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The Mineral Guide to Preparing Your Workplace for Severe Weather

Introduction

A single extreme weather event can cost society over a billion dollars, and these costly disasters are becoming more common.

When a crisis occurs, agility is key. Businesses must be able to act quickly and safely. Businesses that are scrambling, uncertain of what to do when disaster strikes, are more likely to make costly mistakes.

Agile companies are well-prepared companies. They have a plan to navigate the crisis, protect their business, keep their employees safe, and meet their legal obligations. We've created this guide to help you support your employees and understand your HR compliance obligations when severe weather affects your business.



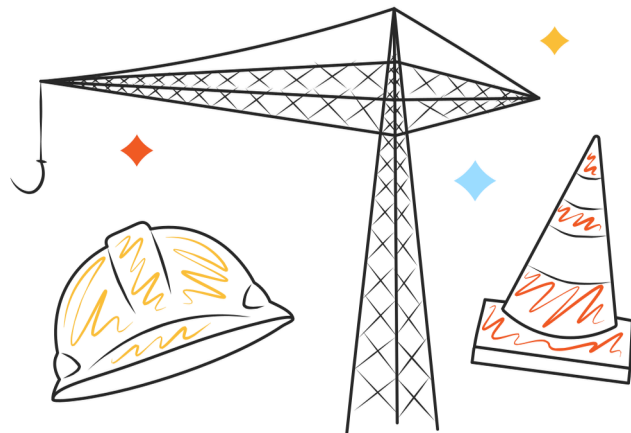
OSHA's General Duty Clause

In 1970, Congress created the Occupational Safety and Health Administration (OSHA) to ensure safe and healthful working conditions by setting and enforcing standards and by providing training, outreach, education, and assistance.

OSHA requires employers to furnish a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to their employees. This is called OSHA's general duty clause.

The general duty clause is intentionally broad. It covers everything from safety procedures to use of personal protective equipment (PPE) to investigating safety violations.

Other OSHA requirements, state and local regulations, and industry-specific standards may also apply to your organization.



HR Considerations When Severe Weather Hits



Plan Ahead of Time

In a major storm, raging wildfire, or other severe event, you may have very little time to act. Communication with employees won't be timely and may not even be possible. You need a plan. Your employees need to be trained to follow that plan—whether they work on site, at home, or elsewhere.

The first step in your plan is identifying the potential risks inherent to your business and geography. Ask yourself what kinds of disasters are risks to your area and in areas where your employees live and work. Extreme heat? Wildfires? Tornadoes? Hurricanes? Floods? Identify how each disaster might cause disruptions to your business. These could include impassable roads, utility failures, unsafe working conditions, employee displacement, or physical destruction of your facilities. Explain applicable

safety measures for each risk, and provide relevant information (maps, evacuation routes, safe zones, etc.). Try to build in reasonable contingencies for things like power failures, understanding that they may last for hours, days, or even weeks. The plan should also delineate roles and responsibilities so that employees know whom to contact for questions and further instructions.



