

Montana 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 Montana

Vacation Leave Quota

Montana law doesn't demand vacation time.

There is no federal or state law that requires employers in Montana to provide paid or unpaid vacation time for their employees.

The absence of any vacation leave-related laws in Montana suggests that companies are free to implement whichever vacation leave policy they see fit. Paid leave, such as paid time off (PTO), vacation time, sick days, or paid holidays are at the discretion of the employer. However, most employers do offer their employees these types of paid leave benefits.

So, employers who choose to offer vacation leave to their employees, paid or unpaid, must adhere to applicable state law, established policy, or an employment contract.

Accrual

PTO accrual system is not mandatory in Montana, but it is widely used by companies.

The accrual system is based on the pay period. In Montana, if there is no established time period when salaries and wages are due and payable, the pay period is assumed to be semi-monthly in length.

Employers can cap (limit) the amount of vacation time employees can accrue or receive.

Roll Over (Carry Over, Brought Forward)

For more information, please visit vacationtracker.io

A Use-It-or-Lose-It policy is prohibited by state law.

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.

However, an employer can have a policy that limits (caps) the employee’s right to earn vacation time at a designated level of hours (a maximum cap). When an employee’s earned vacation hours fall below that threshold, the employee’s ability to earn vacation pay is reinstated.

Statutory Provisions Addressing Vacation Pay

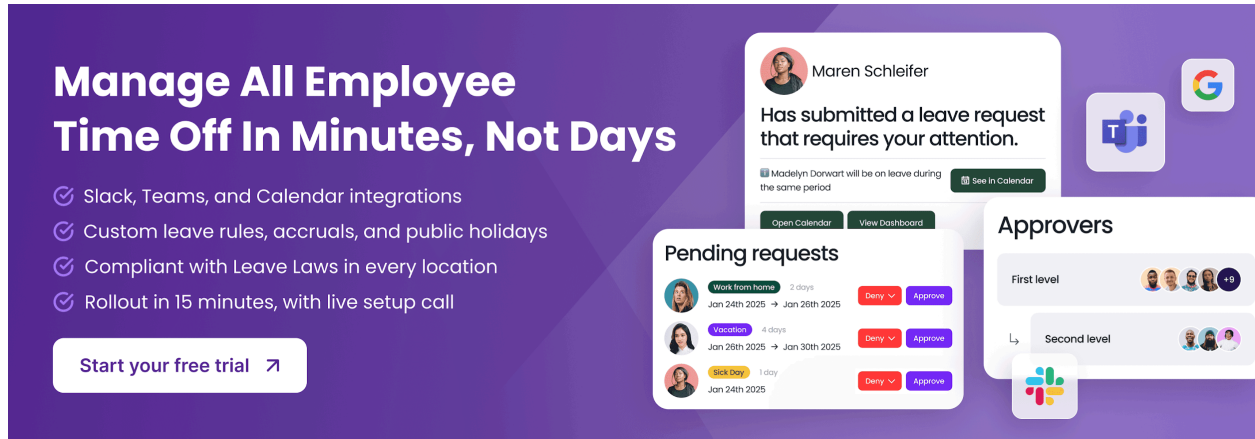
Earned vacation time is similar to wages.

Earned vacation time is considered wages when an organization has established policies or precedents for compensating employees for this time.

Payment of Accrued but Unused Vacation on Termination

Employer policy determines vacation pay upon termination. If vacation has been promised in writing or verbally, then it must be paid out on separation.

There is no requirement in state or federal law that requires private sector employers to provide vacation pay. However, once an employee accrues and earns vacation leave, it can’t be lost for any reason. When vacation has been earned according to the employer’s policy, it is then considered wages and is due and payable in the same manner as regular wages. This means an employee must be paid for all accrued vacation pay upon separation from employment.



The image shows a mockup of the Vacation Tracker application interface. On the left, a purple banner contains the text "Manage All Employee Time Off In Minutes, Not Days" and a list of features: "Slack, Teams, and Calendar integrations", "Custom leave rules, accruals, and public holidays", "Compliant with Leave Laws in every location", and "Rollout in 15 minutes, with live setup call". Below this is a "Start your free trial" button. On the right, a white card displays a notification for "Maren Schleifer" stating "Has submitted a leave request that requires your attention." Below the notification is a "Pending requests" table with three rows: "Work from home" (2 days, Jan 24th 2025 - Jan 26th 2025), "Vacation" (4 days, Jan 26th 2025 - Jan 30th 2025), and "Sick Day" (1 day, Jan 24th 2025). Each row has "Deny" and "Approve" buttons. To the right of the table is an "Approvers" section with "First level" and "Second level" approvers, each with a list of user avatars. Integration icons for Slack, Teams, and Google are also visible.

Manage All Employee Time Off In Minutes, Not Days

- ✓ Slack, Teams, and Calendar integrations
- ✓ Custom leave rules, accruals, and public holidays
- ✓ Compliant with Leave Laws in every location
- ✓ Rollout in 15 minutes, with live setup call

[Start your free trial](#)

Notification: Maren Schleifer has submitted a leave request that requires your attention.

