

## **OC REGISTER Q&A**

### **FINAL PAY**

Q. Earlier this year, I worked for a company that was supposed to pay me minimum wage - for the week I was in training. I was in training for 5 days, 6 hours/day. This makes the total they should have paid me \$202.50. On Friday, September 3rd, I resigned from the job.

Since that time, I have tried to contact my employer through numerous emails and phone calls about the status of my pay. I have not had so much as the courtesy of a reply from anyone and I have not been paid! I would like to know what to do and what recourse I have against this employer.

A. If an employee gives at least 72 hours notice to the employer of his/her resignation, all wages and accrued vacation are due and payable on the last day of work. If an employee quits with fewer than 72 hours notice to the employer, all wages and accrued vacation are due and payable no later than 72 hours after notice is given. An employee who gives fewer than 72 hours notice is entitled to receive his/her final paycheck by mail upon request of the employee. The date the check is mailed is considered the date of payment for purposes of the 72 hour requirement.

If an employee is terminated or laid off by the employer, all wages and accrued vacation are due and payable immediately. It is not acceptable to ask or require an employee to wait until the next regular payday for his/her final paycheck.

The waiting time penalty for late payment of a final paycheck is equal to the employee's daily rate of pay for each day that overdue final wages remain unpaid (up to a maximum of 30 days).