

**BAKER DONELSON**  
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## HR Guide to Holiday & Social Events

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**EXPAND YOUR EXPECTATIONS™**

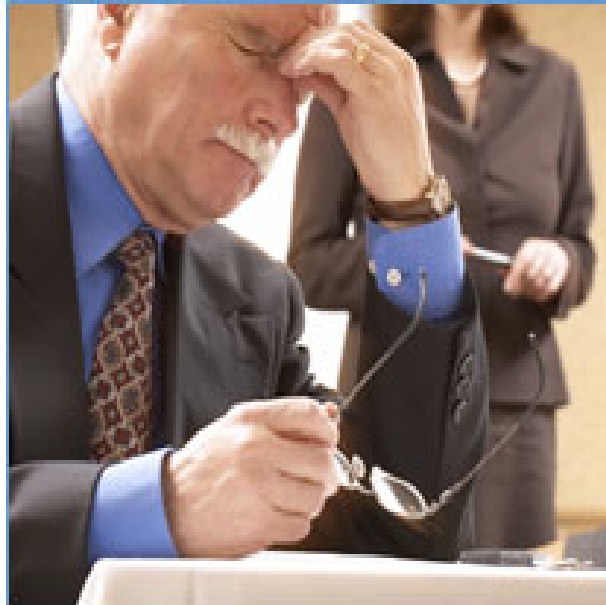
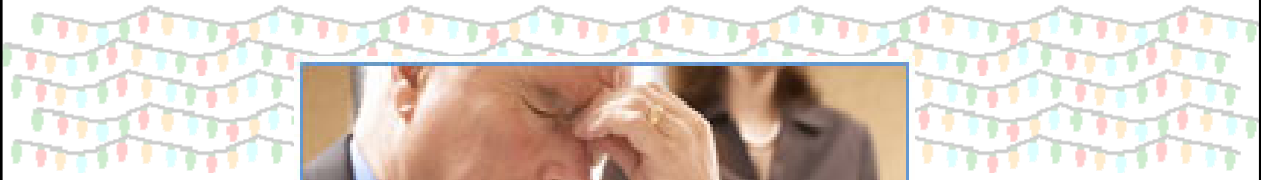
## Time Flies!!!!

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## **The Most Wonderful Time of the Year??**

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## **'Tis the Season... to Create Liability???**

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Some Issues to Consider:

- Time Off & Pay Issues
- Decorations and Costumes
- Parties & Gatherings
- Giving & Accepting Gifts
- Soliciting Contributions



## Time Off & Pay Issues

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- Who gets to take off and when?
- Pay:
  - overtime?
  - double-time?
  - other?
- Bonuses?



## Scary Thoughts!!!

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## Costumes At Work

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- Clearly communicate costume guidelines in advance.
- Don't overreact, but be sensitive to the issues.
- Rewind the clock to last Halloween.
- Offer alternative celebrations.
- Don't underestimate the subtleties.
- Be prepared to discipline if necessary.



## Decorating Dilemmas

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- Religious Symbols?
- Personal Space vs. Common Areas
- Cards & Mistletoe??
- The devil is in the details. . .



## Gifts in the Workplace

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*" 'Tis better to give...  
than to receive."*



## Soliciting Contributions

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- What is your rule?
- Perhaps consider other community service project ideas?



## Lumps of Coal?

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- Use Good Judgment. . . .
- Recent Layoffs?
- Discipline or terminations?
- Other "bad news. . . ."



## The Holiday Party

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*Don't let this. . . .*



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*Turn into this.*



## Alcohol?

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If so be prepared to address....

- Service issues...
- Driving issues...
- Behavior issues...



## The Holiday Party – Other Issues

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- When, Where & Who?
- Invitations?
- The White Elephant?
- The Menu?
- Alternative party ideas.....







## HR Guide to Holiday and Social Events

While holidays are welcome times in the workplace, they may also present challenges. This guide provides assistance for predictable holiday challenges that will help you and your employees enjoy these occasions without creating unwanted problems.



### Decorating Dilemmas

Employers often wonder what kinds of decorations are recommended for the office and at parties. When determining whether and how to decorate the workplace for holidays, it is important for employers to be thoughtful and sensitive to the complexities of events with religious connotations.

