

Idaho 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 Idaho

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

Leave Quota

Idaho law requires 0 vacation days. Employers are not required to provide vacation leave.

No federal or Idaho state law requires employers to provide paid or unpaid vacation time for their employees. But, let's say an employer chooses to offer such benefits. In that case, it must comply with the company policy or employment contract. An employer also must provide all employees with written notice of the terms of its vacation policy.

Accrual

Accrual is not obligatory in Idaho but is widely used by companies.

Companies are free to choose a PTO policy between allotment (or lump sum), PTO accrual, or unlimited PTO. If a company chooses PTO accrual, it may cap (set a limit on) the amount of leave an employee may accrue over time to prevent an employee from accruing vacation over a certain number of hours.

No federal or state laws in Idaho require employers to pay out an employee's accrued vacation, accrued sick leave, or other paid time off (PTO) at the termination of employment.

Statutory Provisions Addressing Vacation Pay

If an employer decides to offer paid vacation benefits, it must adhere to the terms of its established policy or employment contract.

Roll Over

The Use-It-or-Lose-It policy is allowed. Employers aren't obligated to let employees roll over unused leave into the following year.

The state of Idaho has no statute governing this policy, so employers in Idaho are free to execute a "Use-It-or-Lose-It" vacation policy. A Use-It-or-Lose-It vacation policy indicates that an employer doesn't have to pay workers for unused vacation leave at the end of the year. Accordingly, an employee loses the remaining vacation days, unpaid.

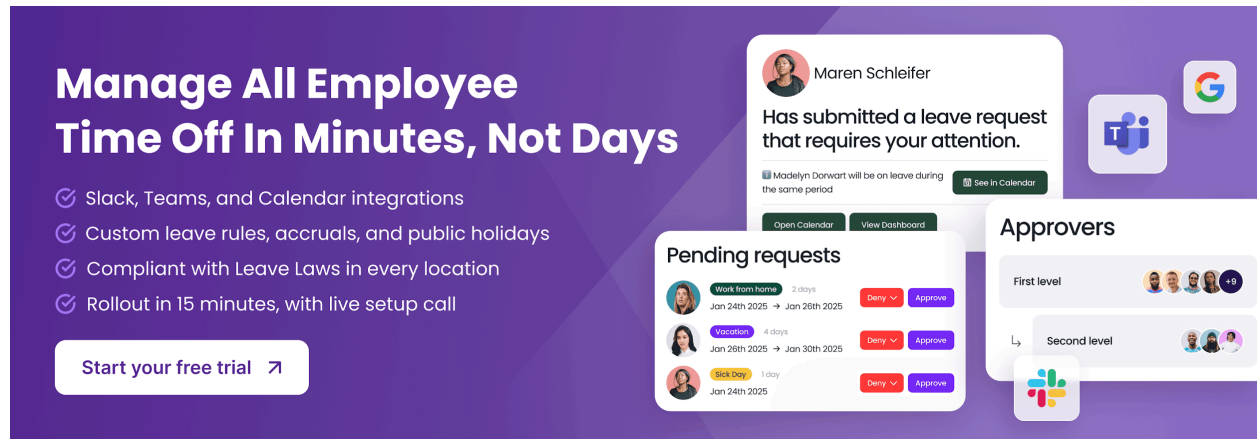
Payment of Accrued, Unused Vacation on Termination

No state statute in Idaho addresses payment of accrued vacation on termination.

An employer may lawfully establish a policy or enter into a contract that prohibits employees from paying for accrued, unused vacation upon separation from employment, whether by resignation, discharge, or layoff. Only if the employer's policy or employment contract stipulates it, must the employer pay an employee's accumulated vacation time after the employee leaves their position.

Payout

If there is an obligation to pay out accrued, unused, vacation time upon termination of employment, the employer is the one who pays.



Sick Leave in Idaho

Federal law requires up to 12 weeks of unpaid sick leave. There is no additional state law for sick leave.

Federal Laws – Leave Quota

Employers must provide up to 12 weeks of unpaid job-protected leave.

The federal Family and Medical Leave Act (FMLA) allows eligible employees to take up to 12 weeks (3 months) off for personal medical reasons, maternity or paternity leave, or to care for a close family member suffering from a severe illness.

