

(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 earned vacation time is considered wages and is earned, or vests, as labor is performed. 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,