

Summertime Employment Issues

By Karen S. Aframe and Matthew Tarasevich | July 1, 2011

The Fourth of July weekend heralds the official start of summertime in New England. Summertime here means beaches, barbecues, vacations and fireworks. Summer also brings different challenges to employers and HR professionals. To keep the fireworks from flying at work, we recommend that you consider taking the following proactive measures to minimize the risk of the following perennial Summertime issues:

Company Outings

Many companies have summer outings and parties as a way of celebrating the end of a long, cold winter. But while your employees let off a little steam, be sure to take a few simple steps to keep your organization out of hot water. If you permit alcohol at summer functions, review what your company's liability may be if it is the server. The manner in which alcohol is served may have important legal implications for your company if someone is injured or gets in a car accident on their way home. In addition, remember the old saying: "candy is dandy, but liquor is quicker." Quicker, that is, to help create situations where people make fools of themselves, or worse, act in ways that can be construed as harassment. Consider reminding employees of your organization's expectations for appropriate conduct, providing alternative beverages and food, arranging for designated drivers, and have someone on hand to step in before things get out of control.

Time Off

Summertime is also when almost everyone (except those crazy skiers) wants to take some time off from work. It is also a time when employers begin to see the holes in their time off policies: Does your policy address how vacations may be requested and the criteria for approval? Does it place limits on time off? Does it address the sticky issue of employees who try to stretch out vacations by improperly using sick time? Also, consider whether your policies are fair – are certain people taking more time off, leaving others to do the work and miss out on summer? Or, is summer your busy time, and therefore not conducive to having people taking time off at all? If so, consider whether a flex time or "summer hours" policy will work for your company. Such policies allow people to work adjusted hours, and can help keep employees happy as the weather gets warmer without necessitating the use of blocks of time off. Addressing these issues beforehand and setting clear parameters can help you avoid trouble down the road.

Wellness

With summer underway, more people are looking for ways to keep healthy and look good in their swimsuits. Employers are taking advantage of this renewed interest in a healthy lifestyle and the summer weather by initiating Wellness programs. These programs help facilitate employees' ability to improve work-life balance and create a healthier work force. While many employees enthusiastically embrace these programs, employers must craft these Wellness programs to ensure that they comply with applicable laws, including the Genetic Information Nondiscrimination Act, the Americans with Disabilities Act, and in some cases, the Health Insurance Portability and Protection Act. To do so, the Wellness programs must be offered to all individuals who are similarly situated so as to avoid discrimination and financial incentives must be carefully analyzed. Moreover, employers must be cautious to make sure employees who choose not participate do not suffer adverse workplace consequences. In light of these issues, now is the time to take stock of your plan and ensure that it not only benefits your organization and employees, but is also legally compliant.

What to Wear

Whether your organization requires formal dress or is business casual, summertime brings wardrobe worries. From flip-flops to tank tops and too short-shorts, human resource professionals are called upon to be judge of what is appropriate to wear at work, especially in the summer. Inappropriate summertime dress can lead to situations of discomfort between colleagues and can send the wrong impression to clients or customers. Revealing outfits also sometimes reveal too much, such as undergarments and tattoos. Providing employees with clear and sensible guidelines of acceptable summertime dress and establishing the expectation that they appear neat and professional while at work helps limit the likelihood that these situations will occur. For instance, if employees want to dress light to take advantage of lunchtime runs or sitting in the sun, encourage them to bring a change of clothes and appropriate grooming supplies for their return to work. This is the prime time to brush off your appearance policy and make sure it is ready for summer!

If you have questions about "summertime issues" please call Karen Aframe (603 623-8700) in our Manchester, NH office or Matt Tarasevich (207 228-7158) in our Portland, Maine office.