

Natural Disasters Arrive - Employees Take Leave

Considerations for an Employer's Workforce



Americans were uprooted by natural disaster in every state last year. For example, in Louisiana, 369,000 people were displaced and almost one million residents in Florida (889,000) were [displaced](#).

In total, disasters (e.g., wildfire, hurricane, tornado, flood, etc.) forced more than [three million](#) Americans to leave their homes in 2022. While many of them returned in less than a week, according to the [U.S Census Bureau](#) 16% did not return, and 12% were displaced for more than six months.

THE IMPACT ON EMPLOYERS?




With natural disasters occurring more frequently and with greater intensity than ever before, the chances for displacement, either long- or short-term, can also rise and impact an employer's workforce. Would you be prepared to deal with the potential deluge of requests for personal leaves (and related absences) due to displacement after a catastrophic event?

Here's a quick look at a few employment policies and rules that could apply to employee leaves if a natural disaster strikes your area:

LEAVE POLICIES & LAWS






FAMILY AND MEDICAL LEAVE ACT (FMLA)

-  **Enforced by:** Federal and State Government
-  **What it Does:** Requires employers to provide unpaid, job-protected leaves for medical reasons.
-  **How it Applies to Natural Disasters:** Requires employers with >50 employees to provide unpaid leave to employees who cannot perform their jobs because they:
 - suffered a serious health condition, such as physical or mental illness, injury, or impairment in a disaster, or
 - must care for a spouse, child or parent who suffered a serious health condition in a disaster



Where to Learn More: [U.S. Department of Labor Employer Guide](#)




PAID TIME OFF (PTO)

-  **Enforced by:** Individual Organization
-  **What it Does:** Provides an amount of time off from work that employees may be eligible to take and still get paid for by their employer.
-  **How it Applies to Natural Disasters:** Can provide employees with time off they need to recover mentally or physically, clean out a flooded basement, salvage belongings, meet with insurance claims adjusters, or search for missing family members after a natural disaster—without having to worry about losing income.



Where to Learn More: [Zenefits; PTO Guidelines and Compliance](#)




UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

-  **Enforced by:** Federal and State Government
-  **What it Does:** Requires employers to provide leaves to workers who are members of military and called for duty in a natural disaster and re-employ them when their service ends; and Prohibits discharging, denying employment, promotion, or benefits because an employee is a member of, or is called to perform, service.
-  **How it Applies to Natural Disasters:**
 - Requires employers to grant service leaves to employees who are members of the National Guard, Armed Forces, or volunteer responders who are called up by a state's Governor or the President of the United States during a natural disaster.
 - Recognizes that in the event of a hurricane, tornado, or other natural disaster, an employee who is a service member may unavoidably have to give short notice for taking leave.



Where to Learn More: [U.S. Office of Special Counsel Website](#)

WORKER ADJUSTMENT AND RETRAINING NOTIFICATION (WARN) ACT

-  **Enforced by:** Federal Government
-  **What it Does:** Obligates employers with >100 employees to give as much notification as possible for widespread closings or massive layoffs due to a natural disaster.
-  **How it Applies to Natural Disasters:** Even if buildings, records, and employee residences are destroyed by a natural disaster, employers must show “good faith” that they gave notice of closure and/or relocation to employees.



Where to Learn More: [WARN Natural Disaster Fact Sheet](#)



FAIR LABOR AND STANDARDS ACT (FLSA)



Enforced by: Federal Government



What it Does: Protects employees from unfair pay practice.



How it Applies to Natural Disasters:

For nonexempt employees:

Requires employers to pay only for the hours worked, not if they are unable to provide work for employees due to a natural disaster.

For exempt employees:

Requires employers to pay full salaries regardless of how many hours or days they worked. But if they don't work and the business is shut down for a week (or more), then employers don't need to pay them.



Where to Learn More: [DOL Website](#)

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)



Enforced by: Federal and State Government



What it Does: Sets standards for safe and healthy working conditions.



How it Applies to Natural Disasters:

- Requires employers to provide safe working conditions (duty of care), including protecting employees from imminent danger in a natural disaster, hurricane, emergency, or other natural events
- Gives employees the right to file a complaint with OSHA against an employer if they feel an order to go to work during a natural disaster would threaten their life



Where to Learn More: [OSHA Website](#) | [OSHA Quick Card](#)



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