



FINAL PAYCHECK GUIDE

FEDERAL PAYOUT VACATION & SICK LEAVE AT TERMINATION

Not required, unless promised otherwise. In other words, under Federal law it is governed entirely by agreement between employer and employee. The agreement can include, the handbook, employment contracts, verbal promises, and/or past practices.

* Stand alone sick leave is not due at termination. Keep in mind that PTO is the same as vacation.

STATE-BY-STATE PAYOUT VACATION AT TERMINATION

STATE	PAYOUT REQUIRED?	IF NO POLICY	COMMENTS	SICK PAYOUT
AL	Yes	N/A	Yes, unless stated otherwise.	Sick payout
AK	No	N/A	Not required unless promised otherwise.	Federal guidelines
AZ	Yes	N/A	Yes, unless stated otherwise.	No. If rehired within 9 months, must reinstate balance.
AR	Yes	N/A	Yes, unless stated otherwise.	Federal guidelines
CA	Yes	N/A	Must include in final paycheck. Cannot recoup advanced vacation. Payout must be made based on a minimum per calendar day worked accrual rate.	Not required. If cash out, not required to reinstate balance at rehire.
CO	Yes	N/A	Must payout. No forfeit permitted. Accrued/granted vacation is considered earned wages.	Same as vacation
CT	No	CEDR recommends payout	Not required unless promised otherwise. If no policy, recommend payout.	Same as vacation
DE	No	N/A	Not required unless promised otherwise.	Same as vacation
DC	No	N/A	Not required unless promised otherwise.	Same as vacation
FL	No	N/A	Not required unless promised otherwise.	Same as vacation
GA	No	N/A	Not required unless promised otherwise.	Same as vacation
HI	No	N/A	Not required unless promised otherwise.	Same as vacation
ID	No	Payout	Not required unless promised otherwise. If there is no policy or ambiguity, payout.	Same as vacation

STATE	PAYOUT REQUIRED?	IF NO POLICY	COMMENTS	SICK PAYOUT
IL	Yes	N/A	Based on time that the employee has been accruing. This is the case regardless of policy, even if it is a granting policy.	Federal guidelines
IN	No	Payout	Not required unless promised otherwise. If no policy, payout.	Same as vacation
IA	No	N/A	Not required unless promised otherwise. However, if payout at termination was promised, then the payout must be pro-rated.	Same as vacation
KS	No	Payout	Not required, but it defaults to payout if no policy.	Same as vacation
KY	No	N/A	Not required unless promised otherwise.	Same as vacation
LA	Yes	N/A	Must payout accrued leave, upon termination, by statute.	Same as vacation
ME	No	N/A	Not required unless promised otherwise.	Same as vacation
MD	No	Payout	Not required, but if no policy it defaults to payout/carryover.	Same as vacation
MA	Yes	N/A	Required	Federal guidelines
MI	No	N/A	Not required unless promised otherwise.	Same as vacation
MN	No	Payout	Not required unless promised. If no policy, payout.	Same as vacation
MS	No	Payout	Not required unless promised otherwise. If no policy, payout.	Same as vacation
MO	No	N/A	Not required unless promised otherwise.	Same as vacation
MT	Yes	N/A	Must payout upon termination, may pro-rate.	Federal guidelines
NE	Yes	N/A	Must payout upon termination, may pro-rate.	Federal guidelines
NV	Yes	N/A	Must payout upon termination, may pro-rate.	Federal guidelines
NH	No	Payout	Not required, but if no policy, should payout.	Same as vacation
NJ	No	N/A	Not required unless promised otherwise.	Same as vacation
NM	No	N/A	Not required unless promised otherwise.	Same as vacation
NY	Yes	N/A	Payout	Federal guidelines
NC	No	Payout	Not required. If policy is silent or ambiguous, must pay out.	Same as vacation
ND	Yes	N/A	If no policy, must payout earned, but unused time. Note: If employee resigns, may withhold payout if employee (1) was provided written notice of no payout policy, in writing, at hire (2) employee was employed for less than 1 year; and (3) employee gave less than 5 business days' notice.	Same as vacation

STATE	PAYOUT REQUIRED?	IF NO POLICY	COMMENTS	SICK PAYOUT
OH	No	N/A	Not required unless promised otherwise.	Same as vacation
OK	No	Payout	Not required unless promised otherwise. If no policy, must payout.	Same as vacation
OR	No	N/A	Not strictly required, but if the policy could be seen as a promise to payout, then must payout.	Same as vacation
PA	Yes	N/A	Must payout unless clear policy to the contrary. (ex: "Vacation is intended as a benefit for current employees, and therefore, upon termination, any unused vacation is forfeited.")	Federal guidelines
RI	Yes	N/A	Must payout after 1 year of employment, may pro-rate.	Federal guidelines
SC	No	N/A	Not required unless promised otherwise. Must provide 7 days advanced notice of changes.	Same as vacation
SD	Yes	N/A	Must payout upon termination, may pro-rate.	Federal guidelines
TN	No	N/A	Not required unless promised otherwise.	Same as vacation
TX	No	N/A	Not required unless promised otherwise.	Same as vacation
UT	No	N/A	Not required unless promised otherwise.	Same as vacation
VT	No	N/A	Not required unless promised otherwise.	Same as vacation
VA	No	N/A	Not required unless promised otherwise.	Same as vacation
WA	No	N/A	Not required unless promised otherwise.	Same as vacation
WV	No	Payout	Not required unless promised otherwise. If no policy, default to payout.	Same as vacation
WI	No	CEDR recommends payout	Not required, but if no policy, payout recommended.	Same as vacation
WY	No	Payout	Not required if clearly in policy with written acknowledgment. Otherwise, if no policy, payout.	Same as vacation