Communications

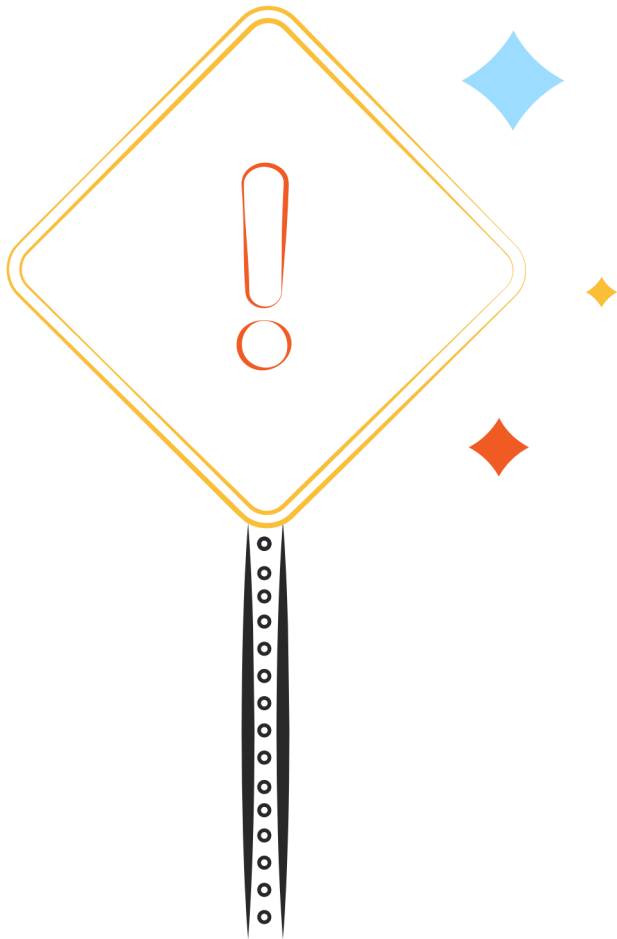
If severe weather destroys power lines or phone lines, neither of your standard means of communication may be operable. A remote employee without power, for example, may not have a working phone or be able to connect to the internet. Consider what alternative means of communication may be operable in these situations. In some cases, you might need to post information to a central location or system so that employees can connect when their service is restored. Some examples include:

- Web pages or answering machine recordings that can be updated by a key employee with access to phones or internet
- Software that automatically sends text messages, emails, or voice mails to your entire staff to notify them of updates

If none of those are feasible for your business, instruct employees ahead of time on what work and safety procedures they should follow when communication isn't possible.

No Shows Following Severe Weather

Even if you have a no-show termination policy you usually follow, demonstrate as much flexibility as you can during times of severe weather or natural disasters. Have your attendance policy allow for management discretion in cases like this so you have more leeway to make exceptions to your rules. Severe weather can result in power outages, road closures, gas shortages, school and childcare closings, massive flooding, and other circumstances that may prevent people from getting to work. When deciding how to respond a no-show, consider employee morale and the sensitivity of the larger community.



Employees Afraid to Travel to Work

Employees may be able to commute to work following severe weather, but still hesitant to do so due to safety concerns. In such cases, take an empathetic approach. Ask them if they feel safe traveling, listen to any concerns they have, and work with them to find a solution. That may mean allowing them to work from home or enabling them to take time off in accordance with your policy. It could also mean reevaluating your business hours during the crisis.

A company's business insurance policies might offer coverage that could help pay for employees to find lodging closer to their workplace during a crisis. This coverage normally only applies to situations where the employee's role and presence is critical to the continuity of your business operations. Alternatively, it may apply if the employee's presence prevents further damage. Your

business insurance coverage might also help your company recover some lost income during the event. It's strongly recommended you vet insurance resources with your insurance agent prior to a disaster so you know what you can rely on during a crisis.

Closures and Pay

When the company closes due to inclement weather, nonexempt employees (those who are entitled to overtime) need to be paid only for actual hours worked. For these employees, the company may:

1. Pay the employee for the time, even though they did not work;
2. Require they take the day off unpaid;
3. Require they use any available vacation time or PTO; or
4. Allow employees to choose between taking an unpaid day or using vacation or PTO.

All four options have their merits. We generally recommend option 4, allowing nonexempt employees the choice of using vacation time or PTO.

Different rules apply to exempt employees—those who are ineligible for overtime and generally paid on a salary basis. Exempt employees must be paid their regular salary when the company closes due to inclement weather.

This holds true whether the office closure is for full or partial days. You may, however, require exempt employees to use accrued vacation or PTO during a closure if you have a policy stating that, or if doing so has been your practice in the past. If your office has closed for weather in the past and you have not required exempt employees to use vacation or PTO, it would be risky to take up that practice now.

When it comes to accrued vacation or PTO, it is safest to give employees advance notice if there are situations where you will use their accrued hours whether they like it or not. If this would be the first time the office has been closed due to weather and you have no policy in place, now is the time to decide how you want to handle these kinds of situations in the future.



