

# Electronic Alert

Volume 20, Issue 27

January 8, 2018

## **Avoiding Chaos During Inclement Weather Events**

By Tyler Volm

Less than an inch of snow that turned into ice over the holidays led to cars being abandoned on the side of the road, only to be retrieved a few days later during the slow thaw. Employers are rightfully concerned about employee safety during these events, but must balance that concern with the need to maintain productivity. Adding an inclement weather policy to an employee handbook can help educate employees and supervisors about what is expected during inclement weather events.

First, the policy should include a discussion about how the employer will decide whether or not to close the facility. This authority should rest with one person, so that there are not extensive discussions that morning (or night before). The policy should also indicate that the company intends to maintain normal working hours during inclement weather events, but should provide a call-in number or website where employees can access closure information. Facility closures can also be tied to federal office closures or school closures. If the facility will be open, there should also be a discussion of how employees report if they are unable to make it into the facility (usually by calling, emailing, or texting their direct supervisor).

Inclement weather policies should also contain a discussion of the importance of employee safety in such events. Since employees commute from different locales, most inclement weather policies provide employees with some discretion to use their best judgment about commuting safely. The policy should retain ultimate discretion within the company in determining whether an employee's absence will be counted as excused or unexcused, and there should be an option for an employee to use PTO or vacation days, if available. Employers can also consider allowing employees to work remotely, though this raises concerns about productivity, safety, and confidentiality. If the inclement weather event is foreseeable, encouraging employees to take work home with them and to log in remotely may be the best option to keep operations going.

With respect to employee pay, the Department of Labor's guidance indicates that if an exempt employee performs any work, such as checking emails remotely, the employee must be paid for the full day, and with limited exceptions, salaried employees must be paid their normal salary in any workweek where they perform some work. 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. Hourly employees are not required to be paid except for hours actually worked, though many inclement weather policies voluntarily pay hourly employees who show up for a certain number of hours, even if the facility ends up closing early.

Taking affirmative steps to educate employees about the inclement weather policy in advance of an extreme weather event will help avoid confusion in an already hectic situation, and will aid you in maintaining this policy in a way that is fair and consistent.

For questions relating to inclement weather policies, contact Tyler Volm at (503) 276-2111 or [tvolm@barran.com](mailto:tvolm@barran.com).