



DO YOU HAVE TO GIVE TWO WEEKS' NOTICE IN CALIFORNIA?

California law usually lets you quit your job without notice, but giving at least 72 hours' notice guarantees your final paycheck on your last day.

This document is a PDF version of the following article:

<https://www.worklawyers.com/two-weeks-notice-requirements-california/>

CONTENTS

The Pros and Cons of Giving Notice

Keep the Notice Short, Simple, Clear, and Neutral

Sample Two Weeks' Notice Letter

When to Quit Without Notice

Final Thoughts

References

BY KYLE D. SMITH

Kyle D. Smith is a California employment lawyer and the author of the articles on WorkLawyers.com. He represents employees in disputes with their employers, from unpaid wages and misclassification to wrongful termination.

He writes these guides to put the state's labor laws into plain English, in neutral terms, with a citation for every claim.



Generally, California employees are **not** required by law to give any advance notice to their employer before they quit their job. In some cases, however, the terms of an employment contract could require a specific time or manner of notice. So, the employee could be contractually required to give a certain notice.

Company policy may also require employees to give notice. Employees should carefully read through their employment contract or human resources manual to determine their obligations before resigning.

If neither the employment contract nor any company policy requires the employee to give notice, no notice is legally required under California law. This is because California is an at-will employment state.¹ At-will employers can fire their employees at any time, for any lawful reason. Similarly, at-will employees can leave their employer at any time, even without a two weeks' notice.

Now that you know whether you *can* quit without a two weeks' notice, the next question is: *should you?*

The Pros and Cons of Giving Notice



1.1 Benefits of Giving a Two Weeks' Notice

Your supervisor and workplace will appreciate a two weeks' notice because it gives them time to plan for your departure.

Leaving a positive impression with your previous employer could make you a much more competitive candidate for future jobs. Your former employer or supervisor might be more willing to serve as a reference, or they could speak highly of you if spontaneously asked. Also, future employers may be concerned if you have left a prior job without giving two weeks' notice.

More importantly, giving your employer advance notice of at least 72 hours entitles you to all of your outstanding wages on your last day. Labor Code, section 202, subdivision (a) requires employers, on your last day of work, to give you a paycheck that includes:

- Any unpaid wages, minus any legal deductions.²
- Any accrued and unused vacation time or paid time off, usually excluding sick pay.³

Unused paid sick leave is treated differently. Unless your employer provides sick leave through a combined paid time off policy, California law does not require the employer to cash out unused sick days when you leave.⁴

What if you quit without giving 72 hours of notice? Your employer must still pay you everything you are owed within 72 hours after you quit, and you can request that your final paycheck be mailed to you.⁵ An employer that willfully pays late can owe a waiting time penalty of up to 30 days of wages.⁶

The purpose of these rules is to compel your employer to promptly pay your wages.⁷ As such, employers may not condition the payment of these final wages on the signing of a release or severance agreement.⁸

1.2 The Risks of Giving a Two Weeks' Notice

Unfortunately, some companies abuse an employee's two weeks' notice by terminating them before the end of the notice period. California is an at-will employment state, and your employer can terminate you before the date you planned to leave the company.⁹

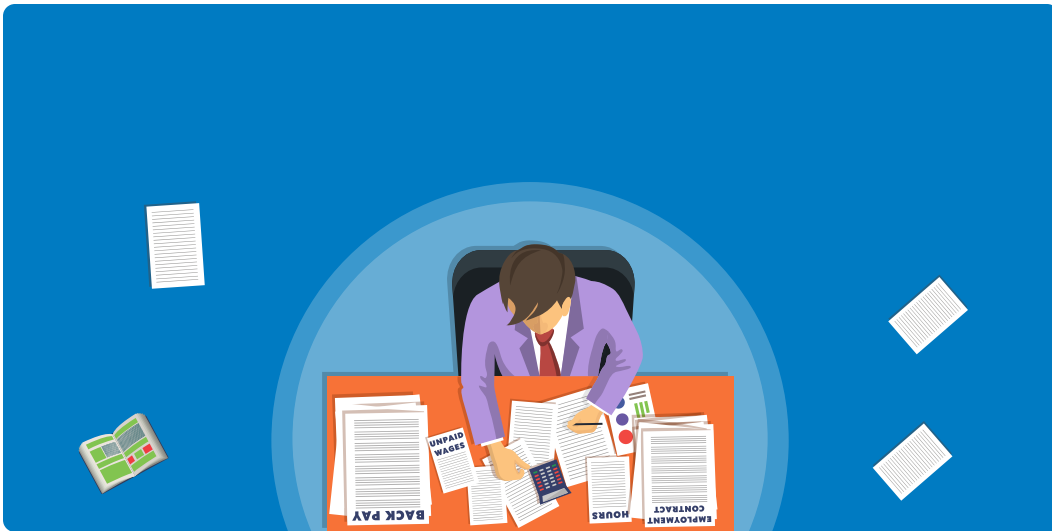
If that happens, the law treats you as a discharged employee, so your final wages become due immediately rather than at the end of the notice period.¹⁰ Depending on the circumstances, you may also be able to claim unemployment benefits for the gap between the early termination and the last day you gave in your notice.¹¹

All California workers should protect themselves when resigning by carefully examining their job role within the company. They should also look at their employer's previous actions toward other employees who have provided notice of resignation.

One way to minimize the risks of giving advance notice is to provide a shorter notice period. Even though two weeks' notice is customary, you may want to shorten your notice to reduce the possibility of being terminated early. Depending on your job role within the company, one week's notice or even less could be appropriate if your resignation would not seriously disrupt your company's operations.

