

'TIS THE SEASON TO BE MERRY — AND WORRY

As the holiday season approaches and the weather turns cold, employers face a number of issues particularly relevant to this time of year.

1. **Inclement Weather:** Disputes often arise over weather and the impact on employees' attendance. A clear and consistent policy and communication plan for how to deal with inclement weather and a practice that matches that policy are highly recommended. Many employers have telecommuting policies as well but safeguards need to be in place to ensure compliance with the Fair Labor Standards Act for non-exempt employees working remotely.
2. **Holiday Parties:** It is possible that plaintiffs' lawyers look forward to employer-sponsored holiday parties as much as employees attending these events, but not for the same reasons. Employers would be wise to implement policies and procedures that will prevent harassment and injury-related claims from arising out of those parties. They should remind everyone that while the party is intended to be fun, it is still a work event. The threat of misbehavior can be reduced by:
 1. Reminding employees prior to the event that the company's code of conduct remains in effect during the party.
 2. Establishing procedures in advance to handle any inappropriate behavior that might occur.
 3. Limiting the amount of drinking and providing cabs or other safe transportation to employees who may be intoxicated.
3. **New Minimum Wage:** Many states, including Missouri, have minimum wage laws that change annually. The new Missouri Minimum wage effective January 1, 2015 is \$7.65 per hour. Compensation for tipped employees must also total at least \$7.65 per hour. Employers are required to pay tipped employees at least 50 percent of the minimum wage (\$3.825 per hour), or the amount necessary to bring the employee's total compensation to a minimum of \$7.65 per hour.

PEOPLE

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Employment and Labor