



Summer Hires

Insights

6.01.14

This summer it's expected that temporary workers will fill roughly 10,000 summer jobs, many of which will be in the hospitality industry. Before filling any of your seasonal positions, it's worth reviewing a few cautionary items:

Verify That Seasonal Employees Are Legally Permitted To Work In The U.S.

You must treat seasonal employees in the same way you do regular employees by verifying that they are legally allowed to work in the United States. This is true even if you personally know – or are related to – the employee. Complete the Form I-9 and E-Verify even for seasonal employees.

Minors May Be Restricted In Work

Under federal and state laws, different rules apply to the employment of minors than to the employment of adults. For example, minor employees are restricted from working in certain hazardous occupations and in the hours they can work. Be sure to review applicable laws for compliance when employing minors for seasonal employment.

Carefully Assess “Independent Contractor” Status

Businesses often misclassify employees as independent contractors and in the process open themselves up to significant potential liability. The same applies to seasonal workers.

Must You Pay Overtime?

Generally, the federal Fair Labor Standards Act (FLSA) and similar state laws require that employers pay nonexempt employees one and one-half their regular rate of pay for any hours worked in excess of 40 in a workweek. There are few exceptions. Review their seasonal status under federal and state laws to determine whether they are exempt from receiving premium overtime pay.

Take Care When Hiring “Unpaid Interns”

Under the FLSA, there are only narrow circumstances under which a business can hire an “unpaid intern” or “volunteer.” If the “intern” or “volunteer” performs routine work of the business and the business is dependent on that work, the worker is probably an employee and must be paid minimum wage and overtime.

For more information, contact the author at TEwan@fisherphillips.com or 610.230.2150.

Related People



Todd Alan Ewan

Partner

610.230.2140

Email