

Habinsky in Law360: Keep Workplace Dating Rules Clear, Train Employees

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PRACTICES Employment Litigation, Labor and Employment

Law360 quoted [Jason Habinsky](#), a partner in Haynes Boone's New York office, on the importance of clear workplace dating policies and proper employee training on the rules, particularly in light of a recent 9th U.S. Circuit Court of Appeals decision.

The court ruled Feb. 9 that a married former Roseville, California, police officer can pursue allegations that she was wrongly fired because the department disapproved of her having an affair with another married cop, *Law360* [reported](#). The appellate panel found that her sexual conduct was protected by her constitutional right to private, off-duty intimate association and that her employer offered no proof that it meaningfully affected her job performance.

The report said the ruling shines a spotlight on some of the issues that private businesses often face when they create or modify office fraternization policies. ...

Law360 reported: Haynes Boone partner Jason Habinsky said it's keenly important for employers to know exactly what their dating policy is meant to address — things like conflicts of interest, retaliation or the appearance of impropriety — and carefully draft it to focus on those key issues without making it too broad.

“The policy should be tailored to protect those things and shouldn't give an employer free rein to decide whether or not they like a certain relationship for inappropriate reasons,” Habinsky said.

If companies do their diligence and set up a viable dating policy, Habinsky said, it will do little good if employees aren't aware of it and don't know how to apply it to their activities.

Moreover, training allows employees, like individuals in human resources, who are tasked with enforcing the policy to be aware it exists and understand the extent to which they must monitor interoffice relationships.

“It's important to not only have a policy, but that it's disseminated and that folks are trained on what that policy is,” Habinsky said. ...

“Having no policy is particularly dangerous,” Habinsky said. “Once issues arise, it's much better to have something in place even if it's not an extensive ... policy. You can have some general guidelines or parameters [like] simply prohibiting relationships between supervisors and subordinates.” ...

Excerpted from *Law360*. To read the full article, click [here](#). (Subscription required)