

Seasonal Employment: Tips and Traps

Thursday, November 5, 2015

Whether due to holiday shopping, increased tourism, or winter weather, employers across the country are turning to seasonal workers to help with increased customer demands this time of year. Industry fluctuations may necessitate the use of temporary help to meet your businesses' short-term staffing requirements. Employers should be aware of some tips and traps when directly hiring and managing seasonal employees.

The Difference Between Part-Time, Temporary and Seasonal Workers

Most states define part-time employees as individuals who work less than 35 hours per week, compared to full-time employees who typically work 40-plus hours per week. Temporary employees are usually hired to provide services for absent employees, temporary job vacancies, or to provide assistance on special, finite projects. Seasonal employees, on the other hand, are generally hired to work on a part-time basis for a particular season, such as at retail stores preparing for increased holiday sales.

Conduct Background Screenings on Seasonal Candidates

Just as with your permanent applicants, follow applicable laws and screen each potential employee before hiring to make sure they will not pose any undue risk to your organization, your brand or your customers.

Inform Seasonal Employees about the Duration of the Work

Applicants for seasonal roles should be advised about the seasonal nature of the position in job postings, during the interview process and at the time of job offer. Also tell them what benefits are not extended to seasonal employees so there is no confusion down the road (e.g. certain fringe benefits such as paid vacation time, insurance or telecommuting options).

Follow Labor Laws

The Fair Labor Standards Act (FLSA) does not define full-time versus part-time employment, and seasonal employees are still subject to the FLSA. Accordingly, unless local laws provide otherwise for seasonal workers, they are entitled to minimum wage and overtime. Moreover, state and federal laws that cover harassment, discrimination, and workplace health and safety apply to seasonal employees, just as to any other member of your workforce. Also be aware that seasonal or temporary employees may factor into the headcount required under state and federal labor laws, such as ADA, WARN and EEOC requirements.

You Must Still Provide Certain Benefits

The specific requirements vary by state, but most jurisdictions require employers to provide unemployment benefits to temporary workers. However, there may be certain exemptions for short term "seasonal employees" (e.g. those who require temporary employees for 10 weeks or less). Likewise, businesses must still withhold part of Social Security and Medicare taxes, as well as provide workers compensation insurance for seasonal employees.

Train Your Seasonal Employees



Article By
[Labor & Employment Practice
Greenberg Traurig, LLP&E Blog](#)

[Labor & Employment
All Federal](#)

Seasonal employees must be trained not only on how to do the job, but also on appropriate company standards, procedures and policies. In fact, employment handbooks should clearly state which benefits and policies are not extended to seasonal or temporary staff. Orientation for seasonal employees should include anti-discrimination and anti-harassment training, which should be documented.

Be Prepared to Conclude the Seasonal Employment

When it is time to end the seasonal employment, follow the same procedures as you would with a full-time or permanent employee. Remove the seasonal workers from your payroll and, should they return to your company down the road, treat them as a new employee. Conduct one-on-one sessions and be prepared to explain why the position is not being extended into a permanent role. Also, be consistent in your treatment of employees, and follow your routine procedures with regard to issuing the final paycheck and handling the employee's return of company property.

Be Mindful of Issues When Using a Staffing Firm

If you elect to partner with a staffing firm to meet your seasonal employment needs, be sure to delineate the agency's roles and watch for co-employment issues.

© 2019 Greenberg Traurig, LLP. All rights reserved.

Source URL: <https://www.natlawreview.com/article/seasonal-employment-tips-and-traps>