



Holidays at Work

November 18, 2020 / 45:21:00

Emmet Ore:

Well, hello and welcome, everybody. Thanks for being here. Hope you're doing well. My name is Emmet Ore. I'm the marketing coordinator for Avitus Group. We're a Division Partner of Vensure, and I'll be your host for the next hour. Today, we're going to be talking a little bit about navigating the holiday season in the workplace. As usual, there will be a Q&A session at the end. We're going to do our best to answer all the questions, but if we don't get to them, we'll respond afterwards on an individual basis. As always, this webinar is brought to you by Vensure Employer Services. Vensure is a leader of 20 plus PEO partners with clients in all 50 states. Today's agenda: one will be parties, we'll be talking about holiday pay, time off, policies, and lastly, we'll have a Q&A. If you do hear a topic you need more clarity on, feel free to submit a follow up in the Q&A box. I'm thrilled to introduce Robin Paggi today as our panelist. She's a seasoned human resource practitioner specializing in training on topics such as harassment prevention, communication, team building, and supervisory skills. And with that, I'll hand it over to Robin.

Robin Paggi:

Thank you, Emmet. Our webinar on December 2nd, which is two weeks from now, is called The No Regrets Guide to Partying with Your Coworkers. And it will focus specifically on partying do's and don'ts for employers and employees, primarily away from the workplace, although probably not going to be a lot of those happening this holiday season. Today's webinar is about holidays in the workplace throughout the entire year.

Now, my birthday is in a couple of weeks and I consider it to be a holiday, so let's start with birthday parties. Lots of people, like me, like to celebrate birthdays at work and other personal milestones, such as getting married or having a baby. And if you're an employer, there are several business reasons that you should get the party started for those types of events. First, celebrating special events tells employees that you care about them as people. If you're only

800.409.8958 / info@vensure.com / vensure.com



V-HOLIDAYS AT WORK ©2022 Vensure



celebrating the year, their accomplishments in the workplace, such as the big sale they made, that implies that you only value them for those big sales that they're making. Employers who show they personally care about their employees' birthdays, weddings, births, celebrate anniversaries at work, those employers are usually rewarded with employees who care about them because they think that their employer cares about them. And such caring, usually as demonstrated by the employees by longevity and increased productivity, and even increased morale. And so that's one reason to have a party. Next, gathering employees together for a celebration helps to create a sense of camaraderie. People are mingling. They're chatting, when we do get to do that within six feet of each other, and that mingling and chatting helps them to get to know each other and to connect. And employees who feel connected with each other have fewer workplace conflicts. And finally, allowing employees to take a break from the routine. So let's just all go to the break room and cut the cake and have a piece of cake for a minute. Allowing that helps employees to go back to the workplace refreshed and alert, which creates or improves their energy and engagement. So those are all good reasons, but things to be careful about. First of all, themes of parties. If you're having things like birthday parties, you want to, first of all, ensure that employees even want to participate. So, again, one of the things that we have a tendency to do is treat people like we want to be treated because we're groomed to do that. Right? But the thing is, is that, yes, I love the big workplace party, I want my office decorated, I want the cake, I want the attention on me. Not everybody likes that. And so, first of all, make sure before you launch into celebrating people's personal milestones that they want to celebrate them with their coworkers. Chances are they don't. Then if you're celebrating things like birthdays. Be careful about the decorations, the party favors that type of thing, because one of the things that has a tendency to happen when people turn 40 even, that the birthday party theme is about old age and they're an old fuddy-duddy and all of those types of things. And that can not only be hurtful, but it could lead to a discrimination claim. You're probably aware of the fact that age is a protected characteristic, which means that employers may not make employment decisions about people because of their age when they're 40 and older. And that's true in most states as well with their protected classes. And so when you have all of this stuff about how old this person is now, it might not only hurt their feelings but also if they get fired shortly thereafter, that could turn into a discrimination claim. So always be careful about the themes of your parties. The other thing to make sure with parties is that you keep it clean, remind employees that cards, presents, and any entertainment that you have should be appropriate for the workplace because it's still work. Now, many years ago at a different organization, and I want to stress different organization, some of my male colleagues hired a stripper to come to the workplace for a birthday party. So hopefully everybody knows not to do that anymore. Employers aren't required to celebrate any of these things at work. However, employers who share special occasions with their employees, special events tend to be rewarded for their efforts. And that's usually worth the cost of a card and a cake and a few party decorations. Now on for a real holiday. Christmas is coming. So let's talk about Christmas parties at work. A client once asked me if it was illegal for employers to have a Christmas party and call it a Christmas party. One of the client's employees had told her that having a Christmas party as opposed to a holiday party discriminates against people who are not Christian and is therefore against the law. The employee was not correct, but that's one of the reasons employers need to know more about the law than their employees do. The Equal Employment Opportunity Commission is the federal agency that oversees harassment and discrimination in the workplace. And that's where people can go when they want to file complaints. And the EEOC sometimes then sues employers on employees' behalf. So when we want to know what's allowable, that's a good place to look. What does the EEOC say about having Christmas parties? Well, they allow employers to have a Christmas party, send Christmas cards, play Christmas carols, even have a nativity scene in the lobby, or do whatever else they want to do to celebrate Christmas at work. So that's not the problem, making their employees participate in the festivities is what gets them in trouble, such as requiring them to attend the party, to sign the Christmas cards, and to sing the Christmas carols. So the reason HR professionals and employment attorneys suggest that employers have a holiday party and send holiday cards and forgo the nativity scene is so their employees don't feel excluded and thus feel discriminated against. So it's not actually discrimination, but it could cause people to feel discriminated against, which could lead to some problems. And I'll address that a little bit later on. Now, let's go on to our second bullet point here. Attendance requirements. As

