

3 Employer Concerns When Disaster Strikes

News

8.31.17

In the *Law360* article, "3 Employer Concerns When Disaster Strikes," Howard Mavity and John Thompson discuss the scope of work in the midst of a natural disaster as well as the increased level of safety awareness that employers must have.

"When I come up with a computer program that says, 'This is work and that is not,' ... I'm going to sell it, retire and move to a hillside in California," said Partner John Thompson. "It's a very difficult question."

The U.S. Supreme Court and the U.S. Department of Labor have essentially found work to be "any activity, whether burdensome or not, that is engaged in primarily and necessarily for the benefit of the employer," Thompson said. So a cashier who helps seal windows or a manufacturing line worker who monitors a factory for flooding will have to be paid for time spent on these tasks, he said.

During these incidents, it's especially important to protect your workers safety.

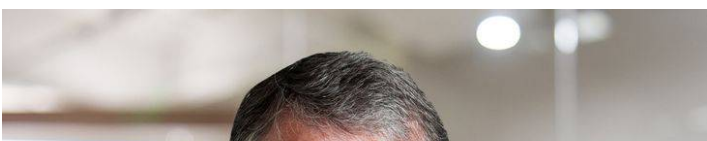
Employers at risk for crippling natural disasters need to prepare for almost any possible outcome, Mavity said. They need to contemplate not only what they would do if they lose power or get flooded, but also note what chemicals are on site and how a facility is wired, for example.

"You won't find many employers who have a crisis management or similar plan that really contemplates that," Mavity said. "They also ought to have a separate group doing business continuation ... most [employers] are going to have business continuation issues in less than a week. These are things people talk a good game on, but it's my general experience that folks don't do it."

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Howard A. Mavity

Partner

404.240.4204

Email