

Wisconsin 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 Wisconsin

Vacation Leave Quota

Neither federal nor Wisconsin law requires employers to provide vacation leave.

Private employers in Wisconsin are not required to provide paid or unpaid vacation.

In spite of this, most employers in the US provide employees with 10 paid days off after being employed for 1 year.

Suppose a company decides to provide its workers with vacation time, whether paid or unpaid.

In that case, it is required to abide by the relevant state legislation, established corporate policies, and employment agreement.

Accruals

Though the accrual system is not required by law in Wisconsin, it is used by most companies.

Employers are generally free to design their own vacation accrual system, such as hourly, daily, weekly, bi-weekly, semi-monthly, or monthly increments. Accruals are usually based on the pay period. The official payroll frequency in Wisconsin is monthly.

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

Roll Over (Carry Over, Brought Forward)

A “use-it-or-lose-it” policy is not prohibited.

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It is allowed to have a use-it-or-lose-it policy in which an employee forfeits any remaining vacation time after a certain date, usually at the end of the year. Since there is no specific mention of this policy in state statutes, employers may adopt it. Still, employees must be given sufficient time to use their PTO (paid time off), and agree to the policy in writing.

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

Vacation benefits are qualified as wages.

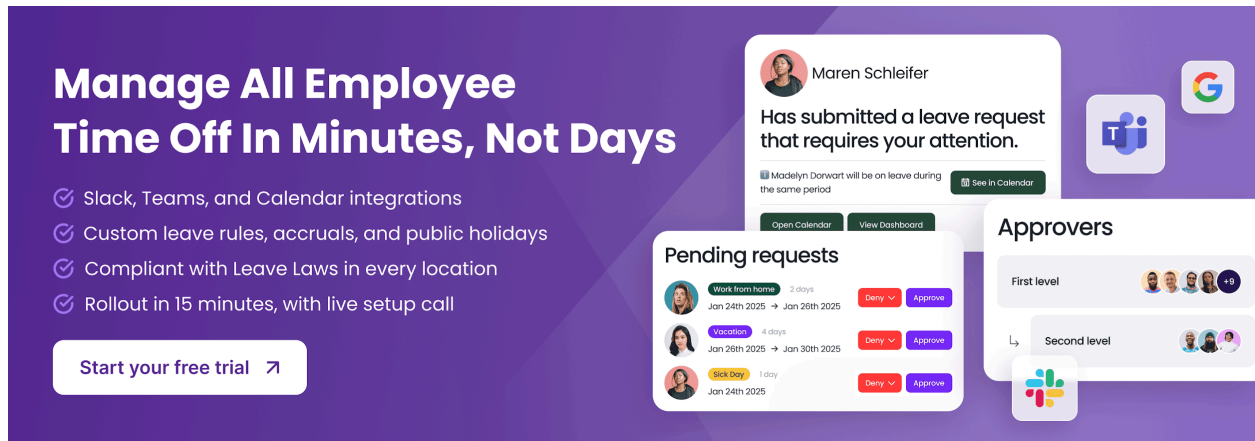
Vacation and holiday pay are included in wage payments. State statutes don't define how vacation leave must be administered.

Payment of Accrued, Unused Vacation on Termination

Not required by Wisconsin law; only if promised in the employer's policy.

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 must pay unused PTO to an employee who leaves the company only if there is a company policy, employment contract, or established practice of doing so. If a company policy or employment contract is silent on this matter, an employer is also required to provide a PTO payout on termination.



Sick Leave in Wisconsin

Federal Laws – Leave Quota

Federal law requires 12 weeks of unpaid sick leave.

The standard federal Family and Medical Leave Act (FMLA) applies to Wisconsin (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 – injury or illness

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- to care for a close family member (parent, spouse, or child) suffering from a serious illness
- maternity/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.

Wisconsin State Laws

There are no additional state sick leave laws, only family and medical leave act.

Wisconsin doesn't have a sick leave law, but the Wisconsin Family and Medical Leave Act provides unpaid sick leave for eligible employees (see more below).

Payout

Sick leave in Wisconsin is unpaid.

Maternity, Paternity, FMLA in Wisconsin

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

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take this leave continuously. More information about FMLA eligibility can be found above, under the section *Sick Leave in Wisconsin: Federal Laws – Leave Quota*.

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.

Additional State Law in Wisconsin

Wisconsin Family and Medical Leave Act

Employers with 50 or more permanent employees must provide family and medical unpaid leave.

To be qualified for the leave, an employee must have been employed by an employer for at least 52 consecutive weeks and have had at least 1,000 hours of service in those 52 weeks.

