



HAPPY HOLIDAYS!

At this time of year, employers are planning parties and looking forward to days off to celebrate year-end holidays. While this should be the happiest time of year, employers need to anticipate certain situations that could result in claims of discrimination.

While many people do celebrate Christmas, there are others who have other different religious celebrations (such as Hanukkah) at this time of year. It's important that companies attempt to reasonably accommodate requests for time off for other religious observances. Many employers have established policies that allow employees to request time off for religious holidays that are not observed by the company. Typically, the company will allow the employee to use available vacation benefits or take the day off unpaid.

Similarly, don't require employees to participate in company parties or decorating contests when they have religious beliefs that prevent them from doing so or simply don't wish to participate in these activities. Managers and supervisors should be clearly instructed to allow employees to gracefully bow out of these celebrations.

Does this mean we can't put up a Christmas tree in our lobby or have a Christmas party? No. It just means that the company needs to recognize that some people do not celebrate Christmas and shouldn't be forced to participate in activities that make them uncomfortable or are contrary to their religious beliefs.

A number of companies will provide year-end bonuses to employees. If this is a non-discretionary bonus rather than a Christmas gift, the company may have to pay overtime on the value of that bonus. The [FLSA regulations](#) on bonuses explain the difference between discretionary and non-discretionary bonuses and Christmas gifts. If you determine that overtime is owed on the bonus, the Department of Labor provides [examples](#) of how the overtime should be calculated.

Holiday parties bring with them their own set of issues, especially if alcohol is served. Remind all employees that their behavior at your holiday party is being monitored and that they are expected to comply with your non-discrimination policy and behave appropriately during the course of the event. Supervisors and managers in particular should be instructed to limit their alcohol intake and assist with monitoring employee activities during the party. Make arrangements with a taxi company or Uber prior to

your holiday party to drive your employees home if they do happen to overindulge and are unsafe to drive themselves home. This is a minor cost to the employer when you consider the cost of a negligence lawsuit against your company if an employee injures themselves or others while driving home under the influence from your holiday party.

With a little planning, our year-end holidays can be merry and bright!

Best wishes Happy Holidays and a Happy New Year!

Contributed by the Employers Association Forum, Inc. (EAF). EAF is a non-profit corporate membership-based association dedicated to serving the business and HR communities with world-class HR tools, hotlines & legal compliance, news & trends, surveys & economic data, benefits & insurance, risk management, training & consulting, and leadership & organizational development. Our members receive discounted rates on all [EAF classroom training](#) at EAF's training center in Longwood. [Click here](#) to learn more about EAF membership benefits.