

**ASK THE EXPERT**

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## The boss wants me to get some work done while I'm on vacation



*My employer calls and e-mails me while I'm on vacation. Occasionally he's had me do actual work on documents and respond to clients immediately before I return to the office. One day, I spent nine hours working instead of spending it with my family. I've tried to ignore him but he's threatened to write me up for insubordination if I do not return his messages or do projects while on vacation. Legally, can he do this?*

If you are on vacation and refuse to respond to a message from your supervisor and are non-exempt—that is, hourly—you cannot be disciplined for insubordination for failing to do work. If a project takes up significant time, the employer must pay you for working that day.

On the other hand, if you are an exempt, salaried employee, you are paid

the same weekly salary regardless of whether you work nights, weekends or while on vacation. It may not be unreasonable for an employer to expect to you return a message or handle a quick project, especially if it will only take a short time. It may still be inappropriate to be threatened with discipline. However, exempt employees have more freedom to come and go as they please and more is expected of them when they are out of the office. It is not illegal for a supervisor of an exempt employee to send that employee a message and expect some level of responsiveness.

We all struggle with work-life balance, and technology makes it difficult to avoid the pressure to immediately respond. Setting clear boundaries before leaving is the best course of action. Be proactive. Leave an "out of office" voicemail and e-mail message that informs people that you are on vacation and will respond to requests upon your return, and direct them to someone they can contact in an emergency. This sends a clear message that you do not wish to be disturbed while you are out.

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