

# Texas 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 Texas

## Vacation Leave Quota

Vacation leave not required by law.

Private employers in Texas are not required to provide paid or unpaid vacation, under federal or state law.

Although paid leave is not a requirement in Texas, most employers provide their employees with paid leave for:

- Vacation time
- Sick leave
- Paid time off or PTO benefits
- Holidays

Generally, employees in the US receive 10 paid days off for vacation after 1 year on the job. Yet, the amount of PTO can vary based on factors such as location, industry, the employee's tenure, etc.

If an employer chooses to offer vacation leave to its employees, paid or unpaid, it must comply with appropriate state law, company policy, and the employment contract.

## Accruals

The accrual system is not required by law in Texas, but it is a common practice among many companies.

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Employers are generally free to design their own vacation accrual system, such as weekly, biweekly, semimonthly, or monthly increments. It is usually based on the pay period. Official payroll frequencies in Texas are **semi-monthly and monthly**; this means that employers in Texas are obligated to compensate most hourly workers via a regular payday, scheduled at a minimum semi-monthly and monthly.

An employer is allowed to cap (limit) the amount of vacation time an employee can accrue during the year.

## Roll Over (Carry Over, Brought Forward)

**A Use-It-or-Lose-It policy is permitted.**

A “use-it-or-lose-it” type vacation leave policy requires an employee to lose any unused vacation time after a set date, usually the end of the year.

Texas laws have not specifically addressed a use-it-or-lose-it policy, which means that employers can implement it.

Employers usually implement a use-it-or-lose-it vacation policy because some employees use very little PTO. Long-term employees can accrue a lot of PTO over the years, which can be quite costly if company policy requires it to be paid out on termination.

## Statutory Provisions Addressing Vacation Pay

**Not required, but an employer must follow its written policy or agreement.**

If an employer decides to provide paid vacation time to employees, it then must comply with its written company policy or employment agreement.

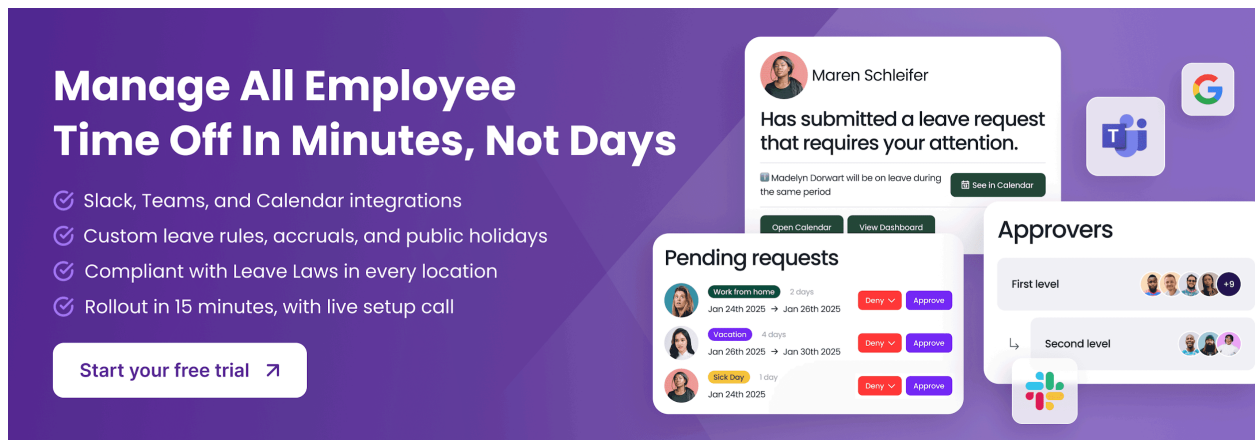
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## Payment of Accrued, Unused Vacation on Termination

Employers only must follow their policy. The law doesn't demand this payment.

An employer may legally establish a policy or contract that denies employees payment for accumulated vacation time upon their departure from the company. An employer is also not required to pay accrued, unused vacation on termination if the policy or contract is silent on this matter.