previously mentioned, employers get in trouble when they require employees to engage in holiday festivities such as attending holiday parties, even when those parties are at work during work hours. So employers should emphasize if they're going to have such parties, that attendance is voluntary and always allow employees the opportunity to opt-out. Employees should never feel pressured to participate or feel uncomfortable if they don't participate. The right to discipline employees, yeah, that's one of the problems with our parties, is that it sometimes leads to disciplinary action. So parties, whether at the workplace or away from it, are still work. And sometimes you have to explain that to employees. All the policies that are in the workplace apply at work parties, whether they're at the workplace or not. So employers have the right to discipline employees when they behave inappropriately. And alcohol almost always encourages people to behave badly, which is one reason lots of employers don't allow alcohol at work anymore. But even if an employer provides the alcohol, they can still discipline employees for drinking too much and misbehaving. And that's not the only thing that they can discipline them for. Sexual harassment, saying, making inappropriate jokes, just anything that violates the company's regular conduct policy can lead to disciplinary action. And then finally, for this slight employer liability. Employers are usually liable for any bad things that happen as a result of parties at the workplace and even away from it. There's workers' comp claims if anybody gets hurt, there's sexual harassment claims if any unwanted sexual advances take place-- which sometimes happens when people drink too much alcohol-- and employers are even liable for pay issues if employees think they're required to attend the party, if they have to work at the party, including setting up or cleaning up if they are hourly employees. So those are all things to be considered when you're thinking about having a party at work.

