

Workers Need to Take Vacation Time Off

By Holly Culhane, Contributing Columnist



For some Bakersfield workers, the minute winter fog lifts from the valley floor, the summer vacation plans begin. For other workers, it signals the need to begin scheming on “how not to take a vacation.” There are a number of reasons why workers avoid vacations:

-- Some are insecure in their jobs and fearful to take time away.

-- Others are workaholics and feel the work won't get done if they're gone.

-- Still others have spouses or significant others who can't get time off from work and they don't want to take vacation without them.

-- Scheduling time off in advance is a struggle for some or they have no clue where or when to take a vacation.

-- Many believe they cannot afford to take a vacation.

-- And, others work for employers who allow them to sell back their unused vacation days, and they'd prefer that route.

In these economically challenging times, when layoffs have created staff shortages, some businesses might consider workers' “vacation avoidance” to be a plus. Don't jump on that bandwagon!

Workers need time off to reinvigorate themselves. Workplaces hit by staff shortages often are more stressful, adding to the need for workers to take time away. In addition, vacations, especially ones involving travel to other countries, can expand cultural horizons, promote creative thinking and sharpen cognition, according to behavior experts.

So, what happens when an employee doesn't utilize his or her vacation time? Besides missing the chance to enjoy time off to rest and relax, which typically leads to higher morale and productivity, California considers an employee's earned, but unused vacation time to be owed to them. It is regarded just like the pay they earn while working.

Looking the other way as workers stockpile unused vacation time is bad for business and especially bad for a company's or public agency's bottom line. It appears as a liability on a company's financial statement, since it's wages earned that have not yet been paid.

While California employers are not required to offer paid vacation to their workers, if a company chooses to do so, it must adhere to certain requirements. Vacation earned is due an employee, even at the time of termination. The courts have long held this position.

In fact, as recently as last August, a California judge ruled in a case involving Lexmark International, that once vested, vacation time cannot be forfeited. He awarded more than \$8 million in damages to 178 current and former Lexmark employees who had been subjected to the company's "use it or lose it" policy.

Companies do have recourse to control an employee's stockpiling of unused vacation time. Although legal challenges are still possible, the state's Division of Labor Standards and Enforcement finds "vacation caps" to be permissible. In other words, once an employee has accrued a specified number of paid vacation days, a "cap" is imposed and *future* accrual ceases until the employee has used enough vacation time to fall below the cap.

For example, a long-term employee may be entitled to three weeks, or 120 hours of paid vacation per year. The company may state that employees cannot accrue more than two years' worth of vacation time (legal counsel recommends no less than 1-1/2 times an employee's earned rate). For this long-term employee, that would be 240 hours. If the limit is reached, the employee will simply stop accruing vacation time.

This cap must be communicated to employees, in writing, prior to the policy's implementation. It is recommended that employees sign a copy of the policy, which is placed in their personnel file.

There is one caveat: The law requires that a "reasonable" amount of time be given for employees to use accrued vacation time. "Reasonable" can be a subjective term, but a system that plays "gotcha" with workers – making it difficult to take vacation and limiting the amount and time that vacation hours can be stockpiled – can place a company at risk of a legal challenge. And, it also damages workers' morale.

Memorial Day weekend marks the start of the traditional "vacation season." Some tips for workers:

--Request your vacation date early. With most companies operating with reduced staffs, it's often difficult to accommodate more than one person being on vacation at the same time. Schedule your vacation now. It also will commit you to taking time off. That's important for you and your mental health!

--Train a replacement. If you hesitate to take a vacation for fear your work will not get done while you are gone, train someone to do your job – or at least the portion of your job that must be done while you are gone.

--Plan to take your vacation when your workload is relatively light. If you work for a department store, for example, taking a Christmas vacation might not be possible. Once you have approval from your supervisor for time away, tell your co-workers about your vacation plans and how your work will be covered.

--Try to unplug on vacation. If you are just a cell phone call or text message away, you aren't really on vacation. You aren't really separating from the stress of the workplace. If you must, check in just once a day, but keep it brief.

--If you don't take a vacation because you simply can't afford one or your significant other can't take time off, consider taking a "staycation." These are vacations close to home. Some examples: Drive up the Kern River Valley for dinner. Schedule evenings out with friends. Throw a barbecue. A "staycation" may be a good time to complete a long-delayed project around the house.

--Another way to vacation cheaply is to look for last-minute bargains. Set a day. Pack for a trip. Be flexible. Many package vacations are deeply discounted for the last-minute traveler.

Career coach and executive recruiter Connie Thanasoulis said it best in a recent Forbes article: "It's silly to think that giving up vacation is going to make your colleagues think how important you are. Take your vacation and let them miss you."

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