Even though Texas does not have a law requiring PTO payout at termination, employers can still be responsible for paying out unused PTO to an employee who leaves the company. If there is a policy, employment contract, or established practice of doing so, employers are required to pay unused PTO to a separating employee.



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

**Pending requests**

Request Type	Duration	Period	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: [User 1] [User 2] [User 3] (+9)

Second level: [User 4] [User 5]

## Sick Leave in Texas

### Federal Laws – Leave Quota

Federal law requires 12 weeks of unpaid sick leave.

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The standard federal Family and Medical Leave Act (FMLA) applies to Texas (as it is in all the states in the U.S.A). The leave is job-protected.

Employees qualify for FMLA benefits only if:

- they have been employed 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 at least 50 people are employed by the company (in a 75-mile radius)

The FMLA entitles qualified employees to take up to 12 weeks off for:

- personal medical reasons – illness or injury
- to care for a close family member (child, spouse, or parent) suffering from a severe illness
- maternity or paternity leave.

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.

## Texas State Laws

No additional state sick laws.

Presently, 23 states offer paid sick leave. Texas is not among them.

Texas law doesn't demand private employers to offer sick leave, paid or unpaid. Some employers (especially big companies) do offer it as a common benefit. If employers decide to

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offer sick days, they must stick to the provisions outlined in their established company policy or employment agreement.

Dallas, Austin, and San Antonio passed their own paid sick leave laws, but the state of Texas prevented the ordinance from taking effect.

## Payout

Sick leave in Texas is unpaid.

# Maternity, Paternity, FMLA

## Federal Law

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

The Family and Medical Leave Act (FMLA) is a federal law that allows eligible workers to take up to 12 weeks of unpaid, job-protected leave per year for family or medical reasons, including maternity or paternity leave. Unless otherwise authorized by the employer, an employee must take this leave continuously. More information about FMLA eligibility can be found above, under the section *Sick Leave in Texas: Federal Laws – Leave Quota*.

Although federal law requires only 12 weeks of unpaid leave, companies are free to extend the number of weeks. Employers can also choose to pay a certain amount during the leave, while some more generous companies pay the full salary to attract top talent.

The Pregnancy Discrimination Act (PDA) is one more 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.

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## Additional State Laws in Texas

No additional state maternity/paternity laws.

Texas doesn't have any state family laws that require private employers to provide maternity or paternity leave. Employees can only rely on the federal FMLA.

However, some Texas businesses offer complete maternity and paternity leave plans.

### Payout

Maternity and paternity leave in Texas are unpaid.

## Bereavement Leave in Texas

An employer is not required to provide bereavement leave.

An employer is not legally required to provide any paid or unpaid bereavement leave, or any time off to attend an immediate family member's funeral.

However, almost all companies in the United States provide paid bereavement leave to their employees. If employees lose a first-degree relative (like a spouse, parent, or child), they are usually entitled to up to 3 consecutive days off. The most generous companies regarding bereavement leave offer 5 or 6 days.

### Payout

Bereavement leave in Texas is unpaid.

## Jury Duty Leave in Texas

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## Employers must provide unpaid time off for jury duty.

Jury duty is an essential civic duty for all citizens in the United States.

Employers are required to provide unpaid leave to employees responding to a jury summons. Notice requirements demand that employees present a jury summons to their employer in order to be given leave.

An employer may not terminate, punish, or penalize an employee because of their jury service.

### **Payout of Jury Duty Leave**

*The employer pays:*

Employers in Texas are not required to pay wages or salaries while someone is on jury duty, but most employers do due to the significance of jury duty.

*The court pays:*

Texas courts pay employees serving as jurors \$6.00 a day (pay for jurors is only a symbolic amount).