Before you give a two weeks' notice, look at how your manager and company have dealt with previous co-workers who resigned. If those co-workers were forced to leave before the end of their notice period, the same could happen to you. However, if your employer has allowed other employees to work until the end of the notice period, you should consider giving the customary two weeks' notice.

Keep the Notice Short, Simple, Clear, and Neutral



Preparing a two weeks' notice letter.

The circumstances of a person's employment, and the conditions of their departure, will vary from case to case. Some people leave on very good terms, with a solid reputation, while others leave on a sour note.

If you decide to give a two weeks' notice letter, you should tailor the letter to the specific facts of your case. It may even be a good idea to discuss the two weeks' notice letter with an employment attorney before you submit it.

In general, a short, simple, and precise letter is safer than a long, detailed letter. Expressing too many opinions, unless those opinions are appreciative in nature, can often rub your employer the wrong way.

There is also not much of a benefit to disclosing personal details, feelings, opinions, or facts to your employer. Those details might be made public later, or they could be used against you in a lawsuit.

You should also keep a neutral tone. Do not express either approval or disapproval of company practices in writing; it is unlikely to benefit you. As good as a long and scathing letter can feel, it rarely produces a productive result.

A two weeks' notice letter should not include any emotionally negative statements, as they will only create unnecessary conflict between you and your (soon-to-be-former) employer.

Finally, be clear about your last day. State the day of the week, the exact date, and any other details that may assist your employer in preparing for your departure. This can help both you and your employer understand what your expectations are.

Sample Two Weeks' Notice Letter



Below is a sample two weeks' notice letter that an employee could use, depending on their situation. The words in brackets contain sample text. The entire letter should be modified to suit the particular employee's situation.

Re: Two Weeks' Notice Letter



Dear [*Employer*]:

Please allow this letter to serve as a notice of my resignation from [*company name*]. This resignation will become effective two weeks from today, on [*weekday*], [*month*] [*day*], [*year*].

Please keep me advised if I can assist in this transition.

Sincerely,

[*Joe Employee*]

When to Quit Without Notice



In some situations, you may not want to wait until after a required notice period before you stop going to work. Examples of these circumstances include:

- ⚠ When a co-worker or supervisor is threatening to attack you.
- ⚠ When a co-worker or supervisor is sexually harassing you.
- ⚠ When your work environment is unreasonably unsafe for your job duties.
- ⚠ When your mental or physical health is at risk.

If these situations are present in your workplace, you should immediately send a written report to your human resources department, supervisor, or other senior manager about what is happening. Your employer may have a legal obligation to consider your grievances and take reasonable steps to protect you.¹²

Keep in mind that working conditions can sometimes become so intolerable that a resignation is legally treated as if the employer had fired the employee. California courts call this a constructive discharge.¹³ If you believe you are being forced out, it is worth speaking with an employment attorney before you resign.

Final Thoughts



Determining whether you should give a two weeks' notice to your employer is a tough choice. You should balance the need for a future positive job reference against protecting yourself from being terminated prematurely, missing opportunities, and losing potential wages.

The following checklist should help you minimize any interruptions in your employment:

-  If you are thinking of quitting your job because something is affecting you at work, consider writing a letter or email to your human resources department. If your employer doesn't have a human resources department, locate the appropriate supervisor to raise these issues with. Many employers want to accommodate their workers to reduce their turnover.
-  Try to have a job offer in writing before you quit your current job.
-  Remember that agreements not to compete with your employer after you leave are generally void in California.¹⁴ And in contracts signed on or after January 1, 2026, most “stay-or-pay” terms, such as requirements that you repay training costs or other employment-related debts because you quit, are also void.¹⁵



If you think you might have potential legal claims against your employer, you should preserve all evidence you are legally allowed to keep.



When you leave your job, be very careful about signing any general releases or waivers that force you to give up your legal rights.

California employees thinking about quitting their job should take steps to protect themselves before leaving. Some employers attempt to pressure departing employees into signing away their legal rights by withholding their final paycheck or threatening a negative reference. This is against California law and a strong sign that something is wrong with your workplace.¹⁶

References

-
- | | |
|----|--|
| 1 | Labor Code, § 2922. |
| 2 | Labor Code, § 202, subd. (a). |
| 3 | Labor Code, §§ 202, subd. (a), 227.3; <i>Suastez v. Plaza Las Fuentes</i> (1982) 31 Cal.3d 774, 784. |
| 4 | Labor Code, § 246, subd. (g)(1). |
| 5 | Labor Code, § 202, subd. (a). |
| 6 | Labor Code, § 203, subd. (a); <i>Mamika v. Barca</i> (1998) 68 Cal.App.4th 487. |
| 7 | <i>Oppenheimer v. Sunkist Growers</i> (1957) 153 Cal.App.2d Supp. 897, 899, cited with approval by <i>Smith v. Superior Court</i> (2006) 39 Cal.4th 77, 92–93. |
| 8 | Labor Code, § 206.5, subd. (a); <i>Singh v. Southland Stone, U.S.A., Inc.</i> (2010) 186 Cal.App.4th 338. |
| 9 | Labor Code, § 2922. |
| 10 | Labor Code, § 201, subd. (a). |
| 11 | See Unemp. Ins. Code, § 1256. |
| 12 | See, e.g., Gov. Code, § 12940, subd. (k); Labor Code, § 6311. |
| 13 | <i>Turner v. Anheuser-Busch, Inc.</i> (1994) 7 Cal.4th 1238, 1244–1245. |
| 14 | Bus. & Prof. Code, §§ 16600, 16600.1, 16600.5. |
| 15 | Bus. & Prof. Code, § 16608; Labor Code, § 926. |
| 16 | Labor Code, §§ 203, 206.5, 1050. |
-