

Avoid the Pitfalls of Holiday Office Parties

Throwing an office holiday party can be a welcome time to boost employee morale, but be mindful of the legal pitfalls that can lurk in the holiday cheer. From the punch bowl to the dance floor, liabilities exist for you as a federal supervisor, even if the event is held outside the workplace and the workday.

Take precautions to prevent harassment at your party. Work with your agency's human resources department to ensure that all employees are well versed in your agency's anti-harassment policies before the party occurs.

The key for you as a supervisor is to know that your agency can be liable and you can be disciplined if an employee of yours proves that he or she was the victim of unwanted conduct of a harassing nature, based upon his or her race, sex, national origin, age, religion, veterans or union status, sexual orientation or prior complaint activity.

If you witness a subordinate being harassed during the festivities, you have an obligation to stop that harassment. Ignoring it, or failing to inform a higher authority about the incident, could subject you to discipline and make your agency liable.

Even if the party is off work premises and after duty hours, your agency has jurisdiction to investigate any claims and take appropriate disciplinary action against those involved. Holiday parties may also put the spotlight on consensual romantic relationships within the workplace. There is no government wide policy limiting the rights of workers to date each other. It is up to each agency to formulate its own policy, if any, on intraoffice relationships.

However, as a supervisor, if you bring a subordinate as your date, you have several reasons to be concerned about your job. Be aware of how third parties may perceive an intraoffice relationship, especially in the context of a social event. The Equal Employment Opportunity Commission has said that sexual favoritism can create a discriminatory environment if subordinates could claim you are giving preferential treatment to your mate. Also, if your relationship goes sour, there is the risk that your mate could claim the relationship was not consensual, which could lead to discipline against you for harassment.

In order to have alcohol at your party, special authority must be given by the head of your agency. The request must be reviewed and approved by your agency's designated ethics official. Even if your party is off site, as a supervisor, you may have to enforce your agency's alcohol and substance abuse policy. If an employee is obviously intoxicated and planning to drive, you should call a cab or ensure in another way that the employee does not drive. If possible, stop serving alcohol at least an hour before the party ends. Also, provide water, soda and other alternatives to alcohol.

Other concerns that could pose legal issues.

Any kind of contribution from employees for the holiday party must be voluntary. Any employee who chooses not to contribute monetarily should not be excluded from a celebration that happens in the office during business hours.

Door prizes or drawings could be considered prohibited gambling. Clear any such ideas with

your agency's ethics officials.

Generally, employees should not use an agency vehicle to attend a party held outside of work. Participation at social events is generally considered personal, and use of a government vehicle to or from the event would be unauthorized.

"Secret Santa" and other gift exchanges need to be in compliance with employee ethics and conduct standards. Pay attention to where the presents are coming from and to whom they are going. Employees are generally prohibited from giving presents to their supervisors, or receiving a gift from someone at a lower pay grade. If the gift is coming from a contractor or contractor employee or another person or organization that has, or plans to have, business dealings with your department, the exchange of gifts is prohibited.

With all that in mind, office holiday parties can be great morale boosters for your employees. Enjoy them, but keep in mind your responsibilities as a federal manager. Happy Holidays.