

When Weather Wreaks Havoc: An HR professional's guide for all of those inclement weather days

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This winter presented weather challenges nationwide including blizzards, ice, power outages, tornadoes, and flooding. When the next weather disaster hits your workplace, are you prepared? This article provides a quick guide to educate and prepare employers for those inclement weather days. HR professionals should visit their own workplace policies and make sure employees are trained on all procedures.

When to Close Office?

Deciding whether to close 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 pay employees even when the office closes. It is a good idea to have at least one person designated with the task of deciding whether or not to close the office. That way, when inclement weather does arise, your office does not have to spend time deciding who will make the call, and can focus on what call to make. Additionally, employees will know exactly who to contact for office closure questions.

Call Plan

Now that you have decided who will close the office, do you have a proper notification system in place? It is important, particularly for safety reasons, that you alert employees when the office closes. You do not want employees attempting the commute in bad weather just because they did not find out about the office closure early enough. Additionally, you may provide notification even when you decide to open the office. When the weather is bad, some employees assume that the office will close; sending a reminder to employees that you are remaining open will help prevent no-shows.

This notification procedure may also include your customers. Do you have a storefront that is regularly open to the public? Do you have appointments scheduled throughout the day? Be sure to alert customers of cancelled appointments or store closures due to weather. Again, the best practice is to have one person in charge of calling to reschedule customer appointments.

What notification system do you have in place? The procedure you choose will often depend on the size of the employer. For large companies, an inclement weather call line is the best solution. All employees are notified to call into that phone number that will have information on any delayed openings or closures. Additionally, posting delays or closures on a company website can be a good backup notification system. Smaller employers may use a phone tree or a policy for management to call or text each employee individually.

Emailing about office closures is not the best option because some employees do not have remote access to email or check email early in the morning.

Payroll

Now that your office closed and you notified employees and customers about the closure, the trickiest question is how to pay employees. Both state and federal laws require employers to pay some employees even on inclement weather closure days, depending on whether the employee is hourly or exempt. The Department of Labor (DOL) considers an absence due to adverse weather conditions to be an absence for personal reasons, such as when transportation difficulties during a snow emergency cause an employee to choose not to report for work. Such an absence does not constitute an absence due to sickness or disability.

Under the Fair Labor Standards Act (FLSA), hourly employees need to be paid for any time that the employee actually

worked. So, under federal law, any employees that are hourly and do not perform any work for the day will not need to be paid on days that the office closes. Remember, company paid time off (PTO) policies may allow employees to take PTO for those closure days.

However, salaried employees that are exempt from overtime are trickier. DOL's Wage and Hour Division is charged with enforcing certain provisions of the FLSA. DOL regulations explain that if an exempt employee is "ready, willing and able to work, deductions may not be made for time when work is not available." The Wage and Hour Division provides some guidance on when salaried employees should still be paid for office closures. If the exempt employee performs any work, such as checking email, even if not in the office, the employee must be paid for the full salary day. Where an exempt employee performs no work at all, employers may be able to direct the employee to take a vacation day from a company-provided plan, but typically only if the employer has already provided written notice of this policy.

However, if the business is closed for the entire week and the exempt employee performs no work at all, the employer may deduct the week's pay. For examples of DOL's position on employer inclement weather policies under the FLSA, visit: <https://www.dol.gov/whd/opinion/flsa.htm>.

Check Your State and Local Laws!

Many state and local laws have additional requirements for inclement weather days, especially for public employers. State wage and hour agencies provide additional resources for payroll compliance during inclement weather season.
WFM

Author Bio

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