

# Michigan 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 Michigan

## Vacation Leave Quota

Michigan law requires 0 vacation days.

Private employers in Michigan are not required to offer paid or unpaid vacation benefits to their employees. However, employers often choose to provide vacation benefits as it is one of the most desired perks for employees. Thus, if an employer chooses to offer vacation leave to its employees, paid or unpaid, it must comply with appropriate laws, established company policy, and employment contracts.

## Accrual

Accrual is not mandatory in Michigan but is widely used by companies.

The accrual system is usually based on the pay period. The most common pay periods in Michigan are weekly, semi-monthly, and monthly. Employers may place a reasonable cap (limit) on the number of vacation hours employees can accrue, so long as employees have consented to the policy in writing or by signing contracts.

## Roll Over (Carry Over, Brought Forward)

A Use-It-or-Lose-It policy is allowed.

A “use-it-or-lose-it” employee vacation policy requires an employee to lose any unused vacation time after a specific date, such as the end of the year. This policy is not addressed by state statute, which means that employers may implement it. Even so, employees must be given adequate notice of the policy and enough time to use the vacation before the employer’s cut-off date.

## Statutory Provisions Addressing Vacation Pay

Vacation pay is not considered wages.

The vacation provided under a written contract or policy is considered a fringe benefit and not wages.

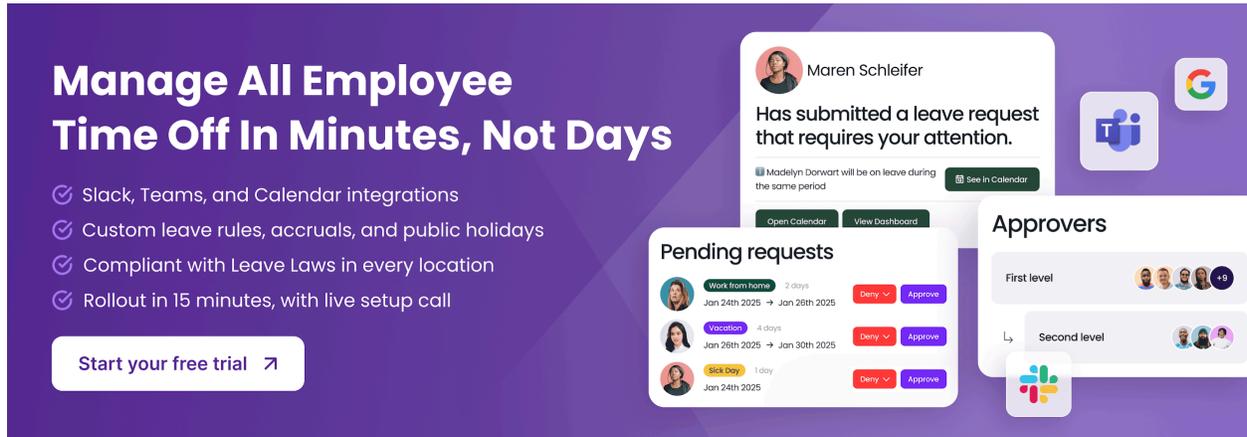
### Payment of Accrued, Unused Vacation on Termination

The state doesn't require that employers provide PTO payout at termination. However, employers must pay fringe benefits following their written contract or policy, and they are not permitted to withhold any payments due to an employee upon termination unless the employee consents in writing of his own free will.

- If required by policy or contract, an employer must pay an employee's accrued vacation upon termination of employment.
- If the employer's established policy or employment contract is silent on the subject, the employer is obligated to pay accrued vacation leave upon termination of employment.
- An employer may legally establish a policy or enter into a contract denying employees payment for accrued vacation leave upon termination of employment, as long as the employees have signed contracts or written statements agreeing to the policy.
- An employer may also legally establish a policy or enter into a contract that disqualifies employees from receiving payment of accrued vacation upon separation from employment if they fail to comply with specific requirements, such as providing 2 weeks' notice or being employed as of a specific date of the year, as long as employees have signed contracts or written statements agreeing to the policy.

## Payout

An employer must pay accrued, unused vacation on the termination only if required by policy or contract, or if the policy or contract is silent on the matter.



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Maren Schleifer  
Has submitted a leave request that requires your attention.  
Madelyn Dorwart will be on leave during the same period. [See In Calendar](#)  
[Open Calendar](#) [View Dashboard](#)

**Pending requests**

Request Type	Duration	Start Date	End Date	Actions
Work from home	2 days	Jan 24th 2025	Jan 26th 2025	<a href="#">Deny</a> <a href="#">Approve</a>
Vacation	4 days	Jan 26th 2025	Jan 30th 2025	<a href="#">Deny</a> <a href="#">Approve</a>
Sick Day	1 day	Jan 24th 2025		<a href="#">Deny</a> <a href="#">Approve</a>

**Approvers**

First level:  +9

Second level: 

## Sick Leave in Michigan

### Federal Laws – Leave Quota

The federal Family and Medical Leave Act (FMLA) applies to Michigan, as in any other state in the USA. 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. The leave is job-protected.

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)

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

Employers are free to propose additional sick leave benefits that are better than the minimum federal requirement.

Check out [our article on FMLA](#) to learn more.

## Michigan's Paid Medical Leave

1 hour of paid sick leave for every 35 hours worked.

### Covered Employers

Public (not federal) and private employers with 50 or more employees must comply with the Paid Medical Leave Act (PMLA) and provide paid medical leave.

