

Employers Need To Know The Law During A Disaster

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Beyond their obvious emotional impact, the marathon bombings have legal implications for businesses in the areas locked down after the explosions and during the ensuing manhunt. For the purposes of federal wage law, the bombings were no different than a blizzard, hurricane or other disaster. Businesses that closed because they are located in the crime scene or the wider “shelter-in-place” zone have to follow certain employment guidelines.

The law treats hourly and salaried employees differently. Employers have no legal obligation to pay hourly workers for time not worked, although they may, of course, decide to pay them voluntarily for moral, morale or other reasons.

A company’s legal obligations to salaried workers depend on whether the business is closed during a disaster or not. If a business closes, it must pay these employees a full-week’s salary if they worked any time at all during that week.

If a business stays open during a disaster, the employer is not required to pay a salaried worker if that person fails to make it to work. If an employee cannot make it into work, whether it’s because public transportation is shut down (as it was after the explosion and during the manhunt lockdown) or there is 2 feet of snow on the ground, that is deemed a “personal reason” by the law and the company does not need to pay for a full day. Again, an employer can decide voluntarily to pay those workers.

We all hope and pray that another terrorist attack won’t hit Boston (or anywhere else). But the chances are slim that we’ll never see another business-closing winter Nor’easter or fall hurricane. All businesses should have a disaster plan, and it should include guidelines for how to deal with employees.

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