Now, speaking of pay, if you have to pay people for working the party, let's go on to some pay issues As far as holidays at work. The Fair Labor Standards Act establishes rules for what employers are required to pay employees such as minimum wage and overtime. So probably everybody knows that's been around for a long time. But there are some myths associated with holiday pay that I'd like to talk about. So, and they involve the other bullet points on here. It is a myth that employers must pay non-exempt or hourly employees time and a half for working on holidays. That's not true unless it's part of a collective bargaining agreement or it is a company policy that the employer has established. Employers are not required to pay employees anything in addition to their regular rate of pay for working on a holiday. It is a myth that employers must pay non-exempt employees when the business is closed on a holiday. So again, not true. Employers may close for business and not pay the hourly employees because they did not work. However, exempt employees must be paid the regular salary for working any time during the week. Additionally, employers who offer vacation time or PTO may require employees both exempt and non-exempt to use that time while the business is closed. So the employer is closing the business on Christmas Day, the employer can say if you want to be paid, you have to use your vacation time or PTO. And finally, it's a myth that employers must include paid holidays when calculating overtime. No, again, employers only have to pay overtime for hours worked, and paid time off is not considered in the calculation. Now, let's talk about bonuses here. Employers sometimes give Christmas or end-of-year bonuses and hopefully, you know that if those bonuses are nondiscretionary, they affect the overtime rate for non-exempt or hourly employees. Now, bonuses that are promised or expected because of the quality, quantity, efficiency of production, or hours worked are called nondiscretionary bonuses. So it is a promise that the employer makes to the employee. If you do this, you will get this money. When they are added at the end of the year, they tend to affect any overtime worked for the entire year. And again, this is just for hourly employees because hourly employees get overtime. And so when you give that bonus at the end of the year, it affects the regular rate of pay, which affects how much overtime people get. So if you were giving hourly employees nondiscretionary bonuses at the end of the year, you're probably going to owe them more for the overtime you've already paid them throughout the year. So be sure to check to make sure you are paying them properly. Check with your payroll, check with your employment attorney. If you're a client of ours, check with us. Make sure that you are including those nondiscretionary bonuses into the overtime calculation. Now, discretionary bonuses are different. They're given at the discretion of the employer. The employer wants to give the bonus. Now, the employer might want to give the bonus because you worked really hard throughout the year, but it's not specifically tied to that and it's not promised because of that. And so

discretionary bonuses are the way to go as much as possible. They don't affect overtime rate even for hourly employees, as long as they're not promised. All right. And finally, let's talk about volunteering here. My husband is a business owner and every year, except for this year, he and his employees go to the homeless shelter in our town on the Friday before Thanksgiving and help prep food for their Thanksgiving dinner for the homeless center's clients' Thanksgiving dinner. The employees love doing all of this, prepping in the kitchen together. It's a great team-building experience. And more and more employers are engaging in philanthropic activities like this because they're good for their community and they make the employer look good at the same time. Just remember that if employees are expected to participate in volunteer activities like this, they need to be paid for it if they are hourly employees. Also, hourly employees who volunteer to decorate the office after hours or that type of thing need to be paid for their time even when they are trying to volunteer their services. So in general, hourly employees have to be paid any time they're doing anything for the employer, whether they want to volunteer for it or whether it's just something that they like doing.

Federal law does not require private-sector employers to provide any kind of holiday leave, not even for federal holidays, there are only two states that I know of, and those are Massachusetts and Rhode Island. And they require private-sector employers to provide employees with some form of holiday leave. Other than that, most states don't require it. If a private-sector employer has a policy or practice of allowing employees to take either paid or unpaid leave on holidays, then state law might require them to follow that practice unless they give employees advance notice that they are going to suspend that policy. Now, statutory rights to time off while there is no federal law that requires an employer to give employees time off for religious holidays, there is Title VII of the Civil Rights Act and that that was signed in 1964, said that there are five protected classes. Religion is one of them. So what does that have to do with this? Well, what Title Seven says is that employers have an affirmative duty to provide a reasonable accommodation to employees because of their religious beliefs and practices, including time off work for religious observances. So the employer has to give time off to employees because of their religious beliefs and practices, unless it provides an undue hardship on the employer, such as having to cease business. So let me give you a couple of examples so you can see how this works. Let's say an employer is open on Christmas Day and is requiring all 10 of his employees to work that day. Eight of his employees have informed him they can't work because of their religious beliefs and practices. The employer can't operate his business if he gives the eight employees the day off. Is the employer required to give the eight employees the day off in order to accommodate their religious beliefs? I'll give you a second to answer that. OK, the answer is no, because closing his business would be considered an undue hardship. So employers have the affirmative duty to provide an accommodation, including time off for religious beliefs and practices, unless it provides an undue hardship. So let's do the same scenario again. Except this time, only one employee says he cannot work on Christmas Day because of his religious beliefs and practices. The employer could continue to operate his business if he gave that one employee the day off. Is the employer required to give that employee the day off? Hopefully, you answered yes, because doing so would not provide a hardship for him. So that's the thing to always consider when employees ask for time off work because of a religious practice, you need to consider if it would provide an undue hardship and like ceasing business operations and if it would, then employers are not required to provide that time off. But if it wouldn't, then they are. OK, one more scenario. This time we're going to go back in time to Halloween. You have an employee who tells you that she opposes anything to do with Halloween because of her religious beliefs and wants that day off because the company is encouraging employees to dress up and celebrate. Do you have to give her the day off? Yes, if it does not provide an undue hardship for the employer, I bet you already knew that one. All right. So that's what we were talking about as far as accommodating religious beliefs and practices, that people have the statutory right to time off work when it is because of accommodating their religious beliefs. Now, let's move on to the next slide and talk about some policies in the workplace specifically as it pertains to holidays.

