

THE ORANGE COUNTY

REGISTER

| **MONDAY**, May 1, 2006 |

Law does not require paid vacation

Q. I have worked for a \$25 billion corporation for the last 30 years. Last year our division was sold off to an investment corporation. Vacation was rewarded at different levels depending on how long you had been with the company. People with over 25 years of service received 25 days of vacation. After owning our division for one year the new company has decided to cut our vacation from 25 days to 20 days. The only employees whose vacation was reduced were people with over 25 years of service, and all of them over 45 years old. We do understand that by law the company does not have to give us a paid vacation. Is this considered age discrimination?

A. "You are correct, California employers are not required to offer or provide vacation time,"

says Keith G. Bremer, partner at law firm Bremer Whyte Brown & O'Meara in Newport Beach, "although most, if not all, employers do offer some form of paid vacation to full-time workers as a means to attract and keep good employees.

"Some employers also provide a mechanism, as in your case, for increased vacation benefits based on years of service.

"Both state and federal law prohibit employment and other discrimination based on age.

"Certain discrimination claims are generally established either on an individual case basis or by establishing that the policy at issue has a disparate impact on members of a protected class.

"Each case is unique and ad-

ditional facts and data, including employee handbook provisions, written policy changes/revisions, are necessary in order to fully evaluate the potential discrimination allegation.

"You may request additional information from your human resources department on the nature and reasoning for the change in vacation benefits. If you are still not satisfied, you can consult an attorney."

IF YOU HAVE QUESTIONS:

Write: Work Q&A, Business Monday

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Letters cannot be individually answered.



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