Hurricane Harvey: Employer Considerations in Office Closures and Reopenings

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Whenever emergency situations such as Hurricane Harvey cause office closures and such offices are subsequently reopened, Texas employers must remember several points to stay compliant with employment laws.

- In general, employees who are classified as exempt from the Fair Labor Standards Act's minimum wage and overtime provisions must be paid a salary each week. This requirement to pay a salary includes time periods when the office may be closed, but the employee is ready, willing and able to work.
- Employees who are paid on an hourly basis must be paid for all time worked. Employees who work from home or other alternate locations should be required to track all time worked and report this time worked to their employers on a weekly or more frequent basis to ensure proper payment of these employees.
- Employers with collective bargaining agreements or contracts with employees should review these documents for any additional pay requirements during office closures.
- Dependent on the employers' applicable policies, employers may require employees to use accrued, unused paid time off (except when the employee is taking workers' compensation leave). Employers may also consider providing employees with temporary pay assistance as a form of an employment benefit while offices are closed.
- Employers have a duty to provide a safe and healthy workplace. When considering reopening the office, the workplace should be evaluated for hazards (such as fall, electrocution, laceration, hazardous substances, and other hazards that may have been introduced by severe weather), and, whenever possible, hazards should be eliminated from the work area.
- Once the office is reopened, encourage employees to use their best judgment in determining whether it is safe for the employees to travel from the employees' homes to the office and to only report to the office if it is safe for the employees to do so. Please note that company insurance policies do not cover employees' personal use of personal vehicles.
- Employers should consider reminding employees of any employee assistance programs available through the employers' benefit plans that could assist employees coping with the aftermath of an emergency.

If you have any questions about compliance with employment laws in the wake of Hurricane Harvey, please contact one of the attorneys listed below.