Pending requests:

Request Type	Duration	Start Date	End Date	Actions
Work from home	2 days	Jan 24th 2025	Jan 26th 2025	Deny Approve
Vacation	4 days	Jan 26th 2025	Jan 30th 2025	Deny Approve
Sick Day	1 day	Jan 24th 2025	Jan 24th 2025	Deny Approve

Approvers:

- First level: [User Avatars]
- Second level: [User Avatars]

Sick Leave in Montana

Federal Laws – Leave Quota

Federal law requires 12 weeks of unpaid sick leave.

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

Employees qualify for FMLA benefits only 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
- 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

For more information, please visit vacationtracker.io

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

Montana doesn't have its own family medical leave law, although some other states provide this benefit.

Montana State Laws

There are no additional state sick leave laws.

Some states mandate businesses to provide employees with a specific number of paid sick days, but neither federal law nor Montana labor rules oblige employers to provide paid leave. Actually, state law doesn't require private employers to provide employees with either paid or unpaid sick leave. Still, eligible employers in Montana must comply with the FMLA.

Nonetheless, it is necessary to remember that if an employer chooses to provide sick leave benefits, it must comply with the employment contract or employee handbook. This way, an employer may create a legal obligation to grant it.

Maternity, Paternity, FMLA in Montana

Federal Law

For more information, please visit vacationtracker.io

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 Montana: 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 Laws in Montana

In addition to the FMLA and the PDA, Montana requires all employers to provide employees with the following benefits regarding maternity leave:

- All employers are required to provide reasonable pregnancy leave to their employees.
- An employer may not fire an employee because she is pregnant.
- After returning from maternity leave, job protection and reinstatement are guaranteed, including the previous position or something similar with equal pay, insurance, status, seniority, and other service credits.
- Pregnancy-related disabilities must be treated the same as any other disability. All benefits provided to temporarily disabled employees must be provided to pregnant employees. A pregnant employee is entitled to use any disability benefits, such as sick leave, vacation time, PTO, or compensatory time accrued for maternity leave.

- An employer may not require an employee to take mandatory maternity leave for an unreasonable length of time.

Payout

Maternity leave in Montana is unpaid.

Bereavement Leave in Montana

An employer in Montana is not required to give 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, most employers do provide at least 2 days, so employers who decide to provide bereavement leave must follow the bereavement policy or practice they have in place.

Payout

Bereavement leave in Montana is unpaid.

Jury Duty Leave in Montana

Employers must provide employees unpaid time off for jury duty.

Employers in Montana are required to provide their employees with unpaid time off work for jury service. Notice requirements do apply, so employees may have to show their employer their jury summons to be given the necessary leave.

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

Payout

The court pays:

Employees who serve as jurors in Montana are paid \$12.00 a day (though juror pay is only a token amount).

The employer pays:

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

Crime Victim Leave

Upon written request, an employer is required to provide unpaid leave for an employee who is the victim of a crime to prepare for and attend a criminal proceeding. A victim's immediate family must be given the same leave privileges.

Military Leave in Montana

All employers in the U.S. must comply with USERRA. Additional state laws confirm and expand the rules of USERRA.

Federal Regulations

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).

Montana State Law

Employees who are ordered to perform federally-funded military service (voluntary or involuntary) are entitled to all rights available under USERRA.

Members ordered to state military duty (voluntary or involuntary), members of the Montana National Guard, or the national guard of any other state, and members of the state organized militia are entitled to a leave of absence for the period of state military duty. The leave may not be deducted from any sick leave, vacation, or other leave unless an employee desires it.

Once the leave is over, the employee is entitled to reinstatement to the same or similar position.

An employee must inform the employer of their military enlistment at the time of hire. Also, reasonable notice is required if an employee enlists in active duty. Members must request reemployment as soon as possible after leaving state active duty.

Employers may not retaliate against an employee for exercising their military service rights, or dissuade an employee from enlisting.

Payout

Military leave is unpaid.

Voting Leave in Montana

Employers aren't required to provide voting leave.

For more information, please visit vacationtracker.io

Most states in the U.S. provide time off for voting. Montana is not one of them. This state has no voting leave statute, so there are no laws that require an employer to provide employees with either paid or unpaid time off to cast a ballot.

Payout

Voting leave is unpaid.

Montana State Holidays in 2025

Michigan laws do not require private employers to provide employees with paid or unpaid holiday leave.

Private employers in Michigan don't have to provide paid or unpaid leave for holidays, like almost all states in the U.S.A. Private employers can require all employees to work on holidays. However, the majority of employers in Michigan do provide at least seven paid holidays.

Holiday pay is not mandated by law; private employers aren't required to pay a worker premium pay for working on national holidays, which is generally "time-and-a-half" or 150 percent of their normal pay, unless those hours are in excess of 40 for the workweek.

Montana officially observes 10 state holidays.

A complete list of holidays celebrated in Montana 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
Lincoln's and Washington's Birthdays	Monday, February 17	3rd Monday in February
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
Columbus Day	Monday, October 13	2nd Monday in October
Veterans Day	Tuesday, November 11	November 11
Thanksgiving Day	Thursday, November 27	4th Thursday of November

Christmas Day

Thursday, Dec. 25

December 25

Holidays that fall on Saturday are observed on Friday; holidays that fall on Sunday are observed on 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

State General Election Day as a Public Holiday

Election Day is considered a public holiday in Montana. (Presidential) Election Day always falls on the Tuesday after the 1st Monday in November; this way, it may fall on any day ranging from November 2 to 8. Presidential elections are on even-numbered years (2012, 16, 20). The last presidential election year was 2024.