

THE ORANGE COUNTY REGISTER

BUSINESS MONDAY

MONDAY, NOV. 28, 2005

Employer need not honor work offer

Q. On Tuesday, Nov. 8, I submitted my resignation letter and specified that I would work through Saturday, Nov. 19. Saturday is optional (overtime).

On Thursday, Nov. 10, my employer let me go and gave me my final paycheck. I was paid until that day, Nov. 10.

Because I indicated on my letter that I was willing to work through Nov. 19, should I get paid through Nov. 18 (my regular working days are Monday to Friday)?

A. "Unfortunately, most likely, no," said Keith G. Bremer, partner of the Newport Beach office of Bremer Whyte Brown & O'Meara law firm.

"Despite the fact that you promised to stay on until the end of the week, your employer is under no obligation to honor

that commitment.

"Like most employees in California you are probably an 'at will' employee.

"Meaning, either you or your employer can terminate your relationship at any time and for any reason, or no reason.

"Giving notice of your termination gave your employer a legitimate reason to let you go early.

"There are circumstances in which this type of action by an employer might be considered inappropriate; for instance, if you are under an employment contract for a specific period of time.

"Even under this type of relationship, the employer is given wide latitude to discharge an employee for cause.

"However, the employer may be under a continuing obligation to pay the employee or pay damages specified under the contract for early termination.

"Keep in mind, all wages and accrued vacation earned but unpaid are due and payable to you immediately.

"It is not acceptable for your employer to ask or require you to wait until the next regular payday for your final wages."

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Letters cannot be individually answered.