First, we're looking at dress codes, all right, so since we just talked about Halloween, let's go there again. If you allow people to dress up, you need to ensure that costumes stay within dress code standards. Allowing employees to dress in sexy outfits, gory costumes, or clothing that makes political or social statements is risky as that attire might offend other people. Even if the costume is not offensive, it could lead to behavior that is, for example, wearing a revealing costume might prompt others to make inappropriate jokes or comments that could lead to a sexual harassment claim. And he or she asked for it by wearing the costume is not a good legal defense. I want to talk about dress codes in general because this is something that has come up. One of the things we're obviously getting more casual because lots of us are working from home. But the other thing is that there's a real generational divide between people because of dress codes. In general, older employees-- and by the way, you're an older employee if you're 40 or older, according to the federal government-- older employees usually tend to be a little bit more conservative in their dress and have expectations that everyone else will be as well. And younger employees have a different view of what's appropriate attire in general and also sometimes feel that they are not being allowed to express themselves if they are not allowed to wear whatever they want. I have a very good friend who's in HR in another organization, and she told me that she reminded a couple of younger employees that they do have a dress code and that they need to dress according to the dress code. And she said the employees accused her of body shaming them. And so what to do about that? Well, let me give you the legal information about dress codes. So in case you don't know it, this is how you can respond. Because employers' employees often have different opinions on what appropriate attire is, employers are allowed to have dress codes if the dress codes are reasonable. Now, federal law says it's reasonable for employers to request that employees dress professionally, for example, no mini skirts or low-cut blouses. And I'm not just picking on women here. Employees need to present a neat appearance, no ripped or wrinkled clothing, and have good hygiene, which means washed hair and no body odor. It's also reasonable for employers to require most employees to have natural-looking hair color and hairstyles. Now, I want to talk about that a little bit more. I'm not saying that employers can require employees to have their natural hair color. My employer can't tell me I can't color my hair as long as it's a natural hair color, not necessarily my natural hair color, and then also to have reasonable hairstyles. Now we have something in California called the Crown Act, and that was the result of a wrestler having his dreadlocks cut off. The referee in this wrestling match told the wrestler he could not wrestle unless he cut off his dreadlocks. Not sure why. It was, of course, videotaped, went viral. And in response to that, a California legislator introduced the Crown Act here, which says that employers may not discriminate against applicants and employees for having a hairstyle that is natural to their race or national origin or ancestry, that type of thing. So employers may still have expectations about people's appearance. They just can't violate that law. It's reasonable for employers to require employees to cover tattoos, although not a lot of them are doing it anymore, and to remove jewelry from places such as noses, lips, and eyebrows. So employers still get to do that. Additionally, employers may generally have a different standard for women and men. For example, women are allowed to have long hair while men aren't, and women may wear earrings while men can't. But of course, they have to proceed very cautiously here because they're going to run into trouble if the standard is not based on social norms, it differs greatly between the sexes, or it imposes a greater burden on one sex more than the other. Now, dress codes and grooming standards are generally not reasonable, according to the federal government, when they prevent employees from complying with their religious beliefs or practices such as wearing skull caps or beards during certain times of the year. They're not reasonable when they prevent employees from dressing in their traditional national attire, such as African or East Indian. They're not reasonable when they prevent employees from dressing consistently with their gender identity or dressing comfortably because of having a disability. So those are some things that employers need to be aware of. So if you want to implement a dress code, obviously you need to look to the EEOC and follow their advice. And this is what you'll probably learn because that's where I got this information. Have a good business reason for your policy, such as maintaining the company image, safety, etc., and explain the reason for your dress code policy in the policy. Provide clear expectations by specifically identifying what's not considered to be professional attire to you. And again, employers get to decide what professional attire is in their workplace. And if you think it's unprofessional to wear tee shirts, jeans, flip flops, those types of things, then specify that in your dress code. Explain

