

Electronic Alert

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Employers and the Eclipse: Are You Prepared for the Path of Totality? **By Nicole Elgin and Sean Ray**

On Monday, August 21, 2017, anyone within the path of totality should be able to see a total solar eclipse. It is the first total solar eclipse to cross from coast to coast in nearly 100 years. With several prime viewing locations throughout Oregon, emergency managers are planning for an influx of about one million visitors into Oregon for several days on either side of Eclipse Day. Businesses should also be prepared for employee absences, crowds of customers, and lots of traffic.

1. Whether to Close

Some businesses have simply decided to close on August 21. However, deciding whether to close the office can be a tough choice for management. There are many factors to consider, including employee and customer safety, business productivity and deadlines, and whether to provide employees with pay during the closure. Starting late or even allowing a few hours off may also be difficult due to the predicted traffic issues. Even though the total eclipse will only last a few minutes, ODOT does not recommend driving at all that day as traffic delays are estimated to be several hours long.

Another option that will increase employee attendance and camaraderie is to host an eclipse watching party in the office. Employers can set aside a small portion of the day, provide a good viewing spot with eclipse viewing glasses, and take advantage of a great team-building opportunity while witnessing a rare phenomenon together.

2. Employee Absences

Many employers are also facing a huge surge of vacation requests while also trying to increase staffing to accommodate tourists. The best thing to do is follow the attendance policy when it comes to granting time off requests. Review any religious accommodation requests carefully as some religions find special significance in a solar eclipse. Employers also should be aware that granting time off to view the eclipse, but denying time off requests for other reasons, could expose the employer to discrimination liability.

Employers may also see abuse of sick leave policies. When employees happen to be sick on days for which vacation requests were previously denied, the employer should carefully document the denied request and the absence to establish a pattern of abuse. Employers who reasonably suspect sick leave policy abuse can usually request medical verification, though Oregon requires the employer to pay the employee's expenses in obtaining such verification. Employers should send out a reminder of proper uses of sick leave prior to the eclipse. If the employer is particularly concerned about sick leave policy abuse, remind employees this week that abuse of sick leave policies will result in discipline.

For specific questions about how the eclipse affects your workplace, contact Sean Ray at (503) 276-2135 or sray@barran.com.