



## Inclement Weather and Whether Your Company Has a Plan?

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**Question:** Due to our recent inclement weather, we are receiving a lot of calls from companies asking if they are required to pay their employees if they close the office early, close all day or opt to have a delayed start time.

**Answer:** To answer that question, we ask... What does your Employee Handbook say?

**We received a lot of answers like... Oh No, we do not have a policy for that!**

Take the time now, before the next storm, to get an Inclement Weather policy in place.

Is your business prepared for inclement/severe weather?

In case you're not sure how to answer that question, consider these best practices:

- Depending on where your pin lands on a map, winter, or in some regions flooding and hurricanes can sometimes interfere with the daily work schedule.
- Snow, ice, sleet, and even freezing rain can affect whether employees can make it to the office on time or at all.

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On occasion, this type of weather can even force companies to close early. When, and if, the situation does occur, many questions will arise, these questions usually come from the employees themselves, they want to know that the company has a plan.

### Do I have to pay employees who cannot get to work because of severe weather?

Generally, under federal law, an employer can make whatever rules they want for its non-exempt employees.

This same rule applies to exempt employees as long as the company is open, and the employee is making the choice to not come in. It can become a bit of a slippery slope, pun intended, if the exempt employee works from home during this time or if an exempt employee works any part of the day they earn a full day's pay.

In both cases, if they are not able to make it into the office, you can define if they can or cannot take accrued/available vacation/paid time off/sick/personal hours.

### If I close my workplace because of bad weather, do I have to pay my employees?

For non-exempt/ hourly employees, an employer can set the standards of what works best for their company and their non-exempt employees. You can define if they can or cannot take accrued/available vacation/paid time off/sick/personal hours.

For exempt / salaried employees, it gets a little trickier. For exempt employees, there are two rules (which are subject to state laws). The first being that an exempt employee earns a full day's pay if he or she works any part of the day (as stated above). The second is that if the employer chooses to close the office and it was the employer's explicit decision to close the office, the exempt employee must be paid.

### What are my options if I need employees to work even though the weather is bad?

Options to consider, these options depend on the essential needs of the business.

**Working from home** - If the business needs can be managed by allowing employees the opportunity to work from home, that could be the first possibility. This option, while it seems like the easiest, presents its own challenges on how to effectively know whether or not the employee is being productive during this time. If choosing this route, think about how to measure productivity.

- Announce in advance if employees can work from home and set expectations if the Company will not be closing due to the Company's expectation that the employee will work from home.

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**Assign Essential Personnel:** Prior to any bad storm being predicted, we recommend that companies designate and inform those employees that are considered “essential employees.” These are employees that are required to report to work in all instances, on time and regardless if there is bad weather; even when the company opens late or closes. Every business may not need to designate “essential” employees.

It all starts with a plan - Employee Handbook Policies

All these questions help you to formulate a plan and your plan eventually should become an “Inclement Weather” policy that is included in your Employee Handbook.

We at McCloskey Partners can help your company with its Inclement Weather policy, so during periods of bad weather you have a plan, and are not just making decisions based on each storm.

- We can provide industry benchmark data, so you know what other companies in your industry are doing as it pertains to inclement weather.
- What are your essential business needs and how will this policy affect them; can we make certain accommodations when bad weather occurs? These questions are unique to each company and when defined in advance help with employee engagements since employees know what is expected of them and do not have to guess.

Employee Handbook Policies

For companies without a policy or guidelines to manage inclement weather/hazard situations, confusion legitimately arises over the use of vacation hours/paid time off (PTO) time when the office is closed, opens late, dismisses early. Gray policies can create confusion and possible risks for employers. Clearly defined policies, create an environment of clear expectations. Do not wait for bad weather to occur.

**Put your Inclement Weather policies in place now!**

**When you have questions about your inclement weather/natural disaster policy, or other Human Resources issues, contact McCloskey Partners, LLC.**

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