what will happen if employees do not comply with the policy, which is usually that employees are sent home to change. And if they're an hourly employee, employers usually can not pay them while they're home changing. And it's a good idea to have employees sign an acknowledgment form that they understand and will comply with the policy. And of course, you put that in their personnel file in case they claim that they never got the memo. It's very important to apply the policy consistently, except for those cases where accommodations are needed. And by the way, since most of us are, a lot of us are working from home, employers are also allowed to tell you what you can wear while you're on your Zoom calls. So that's one of the things to look out for as well. All right. Now let's talk about decorating offices and workspaces. Again, we're going to go backward to Halloween. Be careful about your Halloween decorations. I read about an HR manager who, after having decorated a conference room with cobwebs and spiders and glowing candles, was shocked when two employees refused to enter the room because they considered celebrating Halloween to be devil worship. So a lot of times we have witches and skeletons and skulls and all sorts of things up for decorations, and that does offend some people. So something that we have to keep in mind. Now, this particular HR manager said, OK, no more Halloween celebrations after that, but you don't have to do that. Asking employees how they feel about decorations or just sticking to a really neutral harvest theme can help ensure that no one is offended. And one of the things that people have said to me as well, so people are offended, that means we don't get to celebrate Halloween or whatever at work? Well, the thing to remember is that there is nothing that says that employers have to allow people to celebrate holidays at work at all. And so that's one of the things to consider is that it's a privilege. It's a perk if your employer allows you to do that. And we don't want anybody to be offended in the workplace because we don't want anybody to offend us. And so if it's offensive, just don't do it. It's just that simple. All right. Now, what about Christmas decorations? Second Circuit Court of Appeals stated no holiday season is complete, at least for the courts, without one or more First Amendment challenges to public holiday displays. I would say that's true. The holiday season is not complete for professionals without somebody complaining about something that happened at the holiday party. We'll get to that a little bit later on. Now, so, before you start decorating, employers should consider the location of holiday decorations. Employers who plan to decorate common work areas should strive to avoid the appearance of endorsing one religion or the other. So remember how I said the EEOC said you can have a nativity scene in your lobby if you want to? Well, that doesn't mean that you necessarily should. And the reason for that is that it looks like you're favoring the Christian religion over other religions. Well, what if it's your religion? Well, fair enough. But the thing is, is that if you display Christmas decorations like that and then you fire an employee who happens to be Jewish or Muslim or atheist, that employee might claim that the reason that you did it was because they are not Christian and you obviously value the Christian religion. And so that is just setting yourself up for a discrimination claim. So it's not against the law. It just makes discrimination claims easier. And the thing is, is that when an employee files a discrimination claim, the employer often has to demonstrate that's not why they fired the employee. So it's just easier to decorate the workplace with non-religious winter-themed decorations such as snowflakes, snowmen, candy canes, holly, gingerbread houses, that kind of thing. Now, what about Christmas trees? Well, non-religious decorations are permissible and the U.S. Supreme Court said that a Christmas tree is not considered to be a religious symbol because, yes, there was a court case and it went all the way to the U.S. Supreme Court. So U.S. Supreme Court said Christmas tree is a secular, non-religious symbol and the EEOC agreed with them. Thus, employers may include Christmas trees among their decorations, even if an employee objects to that. Nevertheless, the purpose for promoting positive employee relations, employers should be sensitive to diversity in their workplace. You want to have diversity in your workplace because more people who are different bring more different ideas to the workplace, which employers usually benefit from. So even though you might have a Christmas tree, make sure that your ornaments don't include crosses, angels, nativity references, or things like that. So once again, this is not mandated, not preventing you from doing those things, it's just remembering to try to build an inclusive workforce because that's a better workforce. This whole webinar series started with a lot of information about how to include or how to create an inclusive workplace and how you celebrate holidays is one of the first steps in doing so. Well, what about employees who wish to decorate their own personal workspaces with Christmas, Kwanzaa or Hanukkah-themed decorations? Well, prohibiting employees from displaying their religious-themed

