

Vacation Accrual During Leave

Question: Does the law require employers to continue to accrue vacation for an employee while he or she is on a leave of absence?

Answer: Whether an employee accrues vacation while on a leave of absence will normally depend on two factors:

- Whether the leave is legally protected (such as pregnancy disability leave, family leave, or a reasonable accommodation under the Americans with Disabilities Act) or simply a personal leave granted by the company but not required by law; and
- An employer's policy for vacation accrual when employees take days off that are not part of a protected leave of absence.

Where not protected by law and absent an employer policy to the contrary, you are not required to continue to accrue vacation for employees out on a leave of absence.

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