CHAPTER 34-03
TERMINATION OF EMPLOYMENT

34-03-01. Termination of employment at will - Notice required.

An employment having no specified term may be terminated at the will of either party on notice to the other, except when otherwise provided by this title.

34-03-02. How employment terminated.

Every employment is terminated by:

1. The expiration of its appointed term;
2. The extinction of its subject;
3. The death of the employee; or
4. The employee's legal incapacity to act.

34-03-03. Termination of employment not coupled with an interest.

Every employment in which the power of the employee is not coupled with an interest in its subject is terminated by notice to the employee of:

1. The death of the employer; or
2. The employer's legal incapacity to contract.

34-03-04. Continuance of employment required after death or incapacity of employer - Exceptions.

Unless the term of an employee's service has expired or unless the employee has a right to discontinue the employee's service at any time without notice, an employee shall continue the employee's service after the employee has notice of the death or incapacity of the employee's employer to such extent as is necessary to protect the interests of the employer's successor in interest from serious injury and until a reasonable time after notice of the facts has been communicated to the successor. The successor shall compensate the employee for such service according to the terms of the contract of employment.

34-03-05. Termination by employer for breach or neglect of duty or incapacity to perform.

Every employment may be terminated at any time by the employer in case of any willful breach of duty by the employee in the course of the employee's employment, in case of the employee's habitual neglect of duty, or in case of the employee's continued incapacity to perform the employee's duty.

34-03-06. Employee may terminate employment because of breach of obligations by employer.

Every employment may be terminated by the employee at any time in case of any willful or permanent breach of the obligations of the employee's employer to the person as an employee.

34-03-07. Compensation of employee after discharge for cause.

Repealed by S.L. 1961, ch. 233, § 2.

34-03-08. Employee quitting for cause - Compensation.

Repealed by S.L. 1961, ch. 233, § 2.

34-03-09. Compensation of employees upon termination of employment.

An employee who quits the service of the person's employer for good cause and an employee who is dismissed by the person's employer for good cause are entitled to such proportion of the compensation which would have become due upon full performance of the contract of employment as the services already rendered by such employee bear to the services the employee was obligated to render had the contract of employment been fully performed.

34-03-10. COVID-19 vaccination requirements - Exemptions.
Repealed by S.L. 2021, ch. 558, § 4.