

# Employer Considerations Post-Hurricane

By Michael Brian Taylor

September 16, 2024

## Meet the Authors



### Michael Brian Taylor

Of Counsel

504-799-2754

Michael.Taylor@jacksonlewis.com

## Related Services

Disability, Leave and Health  
Management

National Compliance and Multi-  
State Solutions

Wage and Hour

The true impact of Hurricane Francine on Southeast Louisiana may not be known for weeks after it made landfall early in September. Even as the storm passes and normalcy gradually returns, employers must still be mindful of their responsibilities under state and federal law. This article highlights a few critical points for employers after a storm: compensation, communication, and leaves of absence.

### Pay Employees on Time

State laws can vary. For example, Louisiana law (La. RS 23:633) requires employers to pay employees on the first and 16th days of the month, unless the employer specifies different days at the outset of employment. If a natural disaster such as hurricane prevents payment, the employer must make payment as soon as practicable in order to limit potential liability. Employers may be liable for back pay, penalties, and attorney's fees if they fail to pay employees on time.

If permitted, direct deposit is a reliable means of paying employees without requiring them to show up to get paid. It also allows employers to ensure timely payments despite inclement weather.

### Communicate Regularly and Frequently

The days after a major storm may be just as chaotic as the storm itself. Employers should check in regularly with employees to ensure they have what they need to complete their work and stay connected, both electronically and emotionally. The importance of conveying confidence, empathy, and security cannot be understated. After all, employees value businesses that are supportive, helpful, and empathetic.

Depending on how your company fared, you may need to give frequent updates on work hours and coverage. Keep in mind that outages after a storm may prevent normal communication, so reaching employees through social media outlets (X, Instagram, Threads, or Messenger) can help keep employees in the loop.

Messages with employees should cover such topics as:

- Office hours for the days or weeks ahead (including modified or regular schedules)
- Flexibility to work remotely or part-time (if the office is not available)
- Whether employees may bring their children into the office if school is out

### Be Mindful of Post-Disaster Absences

If an employer is open for business immediately after the storm, absences caused by transportation difficulties or home damages could be legitimate personal reasons for missing work. When this occurs, an employer may place an exempt employee on leave without pay (or require the employee to use accrued vacation time) for the *full day* that they fail to report to work. If an employee is absent for one or more full days for personal reasons, the employee's salaried status will not be affected if deductions are made from salary for such absences.

However, employers may not *deduct* salary for less than a full day's absence or when an office is closed due to weather. Instead, an employer may make a partial-day time deduction from the employee's leave bank (if there is insufficient time in the leave bank, no deduction from salary can be made). Employers may also establish leave-sharing banks for employees who need such leave because of the storm.

Employers may require exempt employees to "make up" lost time after they return to work. This is not allowed for nonexempt employees, as they must be paid overtime for all hours worked over 40 in a work week.

Ultimately, returning to normalcy is a process that does not have a set, one-size-fits-all schedule, and there will be adjustments along the way. Please do not hesitate to call if you have any questions regarding your post-disaster compensation, leave, or benefits responsibilities. Jackson Lewis attorneys are available to answer inquiries regarding these issues and other workplace developments.

©2024 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.