decorations in their own workplaces could cause you a problem as an employer. The law requires employers to accommodate religious beliefs, and employers should not try to suppress religious expression in employees' personal workspace unless it creates an undue hardship-- so there is that term again-- or if it's visible in a public way, that implies the organization's endorsement of that religion. So I want to give you one more little example of religious expression before we go on. Employees are allowed to express their religious beliefs as long, again, as it does not impose an undue hardship on the employer. So there was a case where an employee signed her emails in her automatic signature line it said, "God bless you," and the employer did not like that and wanted the employee to get rid of it. And what the EEOC said about that was that is it interfering with business getting done? The employer said no. Do you think your clients think that it is the company saying God bless you, or do you think your clients are saying it's just the employee saying that? OK, then you need to allow it. So that's one of the things to consider when you are trying to make these kinds of decisions about what signature lines people can have in that type of thing. Look to what the EEOC says about a lot of these things, and that's the best guidance you can get. And now let's talk about appropriate behavior. Some of you are probably familiar with comedian Jeff Foxworthy. He did a lot of redneck jokes and one of his jokes was, "you moon the wrong people at the company party and suddenly you're not considered to be professional anymore." OK, hopefully, most people know you're not supposed to moon people at the company party. But just like differences in dress attire, people have different ideas of what professionalism looks like. And so employers need to spell it out even when you're celebrating holidays in the workplace. So December and January, as I said, is usually a good time for employment attorneys. I used to work for a law firm and we had a client who called us one Monday morning right after the company's holiday party. And this client was a 60 something female CEO. And at the company party, a 20 something male employee decided to try to give her a lap dance. She was mortified. I don't know if he'd been drinking alcohol, I assume so. But her question was, may I fire him? And the answer is yes. Yes, you can. So make sure that you spell out what appropriate behavior is, and that includes what employees may wear, and make sure that you are encouraging people to behave appropriately through your behavior and that you're stopping inappropriate behavior when it happens. And again, in a couple of weeks, we'll be talking about the no regrets guide to partying with your coworkers. And I love this quote by the late great Phyllis Diller, who was one of the first female comedians, she said, "What I don't like about office holiday parties is looking for a job the next day." So that's something to keep in mind. And if you're now tempted to forego any type of holiday festivities because it's too much trouble, keep in mind that holiday celebrations and other types of celebrations actually benefit the workplace. The rapport built among coworkers helps to bring down barriers between them, helps them connect, helps to alleviate conflict during the rest of the year. And so people remember those types of experiences after the holidays are over. And usually, if handled correctly, there are good memories of good experiences. So that's all the information that I have for you. What questions do you have for me?

Emmet Ore:

Thanks again, Robyn. First question is, may employers require non-exempt employees to work the day before and after a company holiday in order to be paid for the holiday?

Robin Paggi:

That used to be something that I would see in employee handbooks frequently. So, for example, an employer says we will pay you for not working on July 4th, but you got to work the day before and the day after in order for us to pay you. And so that was perfectly legal. Now, in California, that stopped being legal a little while ago. And so that's one of the things you need to check with your state, because states differ so see what the situation is. Now, the reason that became illegal in California was because state law was incorporated that requires employers to give employees three paid sick days. Now, what does this have to do with holidays? Well, part of this law is that employers may not punish employees for taking a sick day. So what would employees do the day after July 4th? They'd call in sick. And so employers who had that policy then would refuse to pay employees for July 4th, which is a violation of the paid sick leave law. You can't punish employees

for calling in sick. So that's one of the things if your company has that policy in place, it might be legal in the state that you reside and it might not. So that's something that you need to check on.