Employers must allow an eligible employee to take up to (in a calendar year):

- 6 weeks of leave for the birth of a child, or adoption
- 2 weeks of leave for their serious health condition
- 2 weeks of leave to care for a family member (a parent, child, or spouse) with a serious health condition

Job protection applies; an employer must restore an employee to the same or an equivalent position.

An employer must permit a worker to substitute their accrued paid or unpaid leave. The employer can ask the employee to provide medical proof when taking a leave.

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Employers with 50+ employees are also covered by the federal FMLA. If an employee is eligible for both the federal FMLA and the Wisconsin FMLA, the employer should follow the law (federal or state) that provides greater benefits to the employee.

Payout

Maternity and paternity leave in Wisconsin are unpaid.

Bereavement Leave in Wisconsin (Funeral Leave)

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. Employees are usually entitled to up to 3 consecutive days off. The most generous companies regarding bereavement leave offer up to a week or two weeks.

Payout

Bereavement leave in Wisconsin is unpaid.

Jury Duty Leave in Wisconsin

Employers must provide unpaid time off for jury duty.

Employers in Wisconsin are required to provide employees with unpaid, job-protected leave to report to jury selection or jury duty. An employee may have to show an employer a jury summons to be given the leave.

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

Payout

The employer pays:

Employers in Wisconsin are not required to pay employees for jury duty leave, but most employers pay employees for at least part of the time spent, if not all.

The court pays:

Employees who serve as jurors in Wisconsin are paid \$16.00 a day (though juror pay is only a token amount).

Military Leave in Wisconsin

All employers in the U.S. must adhere to USERRA. Additional state laws.

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).

Wisconsin State Law

An employee with permanent status and who is called into federal active duty for 90 days or longer has the right to be reemployed in their previous position or one that has the same benefits, seniority, and wages. This is unless an employee is no more qualified, the period of active duty is longer than five years, or reemployment is not possible due to changes in the employer's circumstances. If an employer rehires an employee who served for 30 to 181 days, they cannot be dismissed for 180 days unless it is for a valid reason. Similarly, if an employee who served for more than 180 days is rehired, they cannot be dismissed for 1 year unless there is a justifiable reason.

Members of the National Guard of Wisconsin or the national guard of any other state are entitled to unpaid leave when called to state active duty. They are also guaranteed reinstatement rights.

Civil Air Patrol Leave

An employer with more than 11 employees is required to provide up to 15 days of unpaid leave to members of the Civil Air Patrol to participate in an emergency service operation. But an employer is not required to grant more than five consecutive days at a time. This leave is job-protected.

Payout

Military leave in Wisconsin is unpaid.

Voting Leave in Wisconsin

Up to 3 hours of unpaid leave.

Employers are required to provide time for voting – up to three consecutive hours of unpaid leave – while the polls are open. To be eligible for the leave, employees must request it before Election Day. An employer may determine the hours when an employee leaves work to vote.

Payout

Wisconsin is one of the rare states where voting leave is unpaid.

Wisconsin State Holidays in 2025

A leave for holidays is not required by state law.

Private employers in Wisconsin are not required to provide paid or unpaid leave for holidays (as it is in all states in the US). Holiday pay is also not required by state law. However, the majority of private employers in Wisconsin do provide at least several paid holidays.

Wisconsin provides nine paid holidays each year for public employees: New Year's Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labour Day, Thanksgiving, Christmas Eve, Christmas Day, and New Year's Eve.

Wisconsin officially observes 9 state holidays.

A complete list of holidays celebrated in Wisconsin in 2025:

| Holiday | Observed in 2025 | General Date |
|---------|------------------|--------------|
|---------|------------------|--------------|

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| | | |
|-------------------------|-----------------------|--------------------------|
| New Year's Day 2025 | Wednesday, January 1 | January 1 |
| Martin Luther King, Jr. | Monday, January 20 | 3rd Monday in January |
| Memorial Day | Monday, May 26 | Last Monday in May |
| Independence Day | Friday, July 4 | July 4 |
| Labor Day | Monday, September 1 | 1st Monday in September |
| Veterans Day | Tuesday, November 11 | November 11 |
| Thanksgiving Day | Thursday, November 27 | 4th Thursday of November |
| Christmas Day | Thursday, Dec. 25 | December 25 |
| New Year's Eve | Wednesday, Dec. 31 | December 31 |

Holidays are observed on the nearest weekday in case they fall on a weekend:

- Saturday => Friday;
- Sunday => Monday.

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 |