

Temporary Employee – Definition of “Discharge”

A recent California Court of Appeals decision can help employers with the definition of “discharge” for temporary employees who are employed for a fixed time period.

The term “discharge” is defined as an affirmative dismissal of the employee by the employer from ongoing employment and does considered to be completion of a specific task or period of employment.

This definition applies to “final paychecks” which are normally required to be distributed on the date of discharge. Where a temporary employee is not formally “terminated” but has simply completed an assigned task and is available for additional work when such work is available, the paycheck would be due on the normal pay date. Paying temporary employees on this basis and in reliance of this ruling, would not create liability for failure to pay all monies due on the final date of work.

Employers who make a practice of paying temporary employees on the date of completion of tasks or work period, should continue with the established practice if it is practical to do so.

It is possible that this ruling may be overturned – so check with legal counsel for any developments on this issue.