

DEPARTMENT OF INDUSTRIAL RELATIONS

DIVISION OF LABOR STANDARDS ENFORCEMENT

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ADDRESS REPLY TO:

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December 13, 1986

IN REPLY REFER TO:

Mr. Morris H. Bryson
President
Bryson Associates Inc.
Eight Beaconsfield Court
Orinda, CA 94563

Dear Mr. Bryson:

This is in reply to your letter of December 1, 1986, regarding the application of the Suastez decision and our Division's Interpretive Bulletin 86-3 on the subject of sabbatical leave.

Sabbatical leaves as such are not considered to be covered by the Suastez decision assuming that the sabbatical leave is substantially longer than the normal vacation period and is not in lieu of vacation. Also, the sabbatical should be granted only after a substantial period of employment.

The point is that each case will have to be decided on its own facts. Generally speaking, we will not consider a traditional sabbatical arrangement (i.e., 4 months off after 7 years), to require proration. However, if a sabbatical arrangement appears to be vacation by another name then Suastez would apply.

I hope the foregoing answers your question. Your letter is the first I have received to date on this issue. If you have a specific policy you would like us to review I would be happy to do so.

Very truly yours,

Lloyd W. Aubry, Jr.
State Labor Commissioner

LWA/cs

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