In general, in private work stations employees should be allowed to display religious symbols to the extent that employees are allowed to display other personal objects. It is up to the employer to determine the kinds of displays it will allow in public areas. An employer can accommodate employee religious beliefs only if it knows there is an issue. As a legal matter, unless you as a manager know that a display is religiously offensive, the employee has an obligation to inform management, and management can decide the appropriate response.

### Party Practicalities

Despite the recent economic downturn, many companies are still holding holiday parties. Office parties and company-sponsored social functions can be great morale boosters. These functions give employees in different departments and at different levels in an organization a chance to become better acquainted in a low pressure setting. Office parties can be a good opportunity to celebrate companywide success. There are also, unfortunately,

some significant risks associated with sponsoring social functions, particularly those where alcohol is served.

Employers that choose to sponsor social events should be aware of the problems that can arise, and take certain precautions. Most of the time, a party or picnic will go without a hitch, but any social event brings the possibility, however slim, for personal injuries, third party injuries, and unlawful harassment. Also, occurrences at a company-sponsored party may be subject to claims under both workers' compensation and general liability insurance.

To begin, consider whether the holiday party is mandatory and whether there are any rewards for attending that employees won't receive if they don't attend. Avoid mandatory religious observances (such as a pre-dinner blessing), mandatory participation in the party itself (to avoid potential wage payment claims), mandatory gift-giving and excessive use of alcohol.

Of course, employees are expected to always behave professionally at any such event and in a manner that positively reflects upon the Company. All Company rules of behavior and conduct are applicable to employees at such events. Moreover, if an employee is subjected to any inappropriate conduct by non-employees or employees at such an event, they should report the same to the Human Resources Department who should immediately investigate the complaint.



### Alcohol

Remember that at any type of company-sponsored party, your company could be held liable for employees' actions during the party as well as for any injuries incurred. As a result, consider the following suggestions related to the consumption of alcoholic beverages:

- Have the party managed and planned either by the employees or as a joint effort of management and some informal grouping of responsible employees.
- Consider meeting with your employees or circulating a memo the day of the party and outline management's expectations regarding overall conduct and behavior at the party that night.
- Have a clear policy stating that overconsumption of alcohol at company social events is not acceptable, and be sure the policy is effectively communicated to employees.
- Any one of your employees may become a corporate liability should they drink and drive. Therefore, employers are advised to use professional bartenders when serving alcohol. Managers and supervisors should not buy drinks for their employees under any circumstances.
- Implement a drink limit per individual.
- Stop serving alcohol early, well before the party's scheduled ending time.
- Offer a wide variety of nonalcoholic beverages.
- Offer protein-rich foods that slow the body's absorption of alcohol. Meat, fish, chicken and dairy products are typically protein-rich and will serve this purpose.
- Arrange for taxis or other public transportation or even book a block of rooms in the hotel should anyone become impaired by alcohol.

### Soliciting Contributions

Employees may be allowed to solicit voluntary contributions of nominal amounts from fellow employees on an occasional basis for items such as food and refreshments to be shared among employees. It is important to note that a contribution is not voluntary unless it is

made in an amount determined by the contributing employee. Also, you should be mindful that solicitations for contributions for a particular cause may violate a company's non-solicitation policy, which should be consistently enforced during the holidays and throughout the year.

### Acceptance of Gifts

#### *Gifts from outside sources.*

Generally, employees should not solicit or accept a gift from a prohibited source. A "prohibited source" for the most part, is a person or organization that has or plans to have business dealings with the Company. However, employees may accept nominal gifts of little value (up to \$20) without creating much of a problem.



#### *Gifts Between Employees*

Generally, an employee should be prohibited from donating to or soliciting contributions for a gift to an official supervisor, or from accepting a substantial gift from an employee receiving less pay than himself or herself.

There are acceptable exceptions to this general rule, especially when the two employees are not in a supervisor subordinate relationship; and when there is a personal relationship between the two employees that would justify the gift.

Another acceptable exception to this general restriction is to allow employees to give their supervisor a gift to celebrate an infrequent occasion such as the birth of a child, retirement, etc. Gifts for all other occasions should have a nominal value only (less than \$20.00).