

Woska Associates
Employment Law Group

March 2015

Employment Law Forum

Pay Claim – Vacation Hours

(Send certified mail or personally deliver to former employer)

Date

Name and Address of Employer

Re: Pay Claim – Vacation Hours

Dear (Name of Employer),

I was employed as a (name or title of position) from (date of employment) to (last day of employment). On (date of notification of termination) I was notified that my employment was terminated effective (last day of employment). I have not been paid for my earned and accrued vacation hours.

Please be advised that under California law an employer must immediately pay a terminated employee for all of his vested vacation time unless the union representing that employee has negotiated a collective bargaining agreement that “otherwise provide(s).” (Labor Code §§227.3, 201.) Vacation pay accrues as it is earned and cannot be forfeited, even upon termination of employment, regardless of the reason for termination. (*Suarez v. Plastic Dress-Up Co.*; 31 Cal.3d 774 [1982]). Furthermore, upon termination of employment all earned and unused vacation must be paid at the terminated employee’s final rate of pay. (Labor Code §227.3) Finally, vacation pay must be paid immediately. (Labor Code §201[a])

This claim for unpaid vacation hours will be filed with the California State Department of Industrial Relations if payment is not received within 24 hours on the business day of receipt of this letter.

Sincerely,