For exempt employees who do not have sufficient vacation or PTO to cover the closure, you are still required to provide them with their full regular salary. For example, if your business is closed for two or three days, but an exempt salaried employee worked at another time during the workweek, the full salary must be paid. The only scenario where you will not be required to pay an exempt employee their full salary is if the office is closed for an entire workweek (or if the employee is unable to come in for an entire workweek) and they do no work at all from home.



Job-Protected Leaves

Leave for a natural disaster may qualify under the Family and Medical Leave Act (which applies to employers with 50+ employees) if the disaster results in or exacerbates a serious health condition for an employee or their family member. In this case, the employer must provide relevant notifications and offer job protected leave.

An employee called up for military or National Guard service would also be entitled to job protected leave. Employees with disabilities may also need an accommodation in order to complete essential functions of the job. Other leave protections may also apply, such as leave for employees to act as emergency first responders, participate in the Civil Air Patrol, or other state-specific leaves.



On-the-Job Injuries

In the event of a work-related injury, make certain that the injured employee receives any immediate medical care they need. Their health and safety is the priority.

Once you've done that, then you can turn your attention to recording and reporting the injury. It is important to allow your employee to complete a workers' compensation claim form, which can be obtained from your insurance provider. In the absence of a computer or even paper, many insurers will take a claim over the phone, especially in extreme circumstances.

Most state workers' compensation rules require notice of an injury to be reported as soon as possible after an injury. If your organization is subject to OSHA's recordkeeping requirements, then the injury should be recorded within seven days on the OSHA 300 Log and 301 Incident Report.

If the injury prevents the employee from working altogether or doing the essential functions of the job, you may need to determine whether other laws—such as the Family and Medical Leave Act or the Americans with Disabilities Act—come into play.

After the emergency response and reporting steps have been initiated, you can begin an investigation process to determine the cause of the incident and identify any corrective actions that would reduce the likelihood of future incidents.

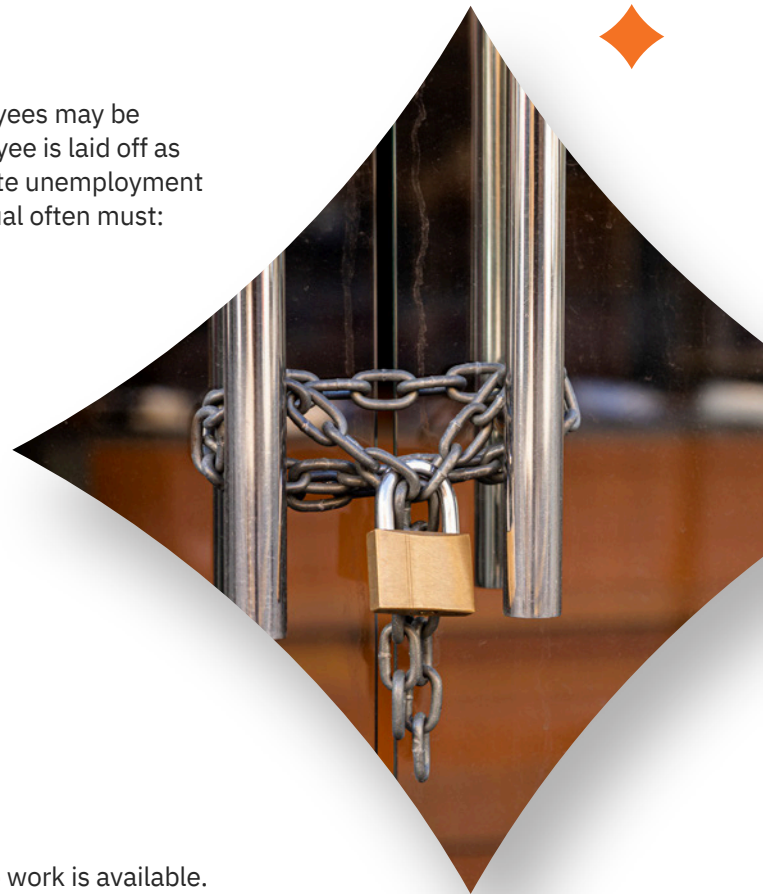


Closures and Unemployment

If your business has to close due to a natural disaster, your employees may be eligible for Disaster Unemployment Assistance (DUA). If an employee is laid off as a result of the disaster, they may also be eligible for traditional state unemployment insurance. To be eligible specifically for DUA programs, an individual often must:

- Not be eligible for regular unemployment insurance;
- Be unemployed as a direct result of the disaster;
- Be able and available for work, unless injured as a direct result of the disaster (see conditions below);
- File an application for DUA within 30 days of the date of the announcement of availability of DUA; and
- Have not refused an offer of employment in a suitable position.

