

# Indiana 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 Indiana

Indiana does not have state laws that govern PTO, except the obligation to comply with company policy or employment contract.

### Leave Quota

Indiana law requires 0 vacation days. Indiana law doesn't require employers to provide vacation leave.

Indiana doesn't have a statute for vacation time, so employers are not required to provide paid or unpaid vacation. However, employers are free to establish a vacation policy or employment contract that provides employees with such benefits. In that case, benefits must comply with the terms of its established policy or employment contract. Additionally, an employer is required to give written notice of the details of its vacation policy to all employees.

### Accrual

Accrual is not required in Indiana, but it is widely used by businesses. An employer can cap (limit) PTO.

Employers are free to choose how they want their employees to accrue vacation time, such as on a biweekly, semimonthly, or monthly basis (usually based on pay period).

An employer may cap (set a limit on) the amount of leave an employee may accrue to prevent an employee from accruing vacation over a certain number of hours. This is also a great way to encourage employees to take advantage of their vacation time on a regular basis.

It is crucial to be clear when drafting accrual policies. For new employees, the employer may set a reasonable period during which no vacation is accrued.

## Roll Over

The Use-It-or-Lose-It policy is permitted by state law. Employers are not required to allow employees to carry over unused leave into the following year.

The state of Indiana has no statute governing this policy, so employers are free to run a “Use-It-or-Lose-It” vacation policy. Employers who have a Use-It-or-Lose-It vacation policy are not required to pay employees for unused vacation leave at the end of the year. As a result, an employee forfeits all of the unpaid vacation days. Employees must, however, be given the proper opportunity to take a vacation and must be made aware of the policy.

## Statutory Provisions Addressing Vacation Pay

If an employer provides paid vacation time, it is considered a type of delayed compensation instead of wages and is subject to the state’s Wage Payment Statute.

## Payment of Accrued, Unused Vacation on Termination

An employer’s policy or employment contract govern this issue.

An employer’s policy or agreement determines whether earned, unused vacation is paid at the end of employment. Without a policy in place, employees are entitled to all earned and unused vacation pay.

Additionally, an employer may legally establish a policy or enter into a contract that disqualifies employees from receiving accrued vacation upon separation from

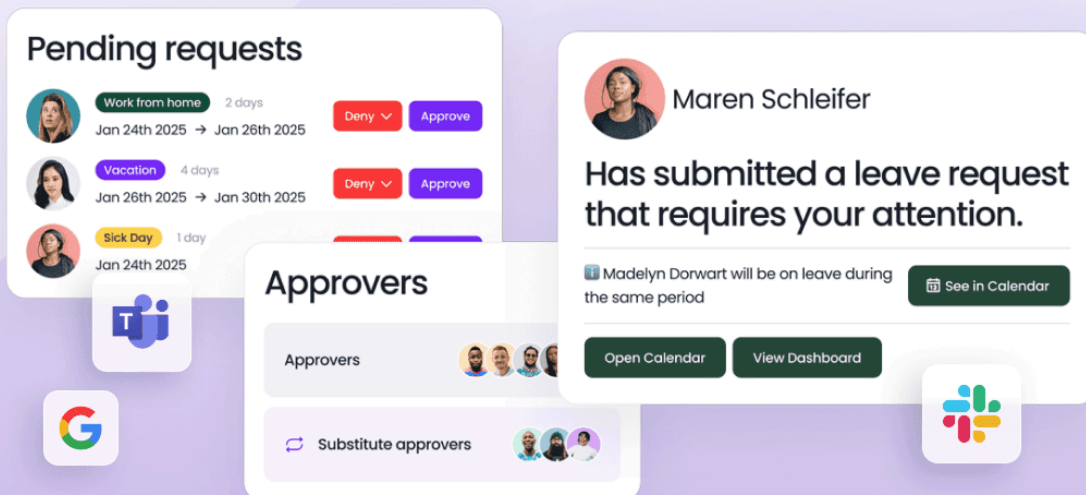
employment if they fail to meet specific requirements, such as providing two weeks' notice or being employed as of a specific date of the year.

## Payout

If there is an obligation to pay accrued, unused vacation, the employer is the one who pays.

# 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



The screenshot displays the Vacation Tracker interface with several key components:

- Pending requests:** A list of requests with details and action buttons.

Request Type	Duration	Period	Deny	Approve
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:** A section showing a list of approvers and a "Substitute approvers" option.
- Notification:** A message from Maren Schleifer: "Has submitted a leave request that requires your attention." It includes a note about Madelyn Dorwart's leave and buttons for "Open Calendar" and "View Dashboard".
- Integrations:** Icons for Google, Microsoft Teams, and Slack are visible at the bottom.

## Sick Leave in Indiana

Federal law allows up to 12 weeks of unpaid sick leave. No state law in Indiana guarantees sick leave.

### Federal Laws – Leave Quota

Employers are required to offer up to 12 weeks of unpaid job-protected leave.

According to the federal Family and Medical Leave Act (FMLA), eligible workers may take up to 12 weeks off work for maternity/paternity leave, personal medical needs, or care for a close relative who is seriously ill.

