

CELEBRATE JOY, GOOD WILL AND CLARITY ABOUT HOLIDAY PAY

TRUE OR FALSE?

1. **Employers are not required to give any holidays off, including Thanksgiving and Christmas.**

True. Oregon is an employment at will state, and Oregon employers are under no obligation to give their employees any paid days off, including holidays. Whether to do so is completely up to the employer, and it is advisable for employers to have a policy clarifying the granting of days off.

2. **Employers are required to give employees some holidays off, but they do not have to pay them for that time.**

False. As indicated above, employers do not have to give employees any days off, whether paid or unpaid. This includes holidays.

3. **If an employer closes the office for a holiday, the employer must pay employees for that day.**

False. Unless the policy states otherwise, employers are not required to pay employees for any time that they are not at work, even if the absence is caused by the employer. There are, however, important exceptions for employees exempt from minimum wage and overtime. See our website for more information.

4. **If employers give employees paid holidays, those hours need not be included in calculating overtime pay.**

True. State and federal wage/hour laws require only that the hours actually worked be counted towards overtime. Since this is an area of much confusion (and an area in which we get an enormous number of questions), it would be worthwhile for employers to mention this in the workplace policy.

5. **If employers require employees to work on a holiday, they must pay time and a half the regular rate for every hour worked.**

False. This is required in certain government employment contracts, and it is often bargained for in collective bargaining agreements. But in almost all cases, there is no requirement that holiday work be paid at any particular rate.

6. As long as holiday celebrations are held away from the workplace and outside of work hours, employers will generally be insulated from liability.

False. Even in the midst of holiday cheer, employers have a responsibility to use “reasonable care” in maintaining a safe workplace. There have been cases where employers have been successfully sued for negligence after they allowed employees to leave a workplace party in an intoxicated state, later killing or injuring someone in an automobile accident. The legal theory was that the employer knew or should have known that it was not safe for the employee to drive.

So have a happy (and safe) holiday.

For more information on this and other important issues for Oregon employers, including seminars provided by our Technical Assistance staff, please visit our website at www.boli.state.or.us. You may also call us at 971-673-0824.