Let your employees know what options may be available to them.



Layoffs and Final Paychecks

A layoff involves terminating employment during a period when no work is available. This may be temporary or permanent. If you close down completely, but you intend to reopen in the relatively near future or have an expected reopening date—at which time you will rehire an employee, or all employees—this would be considered a temporary layoff. Temporary layoffs are appropriate for relatively short-term slowdowns or closures. A layoff is generally considered permanent if there are no plans to rehire an employee or employees because the slowdown or closure is expected to be lengthy or permanent.

While layoffs are sometimes necessary, they can impact employee engagement, morale, hiring, and retention going forward, so careful consideration should be made before committing to one.

In the event of a layoff, check state law for final paycheck and other termination requirements.



Furloughs and Pay

A furlough continues employment but reduces scheduled hours or requires a period of unpaid leave. The idea is that having all employees incur a bit of hardship is better than some losing their jobs completely. For example, a company may reduce hours to 20 per week for a period of time as a cost-saving measure, or they may place everyone on a two-week unpaid leave. This is typically not considered termination; however, you may still need to provide certain notices to employees about the change in the relationship, and they would likely still be eligible for unemployment.

If only certain employees (but not the entire company) will be furloughed, it is important to be able to show that selection choices are not discriminatory. Document the non-discriminatory business reasons that support the decision to furlough certain employees and not others, such as those that perform essential services.

Exempt employees who are furloughed do not have to be paid if they do no work at all for an entire workweek. However, if work is not available for a partial week for an exempt employee, they must be paid their full salary for that week, regardless of the fact that they have done less work. If the point is to save money (and it usually is), it's best to ensure that the furlough covers the company's established seven-day workweek for exempt employees. Make it very clear to exempt employees that they should do absolutely no work during any week you're shut down. If exempt employees do any work during that time, they will need to be paid their normal weekly salary.

Exempt employees who are laid off (terminated) may have their week's salary pro-rated based on the days or hours worked in their initial and terminal weeks of employment.

Nonexempt employees only need to be paid for actual hours worked, so single-day or partial-week furloughs can be applied to them without worrying about pay implications.



Alternative Schedules

If severe weather makes it unsafe to work at certain times, but safe to work at others, consider alternative schedules or longer breaks for affected employees. Employees who work outdoors during an extreme heat wave, for example, may benefit from a flexible work schedule that keeps them out of the heat during the hotter parts of the day.