## Military Leave in Texas

### Federal law

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law that applies to employers of all sizes and types in the U.S. USERRA protects employees called to active duty in the U.S. military, including the U.S. Armed Forces, Reserves, and National Guard. USERRA provides reinstatement rights, protection from discrimination, the right to

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continue group health care benefits for up to 24 months during their leave, and up to 5 years of unpaid leave for military service (with exceptions to this 5-year limit).

## Texas State Law

Members of the Texas military forces have the same benefits and protections provided by USERRA. When called to state active duty or training, they are entitled to leave without pay. All reemployment rights apply to them: returning to the same job without loss of time, an efficiency rating, vacation, and benefits.

### Payout

Military leave is unpaid.

## Voting Leave in Texas

An employer must provide paid time off for voting if an employee doesn't have enough time outside scheduled work hours.

An employer is obligated to give their workers a reasonable amount of time during polling hours for voting in any municipal, county, state, federal primary, or general election. These hours of leave are paid. The law doesn't specify a time limit. Employees are not required to provide advance notice to their employers to take time off to vote.

An employer is not required to provide this leave if an employee has 2 consecutive hours to vote either before or after their shift (while voting polls are open).

An employer can specify the hours when an employee leaves work to vote, as long as the time gives the employee enough time to cast a ballot.

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## Payout

Voting leave is paid by employer.

Employers are also required to provide unpaid leave for employees who plan to attend a local or state political convention.

# Texas State Holidays in 2025

A leave for holidays is not required by Texas law.

In Texas, a private employer is not required to provide paid or unpaid leave for holidays. Despite this, most Texas employers offer at least a few paid holidays. Common holidays that most private employers offer are: New Year, Martin Luther King Jr., Presidents' Day (Washington's Birthday), Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas. Also, a private company is not required to provide holiday (extra) pay to an employee for working on holidays ("time-and-a-half," or 150% of the regular rate).

If the company decides to offer holiday time off, it must follow the rules outlined in its established policy or employment agreement.

Texas officially observes the greatest number of holidays and has more than any other [state's leave laws in the US](#). The list provided is extensive, covering even "optional holidays": Yom Kippur, Rosh Hashanah, and Good Friday.

## A complete list of holidays celebrated in Texas in 2025:

Holiday	Observed in 2025	General Date

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

New Year's Day 2025	Wednesday, January 1	January 1
Confederate Heroes' Day	Sunday, January 19	January 19
Martin Luther King, Jr.	Monday, January 20	3rd Monday in January
Presidents' Day	Monday, February 17	3rd Monday in February
Texas Independence Day	Sunday, March 2	March 2
Cesar Chavez Day	Monday, March 31	March 31
Good Friday (*)	Friday, April 18	2 days before Easter
San Jacinto Day	Monday, April 21	April 21
Memorial Day	Monday, May 26	Last Monday in May
Emancipation Day	Thursday, June 19	June 19
Independence Day	Friday, July 4	July 4
Lyndon B. Johnson Day	Wednesday, August 27	August 27

Labor Day	Monday, September 1	1st Monday in September
Rosh Hashanah (*)	Tuesday, September 23	It varies
Yom Kippur (*)	Thursday, October 2	It varies
Veterans Day	Tuesday, November 11	November 11
Thanksgiving Day	Thursday, November 27	4th Thursday of November
Thanksgiving Friday	Friday, November 28	Day after Thanksgiving
Christmas Eve	Wednesday, Dec. 24	December 24
Christmas Day	Thursday, Dec. 25	December 25
Day After Christmas	Friday, Dec. 26	December 26

(\*) *Optional holidays*

*State employees may use Rosh Hashanah and Yom Kippur instead of state holidays that are listed in the table.*

In accordance with established practice in Texas and many other states, holidays occurring on a Saturday shall be observed on the preceding Friday. Holidays occurring on a Sunday shall be observed on the following Monday.

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**2026**

Holiday	Observed in 2026	General Date
New Year's Day 2026	Thu, Jan 1, 2026	January 1
Martin Luther King, Jr.	Monday, January 19	3rd Monday in January