### Eligible Employees

Eligible employees are those who work at least 25 hours per week, who work at least 26 weeks per year for a job scheduled for at least 26 weeks, and whose primary work location is in Michigan.

Paid medical leave is not available to collectively bargained employees of private employers, part-time employees (or employees who work less than 25 weeks per year), or employees exempt from federal overtime requirements.

### Accrual Rate

Employees working in Michigan are entitled to 1 hour of paid sick leave for every 35 hours worked. However, an employer is not required to allow more than one hour of accrual per calendar week or more than 40 hours per benefit year.

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

An eligible employee may use up to 40 hours of sick leave per benefit year (which may be any consecutive 12-month period).

Employers may cap employees' use of paid medical leave at 40 hours per year.

Employers must allow employees to use paid sick leave in one-hour increments unless they have a policy requiring a longer increment.

### Carryover Rules

Employees in Michigan are allowed to roll over up to 40 hours of unused sick leave from one year to the next.

As an alternative to the rollover requirement, employers may also front-load the entire 40 hours (as a lump sum) at the beginning of the benefit year. In that case, employers don't have to let employees roll over hours of paid sick leave.

### Waiting period

As soon as an employee begins working for an employer, they start accruing paid sick leave. Still, they have to wait until the 90th calendar day after they start working at a company, to begin using it.

### What Can Sick Time Be Used For?

Employees may use earned sick time for their own:

- physical or mental illness, injury, or health condition
- medical diagnosis, care, or treatment
- preventive medical care

Employees may also use earned sick time to support a family member for similar reasons. A family member includes: a child, a parent, a spouse or domestic partner, loco parentis, a grandparent, a grandchild, or siblings.

Employees can also take paid medical leave for the following:

- closure of the employee's primary workplace by order of a public official due to a public health emergency
- the care of his or her child whose school or place of care has been closed by a public official on the grounds of a public health emergency
- reasons related to domestic violence or sexual assault
- exposure to a communicable disease

#### Notice requirements

Employers may require employees to comply with the employer's usual and customary notification, procedural, and documentation requirements for requesting leave.

Reasonable documentation may be required for leave that lasts more than 3 consecutive days.

Employers, on the other hand, must conspicuously display a poster in a conspicuous place about the paid medical leave requirements.

\* Michigan's Paid Medical Leave Act (MPMLA) took effect in March 2019, making Michigan the eleventh state to enact mandatory sick leave pay for employees.

#### **Payout**

An employer provides paid medical leave to each eligible employee.

## Maternity, Paternity, FMLA in Michigan

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

The Family and Medical Leave Act (FMLA) is a federal law that mandates employers to provide at least 12 weeks of unpaid family leave following the birth or adoption of a child (maternity or paternity leave). Unless otherwise authorized by the employer, an employee must take this leave continuously. For more information about FMLA benefits, look above under the section *Sick Leave in Michigan: Federal Laws – Leave Quota*.

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

In addition to the FMLA and the PDA, Michigan has the following law regarding maternity leave:

### Michigan's Civil Rights Act

The Act provides protection from sex-based discrimination including pregnancy, childbirth, and conditions related to pregnancy and childbirth. The Act applies to all employers. Pregnancy, childbirth, and conditions related to pregnancy and childbirth must be treated in the same way as any other temporary disability. The rule also applies to the amount of time provided for leave. The Act applies to all employment-related purposes including receipt of benefits under fringe benefit programs. Employers are not allowed to terminate an employee's employment due to pregnancy.

### Payout

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

Maternity leave in Michigan is unpaid.

## Bereavement Leave in Michigan (Funeral Leave)

Employers in Michigan aren't required to give bereavement leave.

No federal or Michigan law requires an employer to provide employees with paid or unpaid bereavement leave or any time off to attend an immediate family member's funeral. An employer can decide to provide bereavement leave for employees; in that case, the employer may be required to follow a bereavement policy they have in place.

### **Payout**

Bereavement leave in Michigan is unpaid.

## Jury Duty Leave in Michigan

Employers are obligated to give employees unpaid time off to [serve on juries](#).

Employers are required to provide employees with unpaid, job-protected leave to perform their jury duty. Notice requirements apply; employees may have to show their employer their jury summons to be given the necessary leave.

Employers may not require an employee to work additional hours in a day if the total time, including jury duty hours, exceeds the number of hours the employee usually works.

An employer may not fire, threaten to fire, penalize, or punish the employee in any way due to their jury service.

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

## Payout

*The court pays:*

Employees who serve as jurors in Michigan are paid \$12.50 a day and receive mileage reimbursement for travel (juror pay is a token amount).

*The employer pays:*

No Michigan law requires an employer to compensate employees for jury duty absences.

## Military Leave in Michigan

### Federal Law

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law, that applies to all employers in the U.S. USERRA protects Army and Air National Guard members, provides reinstatement rights, protection from discrimination, and unlimited leave for active duty.

### Michigan State Law

Michigan law protects the jobs of Michigan and US military members, in addition to USERRA:

- Employers are required to provide military service members with temporary unpaid leave during periods of military service, installation into the military, or determining fitness for military service. An employer must be notified in advance.

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

- After taking military leave, service members are entitled to nondiscrimination protections and reemployment rights.

## **Payout**

Military leave is unpaid.

## **Voting Leave in Michigan**

Employers aren't required to provide voting leave.

Most states in the U.S. provide time off for voting. Michigan is not one of them. The state of Michigan has no voting leave statute.

No federal or state laws in Michigan require an employer to provide employees with either paid or unpaid time off to cast a ballot.

## **Payout**

Voting leave is unpaid.