Employees qualify for FMLA benefits if:

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

Each employer is free to suggest additional sick leave benefits that go beyond the minimal federal requirements.

### Indiana State Laws

Indiana law provides 0 sick days. No state laws concerning sick leave.

No Indiana law requires employers in the private sector to provide employees with sick leave, paid or unpaid. However, it is necessary to remember that if an employer chooses to provide sick leave benefits, it must comply with the employment contract or employee handbook. This way, an employer may create a legal obligation to grant it.

Many employers, especially big companies, provide sick days as a popular employee benefit.

## **Payout**

Sick leave is unpaid.

## **Maternity, Paternity, FMLA in Indiana**

### **Federal law**

12 weeks of unpaid maternity/paternity leave is provided by FMLA.

The Family and Medical Leave Act (FMLA) requires employers to provide employees with at least 12 work weeks (3 months) of unpaid leave after the birth of a child or after the adoption of a child. Unless otherwise specified by an employer, this leave must be contiguous.

For more information about eligibility for FMLA benefits, look above under the section *[Sick Leave in Indiana: Federal Laws – Leave Quota](#)*.

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 Indiana**

No Indiana law requires private employers to provide their employees with family or maternity leave.

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

Indiana House Bill 1309 permits employees to ask for pregnancy accommodation and is applicable to employers with 15 or more employees as of July 1, 2021. Notably, the law establishes that an accommodation request does not oblige an employer to make accommodations or impose a duty on an employer to make accommodations that are an exception to the employer's current policies. An employee may request accommodation in writing from her employer, and the statute requires employers to respond to an employee's request within a reasonable time frame. However, if an employee asks for or uses pregnancy accommodation, the employer cannot discipline, fire, or otherwise retaliate against the employee. The statute does not limit, diminish, or affect any existing state or federal laws relating to sex discrimination, pregnancy discrimination, family and medical leave, disability, or childbirth discrimination, but rather expands existing state and federal protections.

The Indiana Civil Rights Act forbids employment practices that discriminate based on of sex, which is commonly interpreted to include maternity, pregnancy, and related conditions. Therefore, employers must make sure that neither sex is harmed more than the other by their policies. Employers with 6 employees or more are covered by the law.

## **Payout**

Maternity and paternity leave in Indiana are unpaid.

## **Bereavement Leave in Indiana (Funeral Leave)**

Bereavement leave is not required by law.

Bereavement leave is time off taken by an employee as a result of the death of a close relative.

There is no requirement in federal or Indiana law for employers to give workers paid or unpaid time off for bereavement or to attend a close relative's funeral. An employer who decides to provide bereavement leave must follow the bereavement policy or practice they have in place.

### **Payout**

Bereavement leave in Indiana is unpaid.

## **Jury Duty Leave in Indiana**

Employers are required to provide employees with unpaid time off to perform their jury duties.

Employees are entitled to job-protected, unpaid time off for jury duty, serving as a witness in court, responding to a subpoena, or representing themselves as a party in a legal proceeding. Notice requirements apply; employees may have to show their employer their jury summons to be given the necessary leave.

An employer can never penalize an employee for missing work to attend jury duty.

An employer with ten or fewer employees may request that an employee's jury service be postponed if one employee is summoned for jury duty while another employee is already performing jury service.

### **Payout**

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



## Military Leave in Indiana

USERRA protects on a federal level. Additional state laws.

### Federal Law

The Uniformed Services Employment and Reemployment Rights Act (USERRA), a federal law, applies to all employers in the United States. USERRA provides protection to Army and Air National Guard members called to active duty for federal service.

Employees cannot be fired or subjected to discrimination on the basis of their military service.

### Indiana State Law

- An employer in Indiana must allow employees to take 15 days of military leave when called to serve, including drills. Employees are eligible for the leave if they are members of the Indiana National Guard or a reserve component. Leave is paid for state and local employees, and is unpaid in the private sector (or paid at the employer's discretion). Employees are required to give 90 days' advance notice of the dates of departure and return and provide proof of the end of the training upon return. After the training, employees must be returned to their prior position or one that is comparable, without losing any seniority or benefits.
- Employers must provide temporary leave to Indiana National Guard members during periods of state active service. Members of either the Indiana National Guard or the National Guard of another state are covered by USERRA in Indiana. Job protection, reinstatement, and protection from discrimination apply.

### The Indiana Military Family Leave Law

In addition to the FMLA, this law applies to employers with 50 or more employees on any given working day for at least 20 calendar work weeks. It allows certain employees

to take job-protected leave to spend time with a family member who has been called to active duty.

Eligible employees can take up to 10 days of leave per year for military family reasons:

- during the 30 days preceding the family member's active duty orders going into effect
- while the family member is away on active duty
- within the first 30 days following the termination of the family member's active duty orders.

To be eligible for this leave, an employee must have a parent, spouse, sibling, or grandparent serving for 90 days or more.

### **Payout**

In the private sector, military leave is unpaid (or paid at the employer's discretion).

## **Voting Leave in Indiana**

Employers aren't required to provide voting leave.

Indiana has no voting leave statute or state law requiring employers to provide employees with either paid or unpaid time off to vote.

### **Payout**

Voting leave is unpaid.