

LABOR LAWS DON'T TAKE A HOLIDAY FOR SEASONAL EMPLOYEES

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Ed Harold, a partner in the New Orleans office and chair of the firm's Retail Industry Practice Group, was interviewed for the September 23 *New Orleans CityBusiness* article "Labor Laws Don't Take A Holiday For Seasonal Employees." In the article Ed advised hiring managers in the retail and tourism industries that as the holiday season gets closer, they should keep in mind that labor laws apply to full-time and seasonal help. Ed said: "The misconception that a lot of employers are under is that because someone is seasonal, the same laws don't apply to them. They will say that because those employees were hired part-time they are independent contractors." A true independent contractor, he explained, is someone who has their own business or does a task for a company that has nothing to do with the company's business. "For example, you need to hire a bunch of waiters for the parties over the holidays because your regular staff is inadequate, you can't simply call them independent contractors. If you call someone an independent contractor, who the law considers an employee and so you don't pay them overtime, you are liable to be sued for those amounts." Unless someone is hired as an independent contractor, non-discrimination laws, tax withholding laws and overtime still apply.

Related People



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