

DEPARTMENT OF INDUSTRIAL RELATIONS

DIVISION OF LABOR STANDARDS ENFORCEMENT

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IN REPLY REFER TO:

January 13, 1987

This is in reply to your letter of December 29, 1986, regarding pro rata vacation pay for seasonal agricultural workers.

The answer to your question concerning a vacation policy with a provision that no vacation is earned during the first 1000 hours of employment is as follows:

1. An employer is not required to prorate vacation pay if employment terminates prior to completion of 1000 hours (see Interpretive Bulletin No. 86-3*, paragraph 7 a)).

A pro rata share of vacation pay would be due on termination for work after 1000 hours provided, of course, (under the employer's policy) vacation begins to accrue after 1000 hours.

I hope this is responsive to your question; if not, please let me know.

Very truly yours,

Lloyd W. Aubry, Jr.
State Labor Commissioner

LWA:sw

Enc.

*The above referred "Interpretive Bulletin" may not be valid. Refer to discussion of Interpretive Bulletins at page 2 section 0.1.4.3 of the Policies and Interpretations Manual.

1987.01.13