

# South 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 South Dakota

## Vacation Leave Quota

South Dakota law doesn't require employers to provide vacation leave.

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

However, most employers in the private sector provide employees with 10 paid days off on average, after a 1 year on the job.

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 South Dakota, but it is widely used by companies.

Employers are generally free to design their own vacation accrual system, which could include daily, weekly, biweekly, semi-monthly, or monthly increments. It is usually based on the pay period.

## Roll Over (Carry Over, Brought Forward)

A Use-It-or-Lose-It policy is not forbidden.

A "use it or lose it" policy forbids employees from rolling over earned, unused vacation from one year into the next one. Therefore, the employee's untaken vacation time is lost.

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

A use-it-or-lose-it policy is not addressed by state statutes in South Dakota, which means that employers can apply it.

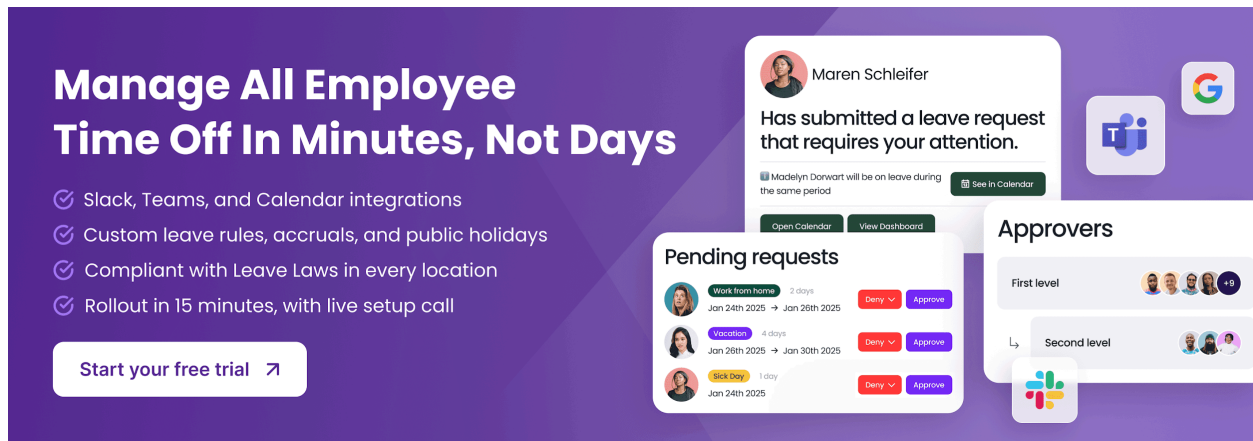
## Statutory Provisions Addressing Vacation Pay

None.

## Payment of Accrued, Unused Vacation on Termination

Not required by state law.

Payment of accrued, unused vacation on termination is also not addressed by state statutes. Because South Dakota's Legislature and its courts have not provided any information about vacation leave, employers are free to create their own policies regarding vacation leave and PTO payout at termination.



The screenshot displays the Vacation Tracker dashboard. On the left, a purple sidebar 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. The main content area shows a notification from Maren Schleifer: "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 and a "+9" indicator. The interface includes integration icons for Slack, Teams, and Google Calendar.

## Sick Leave in South Dakota

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

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

## Federal Laws – Leave Quota

Federal law requires 12 weeks of unpaid sick leave.

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

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.

## South Dakota State Laws

No additional state sick laws.

Currently, 23 states offer paid sick leave. South Dakota is not among them.

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

South Dakota doesn't mandate an employer to offer employees either paid or unpaid sick days. Some employers (especially big companies) do offer it as a common benefit. If employers decide to offer sick days, they must stick to the provisions outlined in their established company policy or employment agreement.

## Payout

Sick leave in South Dakota is unpaid.

# Maternity, Paternity, FMLA in South Dakota

## 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 take this leave continuously. More information about FMLA eligibility can be found above, under the section *Sick Leave in South 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 South Dakota

There are no additional state laws providing leave for maternity or paternity.

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

South Dakota has no additional state laws concerning maternity and paternity leave. Only the Family and Medical Leave Act and the Pregnancy Disability Act provide expecting and new parents with the right to take leave.

#### Payout

Maternity and paternity leave in South Dakota are unpaid.

## Bereavement Leave in South Dakota

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, nearly all American companies, offer paid time off for bereavement, which usually lasts for up to 3 work days. Some companies are even more generous and offer a maximum of 5 or 6 days.

#### Payout

Bereavement leave in South Dakota is unpaid.

## Jury Duty Leave in South Dakota

Employers must provide employees unpaid time off for jury duty.

Employers are required to provide employees with unpaid, job-protected leave to report to jury selection or jury duty. 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.

It is illegal for any employer to fire or suspend an employee because they have served as a juror. An employee cannot face any negative consequences such as a loss of job status, pay, or seniority due to serving on a jury.

## Payout

The employer pays:

Employers in South Dakota are not required to pay employees for jury duty leave, but most employers do it as the court compensation is rather low.

The court pays:

Employees who serve as jurors in South Dakota are paid \$50.00 a day (though juror pay is only a token amount).

## Military Leave in South Dakota

All employers in the U.S. must comply with USERRA. Additional state law.

## 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).

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

## South Dakota State Law

The same employment protection under USERRA extends also to members of the state National Guard ordered to active duty by the state's governor or the federal government (president).

### Payout

Military leave is unpaid.

## Voting Leave in South Dakota

2 consecutive hours, but only if an employee doesn't have enough time in their non-working hours.

An employer is obligated to give their workers 2 hours of paid time off during polling hours for voting in any primary or general election on Election Day. An employer is not required to provide this leave if an employee has 2 consecutive hours before or after their shift (while voting polls are open).

An employer can specify the hours when employees leave work to vote.

Deducting an employee's regular pay or salary due to their absence is not allowed by the employer.

### Payout

Voting leave is paid by the employer.

## South Dakota State Holidays in 2025

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

A leave for holidays is not required by state law.

Private employers in South Dakota are not required to provide paid or unpaid leave for holidays. Private employers can require all employees to work on holidays. Holiday pay (“time-and-a-half,” or 150 percent of the regular rate) is also not mandated by law. However, the majority of employers in South Dakota do provide at least several paid holidays.

South Dakota officially observes 11 state holidays.

### A complete list of holidays celebrated in South Dakota for 2025:

Holiday	Observed in 2025	General Date
New Year’s Day 2025	Wednesday, January 1	January 1
Martin Luther King, Jr.	Monday, January 20	3rd Monday in January
Presidents’ Day.	Monday, February 17	3rd Monday in February
Memorial Day	Monday, May 26	Last Monday in May
Juneteenth	Thursday, June 19	June 19
Independence Day	Friday, July 4	July 4

Labor Day	Monday, September 1	1st Monday in September
Native American 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

*\* When a holiday from the mentioned list occurs on a Saturday, it will be celebrated on the preceding Friday as a state holiday. Similarly, if the holiday falls on a Sunday, it will be observed on the following 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