

## **MEMORANDUM**

TO: Kaman Distribution

FROM: Shawn Lisle, Senior Vice President and General Counsel

DATE: December 3, 2019

RE: Liquor Liability and Holiday Party Liability Prevention

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As the holiday season quickly approaches, we want to ensure that our employees, colleagues and guests enjoy the holidays safely and responsibly, particularly at company-sponsored social events. The festive atmosphere combined with the consumption of alcohol at an employer-sponsored holiday party make it a potential venue for inappropriate behavior that unfortunately could lead to employee or third-party claims based on injuries suffered during or after an event.

While planning and conducting your company-sponsored holiday events, please take appropriate steps within your organization to reduce potential risks and liabilities. Every state within the United States and certain countries in Europe have versions of a “host liquor liability law,” which can subject employers and individuals to potential liability. To help you reduce the risks of potential claims, attached are suggested preventative measures that your organization can take to help minimize alcohol-related risks, potential sexual harassment claims, wage and hour claims by nonexempt employees and workers’ compensation liability. The suggested measures are not an exhaustive list, and you may wish to supplement it with other preventative actions and messaging that is appropriate for your organization.

As always, please contact the Kaman Legal Department if you have questions about this topic. We wish you and your teams a safe and a happy holiday season.

Attachment

SGL

**SUGGESTED PREVENTATIVE MEASURES FOR REDUCING  
LIQUOR-RELATED AND OTHER POTENTIAL LIABILITY  
AT COMPANY-SPONSORED SOCIAL EVENTS**

**Alcohol-Related Risks**

1. Rent a facility for the function as opposed to holding the event on-site. Also, remember that Kaman has a zero tolerance, company-wide policy with respect to the serving or consumption of alcohol on any company premises absent the advance written approval from the Chief Executive Officer.
2. Obtain a certificate of insurance from any hotel or restaurant where a company event is scheduled evidencing liability insurance, including liquor liability insurance, and naming the company as an additional insured if possible.
3. Send a letter to the hotel/restaurant indicating that the company exercises NO CONTROL over the service of alcohol and relies on the hotel/restaurant to provide professional bartenders who will have complete control regarding who can/cannot be served alcoholic beverages and in what quantity.
4. Have designated company officials who will not be drinking any alcoholic beverages remain at the function the entire time to provide oversight and control.
5. Prior to the event, have a documented meeting with all employees to reaffirm that consumption of alcohol in moderation is expected.
6. Consider providing transportation service, if necessary.
7. Limit the amount of alcohol served by: (a) providing a limited number of drink tickets or limiting the time during which alcohol will be served; and (b) making a variety of non-alcoholic beverages and food available as an alternative to alcoholic beverages.
8. Consider establishing an ongoing program of alerting employees to the dangers of alcohol abuse and alcoholism.

**Sexual Harassment**

1. Ensure that your organization's harassment policies address employer-sponsored social functions. Consider providing specific examples of conduct at holiday parties that are unacceptable.
2. Remind employees that adult-themed gifts should not be exchanged with co-workers.

3. Keep holiday customs appropriate to the workplace. In planning an employer-sponsored holiday party, avoid including customs that have the potential to create sexually charged situations, such as hanging mistletoe.
4. Consider allowing guests to attend. Employees are less likely to engage in offensive behavior when accompanied by their significant others or surrounded by unfamiliar faces.

#### **Wage & Hour Claims (Within the United States)**

1. Inform employees that attendance at the party is voluntary.
2. Hold the party outside of normal business hours.
3. Refrain from engaging in any business during the event, including but not limited to speeches about business matters or distribution of bonuses or performance awards.
4. Avoid asking employees to perform any specific functions at the party for the benefit of the employer. This may help reduce claims that an employee was required to work off-the-clock.

#### **Workers' Compensation Liability (Within the United States)**

1. Recognize that the law varies from state to state, and workers' compensation benefits may be available to employees who are injured during, or because of, an employer-sponsored event.
2. To minimize this risk, disassociate the holiday function from employee jobs.
3. Let employees know that there is no business purpose for the event and attendance is not mandatory.
4. Consider hosting the event off the company's premises.
5. Confirm that service or venue providers are properly licensed. Injuries associated with contaminants in food or drink may create legal exposure if the providers are not properly licensed. Third-party licensing reduces risks because licensed establishments are subject to inspection and protected by insurance coverage.

DISTRIBUTION FOR: Memo dated December 3, 2019  
RE: Liquor Liability Preventative Measures for Company Events

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