



Snow Days Bring Headaches For Employers

Insights

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This time of year invariably brings questions related to the weather. In [Winter Is Coming...So What Should Employers Do To Prepare?](#) you will find a summary of the federal issues likely to arise. Unfortunately you also will find that weather-related, whole or partial-day, absences are a headache for employers.

In A Nutshell

Before tackling any question related to inclement weather and wages you first should gather the following facts:

1. Is the employee paid a salary or guarantee?
 - If so, on what basis (white-collar exemptions, fluctuating workweek, day-rate pay plan, or other)?
2. Did the employee work part of the day, at the usual location or remotely, or otherwise report to work?
 - If not, did the employee work part of another day that workweek (not necessarily the calendar week)?
3. Was the location closed?
 - If not, was the employee otherwise encouraged or directed to leave or not report?

The Bottom Line

While the your initial response to an inclement weather question will likely be "it depends" or "case-by-case basis", gathering these facts at the outset can help you narrow the FLSA analysis. Moreover, employers should check their state and local laws for additional requirements, as well as their own policies, before making any final determinations.

Service Focus

Wage and Hour