

Preventing Missteps in Hiring and Managing Seasonal Workers

Article By:

Ryan H. Crosner

Hiring seasonal workers can raise some important legal questions over how to properly handle overtime pay, work schedules, employee training, and other matters. These concerns particularly affect businesses in the hospitality and retail industries, which tend to hire seasonal workers in the fall to prepare for the winter holidays. The good news is employers can take steps to avoid legal landmines to ensure their holiday season will be merry and bright.

Quick Hits

- Many state and federal laws apply to seasonal workers the same way they do to full-time, year-round employees. These include antidiscrimination, antiharassment, wage-and-hour, workplace safety, and child-labor laws.
- About half of the states raised their minimum wage for 2024, which could impact many seasonal workers.
- Highlighting timekeeping practices and corporate policies during onboarding may help to prevent future legal hassles.

Most—but not all—employment laws apply to both regular full-time employees and seasonal workers. For example, the federal Civil Rights Act of 1964, the Fair Labor Standards Act, the Occupational Safety and Health Act, the Pregnant Workers Fairness Act, and the PUMP for Nursing Mothers Act generally apply to most seasonal workers. However, in certain states, employees of certain amusement parks, recreational establishments, and summer camps may be exempt from overtime pay.

Many seasonal workers are paid minimum wage. Twenty-six states, along with Washington, D.C., raised their [minimum wage](#) for 2024: Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Rhode Island, South Dakota, Vermont, Washington, and West Virginia.

Employers are not required to provide the same benefits to seasonal workers they give to full-time, year-round employees. However, the federal Affordable Care Act may require an employer to provide health insurance to a seasonal employee who works thirty hours or more per week or 130 hours or

more in a month.

Many seasonal workers are minors, which means the employer must comply with federal and state [child labor laws](#) that regulate the maximum number of hours and other matters. For example, some states limit the number of hours a minor can work on a school day, and the maximum may vary, depending on the minor's age.

Next Steps

Employers that provide a written application or offer letter may wish to indicate that the seasonal job is at-will, temporary, and subject to the state laws where the work is performed. The application or offer letter can state the wage rate and a job description. It does not have to promise or guarantee a certain duration or end date of employment.

During the onboarding process, employers may wish to give seasonal workers a copy of the employee handbook or any written policies regarding harassment, retaliation, workplace conduct, and dress code.

Employers may also want to [train seasonal workers](#) on timekeeping practices to ensure legal compliance, especially with regard to wages, overtime, and meal breaks. In addition, employers may want to clarify in their training materials any state and local paid leave laws that apply to seasonal workers.

Small employers may want to stay mindful of how seasonal hires affect their total workforce size because certain state and federal laws become applicable once an employer reaches a certain number of employees, even if some of those employees are seasonal or temporary.

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