

Boss can ask you to leave, not pay after 2-week notice

I tendered my letter of resignation with a two-week notice on Monday, and on Wednesday they asked me to leave. Are they required to pay me for the remaining days of my two-week notice?

Ty Frankel

Bonnett Fairbourn, Friedman & Balint

No, unless you had a contract with your employer requiring them to pay you during the notice period.

Your employer may not be legally required to pay for the two-week notice period, but practically it might be good for your employer to pay up.

Most employees, unless contracted, are employees at will, which means that your employer can terminate you at any time so long as the reason is lawful. You must be paid for all time worked, and state law requires terminated employees be paid within three working days of termination or the next regular payday, whichever is sooner.

But your employer may want to consider paying for the notice period regardless of what the law requires.

Not paying for the notice period could cause low morale,



Ty Frankel



Amy Lieberman

with employees not giving the preferred two-week notice because they don't think they will be paid for that time anyway.

Employees should also remain mindful of other wage rights. Federal law mandates who must be paid overtime or minimum wage and many employees, even some who are salaried, are entitled to these protections.

Amy Lieberman

Insight Employment Mediation

Unless your employer has a policy or practice of paying employees who are terminated during their notice period, or unless you had a contract specifying compensation at end of employment, your employer is not required to pay you for the two-week period.

When an employee gives a

two-week notice of resignation, this benefits the employer, allowing the employer to prepare for a transition and search for a replacement, if needed.

However, in Arizona, an employer can terminate an employee for any reason, or no reason, as long as it is not an "illegal" reason. It is not illegal for an employer to believe that an employee who has resigned will not be doing his or her best work during the notice period and/or will not have the employer's best interests at heart, and thus to conclude an earlier separation is advisable.

Again, any entitlement to compensation during that time frame must be based on a written policy or past practice of the employer of doing so.

Employers may want to consider that other employees may decide that a two-week notice period may not be the best course of action should they wish to leave for any reason.

—Compiled by
Patricia Bathurst

Send questions to asktheexperts1@gmail.com or Ask the Experts, 200 E. Van Buren St., Phoenix, AZ 85004.