Navigating Holiday Parties During the COVID-19 Era

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Source: Saiber Employment Law Alert

The holiday season is upon us, and many organizations are preparing to hold their annual holiday party in the coming weeks.

The CDC still advises that it is safest to "gather" virtually. It is the sole responsibility of every employer to carefully evaluate their holiday party options and determine which type of event would be appropriate for their workforce. In making that evaluation, employers may carefully consider, among other things, the size of their workforce, the percentage of employees vaccinated, their budget, their venue and its commitment to following CDC guidelines to protect against the transmission of COVID-19, and the ability to enforce COVID-19 safety mechanisms.

After weighing these factors, for organizations that choose to hold an in-person holiday party, they should adhere to the current CDC guidance for in-person events and consider the following recommended practices:

- Gatherings held outdoors are safer than those held indoors. In areas designated "high transmission," masks are recommended outdoors in crowded settings.
- Gatherings should be held in a space large enough to avoid crowding and allow for 6 feet of social distance for the unvaccinated, immunocompromised, and others who desire to keep that amount of distance.
- Gatherings should be held in well ventilated venues.
- Layouts may be modified or physical barriers installed to support distancing, where appropriate.
- Organizers may choose to separate attendees into groups when arranging seating or planning activities, which may limit exposure by keeping groups together and small; this approach should be used in concert with masking, not in lieu of masking.
- Know and follow the public safety measures in place at the venue.
- Those not fully vaccinated should wear a mask in indoor public places.
- In areas designated "substantial" or "high transmission" vaccinated people should consider wearing a mask in indoor settings and for activities with close contact with others.
- Those who are immunocompromised should follow the same guidance for the unvaccinated (wear a mask and stay 6 feet from others).
- Encourage proper hygiene and respiratory etiquette (cover coughs and sneezes, wash hands, provide hand sanitizer).
- Encourage attendees to stay home if they are sick, have symptoms of COVID-19, or have had close contact with someone that tested positive for COVID-19 within 14 days of the holiday party.

Among the more restrictive guidance issued by the CDC are suggestions that employers mandate (and check for proof of) vaccination status among attendees, conduct temperature checks at the door, and encourage or require all employees (or just unvaccinated employees) to test prior to the event (or show proof of a negative viral test 1-3 days before the event). If vaccinations are required by the employer, employers still will have to honor exemptions given on a medical or religious basis to employees.

Your organization may consider additional measures to promote proper behavior among employees at the event. Hold holiday parties after working hours and remind employees that attendance is voluntary. Review or issue policies governing conduct at employer-sponsored functions. Such policies should provide that when alcohol is served, employees are expected to enjoy it responsibly and remain sober at all times. You should not sponsor or attend after-parties for your organization's event. Employees should be reminded that policies against discrimination and harassment apply equally at all work-related events.

Your organization may consider arranging for transportation to and from the event. In keeping with good COVID-19 protocols, make sure there is adequate space in the vehicle to distance (such as a bus), and mandate masks for all passengers, regardless of vaccination status.

If you have any questions about the the above alert, please contact DanaLynn T. Colao, Paola C. Hemsley, or Christle R. Garvey of Saiber LLC's Employment and Labor Law practice.