

E-Risk EPL HELPLINE

Top 10 Issues & Actual Questions Asked

Hospitality

These Top 10 Issues and Actual Questions are from clients currently using the HELPLINE risk management solution. In some cases, had these organizations acted on their own without first contacting the HELPLINE, there could have been increased exposure to liability. These questions were answered by the HELPLINE attorneys who are experts in over 50 issues related to employment law. The topic headers may not include all of the issues covered by each question. Any information that might identify the organization has been removed to protect the confidentiality of the communication.

Top 10 Issues

1. **Policies & Procedures**
2. **Wage/Hour – State**
3. **Compensation**
4. **Termination/Discharge**
5. **FLSA**
6. **FMLA**
7. **Exempt/Non-Exempt**
8. **Employee Benefits**
9. **Disability**
10. **ADA**

Actual Questions Asked

Policies & Procedures

We have and need many bilingual employees. Some English speaking (only) employees are bothered by the recent increase in Spanish conversations between employees – whether they are discussing work or private issues. All our employees speak English, so is it appropriate and legal to ask or require that conversations at work be in English unless a client requires help in another language?

Wage/Hour

We have a part-time hourly employee who typically works 20 hours/week, but recently on a project/special assignment she put in 43 hours per week. Are we required to pay overtime?

ADA

We interviewed an applicant for a security guard job at our hotel/resort. During the interview he mentioned he was taking medication for a mental illness, and that he "gets angry" when the medication runs low, but did not elaborate beyond that. He seems to be a suitable candidate, but his medical status worries us since he will be here alone at night with access to keys to customer rooms. Our managing director suggested that as a condition of his employment, we require him to give us a signed release form authorizing his doctor to tell us what his mental condition is, what medication he is taking and how best to cope with him should his medication fail to work. This seems prudent to us, but is it legal?

Termination/Discharge

A manager and an office assistant had a heated argument about the assistant wanting the morning off. The manager refused to give the assistant the time off and the assistant left saying, "I'm out of here," and left for the day. The manager took this to mean that she had resigned and accepted the resignation. The assistant says that was not her intention and that the manager fired her. She is now requesting a letter from the manager stating the reason she was fired and also asking for a written reference. What is the proper way to handle this matter? We do not want to take the assistant back.