Employees must meet the following criteria to be eligible for FMLA benefits:

- Have worked for their employer for at least 12 months (at least 25 hours per week) or 1,250 hours in the previous 12 months
- Working in a location where at least 50 people are employed by the company (within a 75-mile radius)

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Idaho's State Laws

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

No Idaho law requires employers in the private sector to provide employees with sick leave, paid or unpaid. Even so, many employers do give it as a popular employee benefit. It is necessary to remember that if sick leave benefits are promised, an employer may be under a legal obligation to provide them. Thus, it must comply with its established policy or employment contract.

Maternity, Paternity, FMLA in Idaho

Federal law

12 weeks of unpaid maternity or paternity leave 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. Employees may take this leave for pregnancy intermittently only if the employer approves this.

The law only applies to employers who had at least 50 employees for at least 20 weeks during the present or last year. Smaller employers are excused. For more information about eligibility for FMLA benefits, look above under the section [Sick Leave in Idaho: Federal Laws – Leave Quota](#).

Another federal law that protects pregnant employees is the Pregnancy Discrimination Act (PDA). The PDA is a law that forbids discrimination based on pregnancy in any aspect of employment, including hiring, firing, job assignments, pay, promotions, layoffs,

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training, fringe benefits, leave, and health insurance. The PDA only applies to companies that have more than 15 employees.

Additional State Laws in Idaho

In addition to the Family and Medical Leave Act (FMLA) and the Pregnancy Discrimination Act, Idaho has the following laws regarding Maternity and Paternity Leave:

- The Idaho Human Rights Act

Employer policies that discriminate against employees based on their sex are prohibited by the Idaho Human Rights Act. The Act applies to private employers with five or more employees, labor organizations, government agencies, and employment agencies. Employers are generally required to treat pregnancy-related conditions in the same manner as they would treat other temporary disabilities for all employment-related reasons, including the beginning and duration of leave, job reinstatement, and other benefits. This also includes ensuring that employers make appropriate adjustments to the workplace environment to accommodate them.

- The Equal Employment Opportunity Commission's (EEOC)

These guidelines concern pre-employment inquiries. Employers are not permitted to ask pregnancy-related questions during an employment interview. An employer, on the other hand, may ask all applicants about their abilities to accomplish specific job-related tasks and test for the ability to fulfill minimum physical standards if the standards are required, all applicants are tested, and reasonable adjustments are made for the disabled, and all results are given equal consideration.

State employees are entitled to 8 weeks of paid leave for childbirth or adoption under the Family First Act. Maternity leave is covered by the FMLA for workers who are not state employees.

Payout

Maternity and paternity leave in Idaho are unpaid.

Bereavement Leave in Idaho (Funeral Leave)

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

No federal or Idaho state law requires an employer to provide employees with bereavement leave, paid or unpaid, or time off to arrange or attend a close family member's funeral. In case an employer chooses to give bereavement leave to employees, they may be required to do so by a bereavement policy they have in place.

Payout

Bereavement leave in Idaho is unpaid.

Jury Duty Leave in Idaho

Employers must provide job-protected unpaid leave.

An employer must let an employee respond to a jury summons, but isn't required to pay an employee for time taken for this duty. Although not required to, employers may choose to pay employees for the time spent on jury duty.

An employer may not terminate, threaten, or otherwise coerce an employee who accepts a summons, answers it, serves as a juror, or attends court for jury service.

Payout

The court pays:

Employees who serve as jurors in Idaho are paid a minimum of \$10.00, up to \$50.00 a day, and receive mileage reimbursement of \$0.51 per mile.

The employer pays:

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

Military Leave in Idaho

Employers must provide unpaid leave for military members.

Employers in Idaho have to provide military leave following the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Besides USERRA, Idaho law offers employment protections to National Guard and U.S. military reserves members.

Any member of Idaho or any other state's National Guard who is called to active duty must be granted unpaid leave and must be reinstated to his or her original position (or one of comparable seniority, status, and pay) upon return from leave. A reinstated employee cannot be fired without cause within 1 year of reemployment.

Members of the National Guard or the United States military reserves are entitled to 15 days of leave per calendar year to attend military training if they provide their employers with 90 days' notice. The employer has the option of paying for or not paying for leave. The employee's right to vacation, sick leave, bonuses, promotions, and other employment benefits are unaffected by the length of the leave.

Payout

Military leave is unpaid.

Voting Leave in Idaho

Employers are not required to provide time off to vote.

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

There is no law which requires employers to give workers paid or unpaid time off to vote.

Payout

Voting leave is unpaid.