Safety Equipment and Supplies

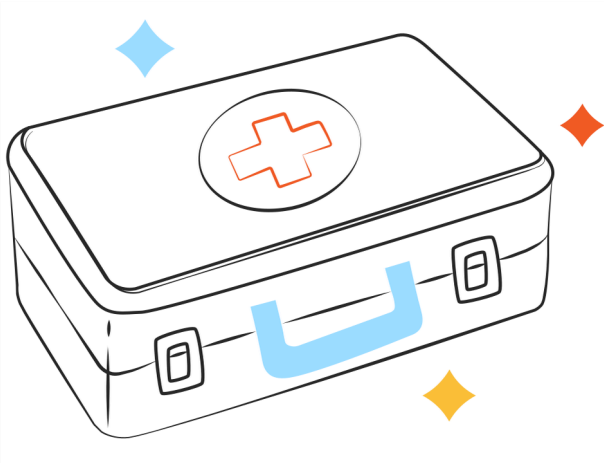
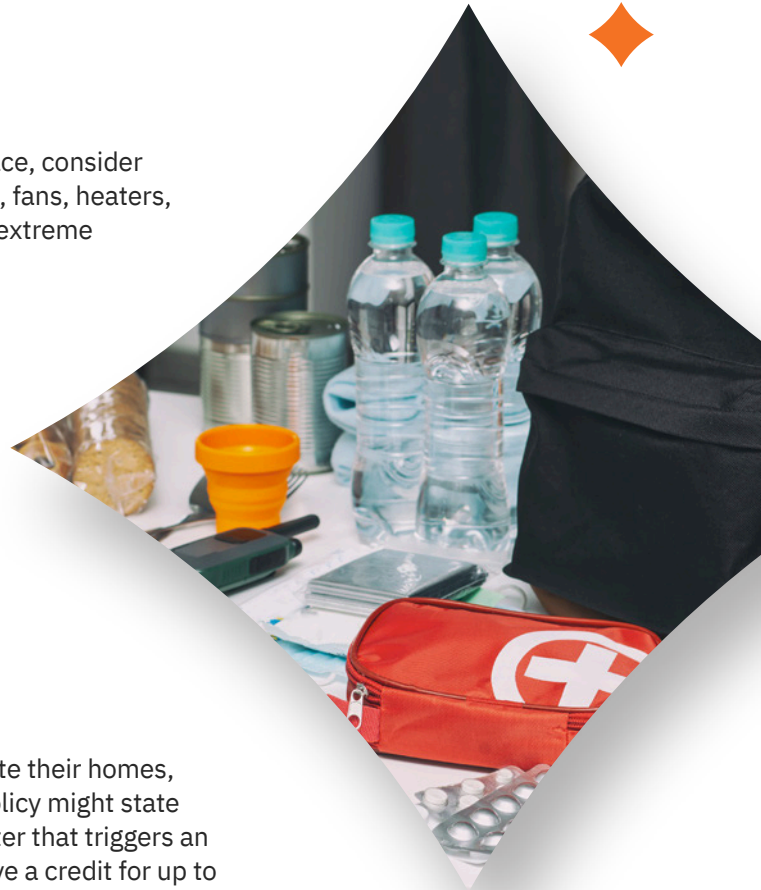
Aside from the safety equipment and supplies used in the workplace, consider providing or covering the costs of extra water, blankets, umbrellas, fans, heaters, or other items employees use at home to protect themselves from extreme weather. See [Build A Kit](#) for ideas on what to stock or include.

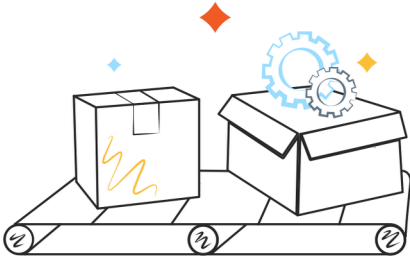
Psychological Safety

Severe weather events can be incredibly stressful and exacerbate mental health challenges. Employee assistance programs, wellness initiatives, mental health benefits, and paid time off can assist employees with getting the help they need.

Crisis Benefits

When weather becomes so severe that employees need to evacuate their homes, consider offering to cover hotel and travel costs. For example, a policy might state that any employee whose household is affected by a natural disaster that triggers an emergency declaration by local or state officials is eligible to receive a credit for up to a certain number of nights of lodging. Taking away some of their financial burden can help them adapt better to changing circumstances and get where they need to go to be safe. Crisis benefits are an investment in their safety and success.





Volunteer Opportunities

After a severe weather incident or natural disaster, your employees may be looking for opportunities to help others in their community or elsewhere. Consider organizing a donation drive, sponsoring an event, or providing employees with paid time off for volunteer work.



Pay Attention to Government Action

As severe weather and its consequences become more common, we expect that the government will get further involved in ways that affect HR and compliance. Governors may issue executive orders. Legislatures may pass new laws or tweak current ones. Pay special attention to the state and local areas where your employees work.

Conclusion

Disasters like these are often seasonal. But don't let the seasonality of these events make you complacent. Off seasons are the best time to make plans for what to do when a crisis occurs.



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