

# North Dakota 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 North Dakota

## Vacation Leave Quota

North Dakota law doesn't demand vacation days.

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

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

## Accruals

The accrual system is not compulsory in North Dakota, but it is widely used by companies.

Employers are generally free to design their vacation accrual system, such as daily, weekly, bi-weekly, semi-monthly, or monthly increments. It is usually based on the pay period. In North Dakota, the most common pay period is monthly (officially permitted payday).

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

## Roll Over (Carry Over, Brought Forward)

A Use-It-or-Lose-It policy is allowed.

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.

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

This policy is not prohibited, but employees must be informed about it. Also, employees must be given enough time to take vacation.

## Statutory Provisions Addressing Vacation Pay

PTO is considered wages.

If an employer provides PTO (considered as wages), this includes:

- Annual leave
- Personal days
- Earned time off
- Other benefits offered to compensate employees as vacation time.

## Payment of Accrued, Unused Vacation on Termination

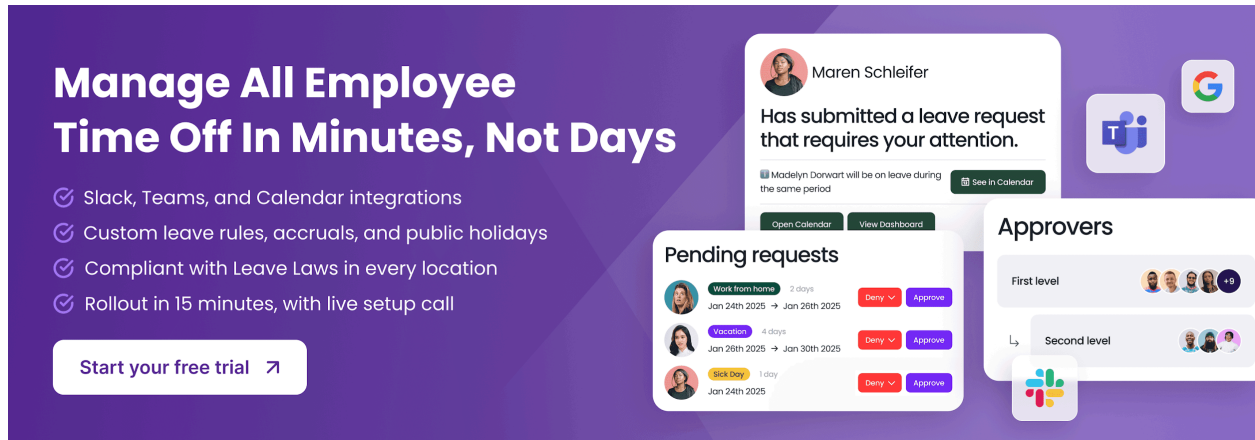
An employer must pay for accrued PTO, but there are a few exceptions.

Employers must compensate a departing employee for any accrued PTO at their regular rate of pay prior to their separation. It is not allowed for an employment policy or agreement to include the forfeiture of accrued PTO upon separation.

On the other hand, if an employee voluntarily resigns, a private employer may choose not to pay out any accumulated PTO, under the following circumstances:

- An employer informed the employee in writing at the start of the employment about the limitations on the payment of accrued PTO.
- An employee worked for less than 1 year.

- An employee has not provided 5 days' written or verbal notice of their resignation.



## Sick Leave in North Dakota

Short: Federal law requires 12 weeks of unpaid sick leave. No additional state laws.

## Federal Laws – Leave Quota

Federal law requires 12 weeks of unpaid sick leave.

The standard federal Family and Medical Leave Act (FMLA) applies to North Dakota (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)

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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.

## North Dakota State Laws

There aren't any additional state laws that require sick leave.

North Dakota doesn't mandate an employer to offer employees either paid or unpaid sick days. However, if employers opt to offer sick days, they must adhere to the provisions outlined in their established company policy or employment agreement.

### Payout

Sick leave in North Dakota is unpaid.

## Maternity, Paternity, FMLA in North Dakota

### Federal Law

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

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

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 North Dakota: 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 North Dakota

There are no additional laws governing paid or unpaid maternity/paternity leave.

The North Dakota Human Rights Act is applicable to all employers and forbids employment discrimination based on race, color, religion, sex, national origin, age, physical or mental disability, marital status, public assistance status, or involvement in lawful off-duty activities. The term “sex” encompasses pregnancy, childbirth, and related disabilities, and pregnancy must be treated similarly to other temporary disabilities with regard to the start and duration of leave, the possibility of extensions, the accrual of seniority and other benefits while on leave, and job reinstatement.

Payout

Maternity and paternity leave in North Dakota are unpaid.

## Bereavement Leave in North Dakota (Funeral Leave)

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

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, most employers do provide at least 2 days, so if an employer decides to provide bereavement leave, they must follow the bereavement policy or practice they have in place.

## Payout

Bereavement leave in North Dakota is unpaid.

# Jury Duty Leave in North Dakota

Employers must provide employees unpaid time off for jury duty or witnesses leave.

Employers are required to provide employees with unpaid, job-protected leave to report to jury selection, jury duty or to serve as witnesses. Notice requirements do apply, so employees may have to show their employer their jury summons (within a reasonable period of time after receiving it) 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.

## Payout

The employer pays:

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

The court pays:

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

Employees who serve as jurors in North Dakota are paid \$25.00 a day (though juror pay is only a token amount).

## Military Leave in North Dakota

All employers in the U.S. must comply with USERRA. No 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 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).

### North Dakota State Law

While almost all states in the U.S. provide additional privileges for military members, North Dakota is not among them. State law doesn't demand private employers to provide any leave besides USERRA. In North Dakota, only members of the National Guard or Civil Air Patrol are guaranteed job security.

#### Payout

Military leave is unpaid.



# Voting Leave in North Dakota

Employers are encouraged to allow employees to be absent for voting.

North Dakota law only encourages employers to set up programs that allow their employees time off for voting in cases where their work schedule clashes with polling hours, but this is purely optional for employers and does not grant employees a guaranteed right to be absent.

## Payout

Voting leave is unpaid.

# North Dakota State Holidays in 2025

North Dakota law doesn't require private employers to provide employees with paid or unpaid holiday leave.

Private employers in North Dakota 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 North Dakota do provide at least several paid holidays.

North Dakota officially observes 11 state holidays.

## A complete list of holidays celebrated in North Dakota in 2025:

Holiday	Observed in 2025	General Date
New Year's Day 2025	Wednesday, January 1	January 1

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Martin Luther King, Jr.	Monday, January 20	3rd Monday in January
Presidents Day	Monday, February 17	3rd Monday in February
Good Friday	Friday, April 18	2 days before Easter
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 Eve	Wednesday, Dec. 24	December 24
Christmas Day	Thursday, Dec. 25	December 25

Public holidays that happen to fall on Saturday are honored on Friday, while those on Sunday are honored on Monday.

**2026**

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

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