

# EMPLOYMENT LAW SUMMARY

## Idaho: Employee Leave Laws - Overview



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Employers have some flexibility when it comes to establishing or negotiating employee leave policies. Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave. However, Idaho employers must comply with state laws that mandate leave in certain circumstances.

Idaho has employee leave laws at the state level requiring:

- **Jury duty leave;**
- **Pregnancy disability leave;** and
- **Military leave.**

In addition, federal laws not discussed here, such as the Family and Medical Leave Act, impose employee leave requirements on covered employers.

The chart below provides a high-level overview of Idaho's employee leave laws.

### OVERVIEW OF EMPLOYEE LEAVE LAWS

TYPE OF LEAVE	REQUIREMENTS
<b>Jury Duty Leave</b>	An employer may not discharge, threaten or otherwise coerce an employee who responds to a summons, serves as a juror or attends court for jury service.
<b>Pregnancy Disability Leave</b>	Although not specifically addressed in Idaho's Human Rights Act (Act), the Idaho Supreme Court has construed the Act's prohibition on sex discrimination to prohibit discrimination on the basis of pregnancy. The Act applies to employers with five or more employees. Generally, employers should treat pregnancy-related disabilities the same as other temporary disabilities regarding leave. This would include the duration, availability of extensions, accrual of seniority and other benefits while on leave and job reinstatement.
<b>Military Leave</b>	<p>In addition to USERRA, Idaho law provides employment protections to members of the National Guard and the U.S. military reserves:</p> <ul style="list-style-type: none"><li>• Any member of the National Guard (of Idaho or any other state) called to active service must be granted unpaid leave, and must be restored to his or her original position (or one of like seniority, status and pay) after returning from leave. A reinstated employee cannot be discharged without cause within one year of reemployment.</li><li>• Members of the National Guard or the U.S. military reserves are entitled to 15 days of leave in any calendar year to attend military training, if they provide 90 days' notice to their employers. Leave may be paid or unpaid, at the employer's discretion. The period of leave cannot affect the employee's right to receive vacation, sick leave, bonus, advancement and other advantages of employment.</li></ul>

**SPECIAL NOTE:** Please note that the information in this chart focuses on statewide laws. Localities across the country have also enacted ordinances mandating employee leave. Employers must generally comply with all local and statewide laws that apply.

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