

PRLA WEBINAR

“Ask PRLA General Counsel”

Wednesday, April 19, 2017 @ 9:30 a.m.

[Click Here for Webinar Audio](#)

Presenters:

Keith A. Clark, Esquire
(kclark@shumakerwilliams.com)
Direct: 717-909-1612

Michael E. Rowan, Esquire
(mrowan@shumakerwilliams.com)
Direct: 410-825-5223

Erin R. Kawa, Esquire
(ekawa@shumakerwilliams.com)
Direct: 717-909-1624

Shumaker Williams. P.C.
3425 Simpson Ferry Road
Camp Hill, PA 17011
www.shumakerwilliams.com

A

I have a small Pennsylvania bed and breakfast. We recently had guests who destroyed some expensive towels and really were abusive to the room. We discovered this when we went to clean the room after checkout. Is it possible/legal for me to tell these guests that they can no longer stay at my hotel/B&B/inn/motel again?

B

If I have a distillery license and a brewery license, can we create multiple locations for each license together or separately and how many?

C

We are a multi-county tourist promotion agency, and one of our counties is threatening to decertify us. If they do so, what rights would they have to any of our TPA's logo, trademarks, tradenames, tagline, funds, etc.?

D

We have some employees really abusing our cell phone policy, which is published in our office manual, which each employee has signed. The manual states that employees may not use cell phones during work hours. Can we amend the policy to propose that all employees be required to “deposit” their cell phones in a clear box on the bar until their shift is over?

E

Employee employed less than 90 days with extensive calling in of absenteeism claims, high risk pregnancy, lupus and other illnesses. Member and employee are at odds on how to move forward.

F

Can I establish an “across the board” or random drug testing policy at the time of employment or during the term of employment? What are the ramifications and parameters of such policy? How are we to handle employees who are taking legal marijuana upon doctor’s prescription?

G

Hepatitis A Vaccine for all food service employees:

- A. Can employees refuse?
- B. Can we require them to wear gloves while at work?
- C. Can we ask employees to go to their doctor and we reimburse the amount that their insurance does not cover? Or must, the employer make arrangements for the new hire to have the shot and pay the entire cost?
- D. If one employee gains knowledge that a coworker has Hepatitis A, B or C, can they refuse to work beside such a person?
- E. How can we proceed to handle an employee who is purported to have hepatitis but has not made employer aware of same?

H

Salaried employees – Must they be paid for snow days and holidays?

Non-salaried employees – Can there be unpaid breaks – must there be a certain number of hours they have to work before an unpaid break is given, and how long is a minimum break?

Non-salaried employee – Can you send them home early or is there a minimum number of hours they must work before they can be sent home?

I

I am an owner of a restaurant and recently had a manager quit and open his own restaurant nearby. Is there anything we can do to prevent any future employees from doing this?

J

We are concerned that we are doing everything correctly with regard to criminal background checks at our restaurant. We have researched online, but we are finding that each state is handled differently. What is required in Pennsylvania? Do we need permission from the person applying?

K

I bought a restaurant from another individual. It was structured as a stock purchase.

We were recently audited by the Department of Labor, which is raising issues about individuals treated as subcontractors who are actually employees. This occurred before we purchased the stock. Am I responsible?

L

We have had a serious problem with our credit card processor. We did a manual batch last week, and as a result, 122 customers were affected, with a total of \$2.5 Million withdrawn from their accounts. How do we resolve this?

My POS provider was “hacked”. They responded with an IT investigation. They published the results several months later which indicated that our information, including the information maintained by our credit card processor, may have been compromised. Whose responsibility is it to “clean this up”?

M

What is Pennsylvania's law on expiration dates on gift certificates. Must gift certificates which are not cashed in within the last two years be surrendered to the Pennsylvania Treasury Department.

N

What are the rules in Pennsylvania with respect to allowing service dogs and service dogs “in-training” in our hotel and restaurant? May we ask them to leave if the dogs misbehave?

O

Our hotel is repeatedly instructed by our municipal police to not rent to “locals”. We can “police” this at our hotel, but a problem arises when the “smarter criminals” rent the rooms through Expedia, etc. Are there legal ramifications with accepting reservations through Expedia and other services (since Expedia receives a commission on the reservation and has to credit the charge back once it is discovered that the person is a “local”)?

P

With respect to Pennsylvania alcoholic beverage licensing, what is a “couplet”?

Webinar disclaimer:

"The responses to the legal issues discussed during this webinar by the panel do not constitute individual legal advice to webinar attendees, and Members are encouraged to seek counsel on their individual issues, at which time, variable facts may modify an answer to any particular question or opinion. PRLA does not make any representations or express any opinions as to the correctness of the advice being provided."