

## **Actions Speak Louder Than Words When You Vote With Your Feet!**

“At will” is alive and well in Oregon employment relationships, but exactly what does that mean?

It means that the employer can sever the employment relationship at any time, as long as the reason for the separation is not discriminatory in nature.

It also means that the employee can vote with their feet and leave their employer at any time, for any reason, with or without notice.

Here are some common questions regarding wage and hour laws surrounding employment terminations:

What happens when the employee has given notice but the employer chooses not to have the employee work out that notice? Does that count as a voluntary quit? Or does it count as a termination?

If the employer chooses to end the employment relationship early, after the employee has given notice, then the separation will count as a termination for final paycheck purposes.

Does that still count if the employer pays the employee the same amount as if they'd worked out the notice?

Yes, the employer will still be required to pay the employee their final paycheck, in full, by the end of the next business day.

What if the employee and employer mutually agree on the early separation?

Will it still count as a termination? Yes.

What about strikes? Even though it's not the employer who is making the choice when the employee goes on strike, do they have to jump through a lot of hoops to get the paychecks out?

No. You can rest easy on that issue. Employers would need to pay the employee their wages on the next regular payday or 30 days after the strike begins, whichever occurs first.

And layoffs? How are those handled?

If you expect to be able to return your employees to work within 35 days then you just need to pay them on the next regular payday. If there is no expectation of return, treat it the same way you would a termination.

What happens when an employee passes away? What should an employer do to that will keep from upsetting the family further? How are final paycheck issues handled?

Any wages earned up to \$10,000 should be paid to the surviving spouse, or, when there is no surviving spouse, the employee's children should receive the final paycheck.

For more information on this and other important wage and hour topics, please plan to attend one of our updated Wage and Hour Law seminars:  
Portland – August 5, September 11, November 4; Gold Beach – October 6,  
Eugene – October 28; Hillsboro – October 28; Corvallis – December 2. For registration information visit [www.oregon.gov/BOLI/TA](http://www.oregon.gov/BOLI/TA) or call 971 673-0825.