are required to provide employees with the same benefits, job position, pay, and status upon the termination of service.

Employees are required to:

- To provide an employer with a certificate of completion of military service
- Apply for reinstatement within 90 days after completing military service

Payout

Military leave is unpaid.

Voting Leave in Georgia

An employer must grant employees up to two unpaid hours of time off to vote.

An employer must provide employees up to 2 hours off to perform their voting duty in any municipal, county, state, or federal political party primary or election. That is unless polls are open at least 2 hours before, or 2 hours after the employee's shift.

Employers may define the hours during which an employee may take leave, to minimize the disruption to business operations.

The employer doesn't have to pay employees for time taken off to vote.

Employees must give their employer "reasonable notice" of the need to be absent.

For more information, please visit vacationtracker.io

Payout

Voting leave is unpaid.