

THE INSIDE PERSPECTIVE

LABOR AND EMPLOYMENT LAW SOLUTIONS FOR EXECUTIVES AND HR PROFESSIONALS



SMITH MOORE LLP
ATTORNEYS AT LAW

January 2005

It's That Time Of Year Again

Back roads are icy and schools and childcare centers are closed. Your workforce dwindles down to a faithful few who have four-wheel drive vehicles, and even those few come in late. Your problems may be just beginning unless you have an inclement weather policy that you have communicated clearly to your workforce.

What does the law require of employers on bad weather days, and what should your policy be? Despite what you may have heard:

- Employees who do not come to work may be required either to use their personal leave/vacation time or to take unpaid time off.
- No law requires an employer to pay hourly employees for time they are not working, even if the employer's business is closed.
- The pay of salaried exempt employees may be docked, but only in full-day increments, and only if the business is open.
- Driving to and from work is not compensable time, even if it takes the employee longer to get there.

How should your business handle bad weather?

- **Have a policy.** Although companies are not required to have an inclement weather policy, spelling out ahead of time what the pay and other expectations are during bad weather will eliminate many headaches.
- **Notify, notify.** Make sure your employees know about the policy. Tell employees clearly how they can receive information regarding business operations during inclement weather. Consider a weather hotline number. Similarly, require your employees to notify you as soon as possible if they are not able to come into work, and tell them specifically whom to call.
- **Urge good sense.** Although you may adjust pay and personal leave banks because of work absence, consider carefully whether your business is one that requires you to force an employee to choose between work and personal safety. Allowing workers to make their own decisions about driving can both spare you unnecessary liability and benefit workforce morale in the long run.
- **Plan Alternate Transportation Arrangements for Key Employees.** Consider pre-arranged carpooling arrangements in four-wheel drive vehicles for employees who must report to work—even in bad weather—but recognize that this alternative may raise worker's compensation risk.

TIP

Although the law does not require employers to have inclement weather policies, a well-drafted policy can prevent confusion. A little planning now will net both practical and legal benefit when the weather turns bad.



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