Emmet Ore:

Thank you. Do you have any suggestions about having work parties during the pandemic?

Robin Paggi:

Yeah, well, that's one thing that a lot of people are still trying to do something in order to celebrate the holidays and have some festivities. And so one of the things that's happening a lot is having virtual celebrations. And for people who are on Zoom calls all day long, that might not sound appealing. But one of the things that is happening is people are getting so creative about different ways to make money during this pandemic. And so there are companies that host virtual parties and have all sorts of different things that they have available. So I really applaud the creativity that's happening because of lockdown. So one of the things you might do, if you haven't done so already and still want to do something, is just Google virtual holiday parties. And there are some companies that really have a lot of amazing things that they can do and you just pay them to do it and then they take it from there. The other thing is that it's still OK to be outdoors six feet away from people. And for some of us who live in some states that are still fairly warm, that might be an option. So there are some things. But again, for a lot of us this holiday season, we're just sticking close to home and opting out so that we can make it to next year and celebrate then. And so, again, employers are not required to do anything for the holidays. And what you might want to do, instead of spending money on a virtual party or doing something outdoors, you might just want to take that money and give it to your employees as a discretionary holiday bonus. They'd probably really appreciate it.

Emmet Ore:

OK, what if the employee did not have any accrued PSL and called out sick the day before and after the holiday with the policy? Those days must be worked in order to get holiday pay.

Robin Paggi:

Well, again, you can only have that policy if it is legal, and so if it is legal to have that policy and they call in sick and they do not have any vacation time or PTO, if they are an hourly employee, you don't have to pay them. But remember, hourly and non-exempt are the same thing. And so the rules differ for pay for exempt salaried employees and non-exempt hourly employees. So if an employee does not have vacation time or PTO and takes that time off because they called out before or after a holiday and that's legal, then you can deduct that time from their pay. But you cannot do so for exempt employees if they work any time during that week. So, again, you want to make sure that you're paying people correctly and the rules change. And so you just make really sure that you know what the laws are according to your state, so that you are paying people correctly.

Emmet Ore:

We had a question come in, I think it was the first slide and maybe you can put this into context a little bit, but the question was, so because of feelings, the rest of the group has to suffer.

Robin Paggi:

Yeah, and I think I addressed that as well. So once again employers don't have to celebrate any kind of holidays and they don't have to allow people to celebrate any kind of holidays. And so, yes, if somebody is offended by the decorations, does the rest of the group have to suffer because of that person? For the most part, yeah. But here's the thing. Consider if you were that person. So that's one of the things that happens. And that's what we're talking about in an inclusive

workforce as well, is that if you have ever been the one person who is offended by something and nobody else is offended and they just tell you to get over it, then that usually doesn't work very well. So say, for example, you're the one person of a political party and everybody else is the other political party, and they're saying all sorts of things about your political party, and that bothers you and is offensive to you. Does that feel good to be the one person when everybody else is talking badly about your political party? No, it doesn't feel good. And when employees don't feel good, they don't perform well. And we need to remember in the workplace, we're supposed to focus on work. And the festivities are just a little bonus, and so we want to make sure that our festivities are such that everyone feels included because it is not fun to be excluded. And so I know that that sometimes seems unfair. The majority of people are OK with it and the one person's not. So we have to adhere to what the one person is OK with. Just remember what it's like to be that one person and then take it from there.

Emmet Ore:

OK, well, I think that's all the questions we have for now. If you guys have any other questions, feel free to email us at webinarHRhelp@vensure.com and we'll get a response to you. But with that, I think we'll close it up. Thank you all for being here. Thank you all for your time. Thanks, Robin, for the presentation today.

Robin Paggi:

You got it.