

HR STORIES FROM THE FRONT LINES

Weather Related Absences

A-2-Z Resort in Springfield, USA expects that its employees will report to work as scheduled, even during severe weather conditions.

Jan is the Event Planner for A-2-Z Resort, which is an exempt position. She is responsible for planning and coordinating major events that take place at the resort.

Jan lives in a remote mountain town, which is more than 40 miles from A-2-Z resort. Late one cold December evening, Jan hears a weather report which makes her concerned that she may not be able to get to work safely the following day. The evening weather report has predicted that a fast-moving winter storm is going to strike during the night and blizzard-like conditions will likely continue until late the following day.



The next morning, Jan awakens to white-out conditions and decides that she will not be able to get to work safely. Also, because Jan lives in a remote area, the roads leading up to her house are low on Springfield's snow plow removal plan and Jan is concerned that her vehicle will not be able to navigate the roads, which are likely snowed-in. Jan follows the attendance policy by calling the owner of A-2-Z Resort, Robert, 2 hours before the start of the workday to let him know that she would be unable to come to work that day.

Upon receiving the call, Robert was irritated because, while it was still snowing at the resort, visibility was good and the roads were clear. Moreover, there were several important events scheduled for that day, which Jan was responsible for overseeing.

After careful thought, and despite his initial irritation, Robert ultimately understood Jan's situation and told Jan that her absence would be considered an excused absence and pursuant to Company policy would be treated as unpaid personal leave unless Jan wanted to use her accrued vacation time.

Did Robert take the appropriate course of action by treating Jan's absence as an excused absence? Since Jan is an exempt employee, is deducting from her salary permissible under the FLSA?

Yes. In this situation, Jan was legitimately concerned that she would not be able to get to work safely because of the hostile weather conditions. While the weather conditions were much improved at the A-2-Z Resort, Robert understood that conditions at Jan's house were much worse and potentially prohibited her from getting to work safely. Therefore, treating her absence as an excused absence was the appropriate response. Additionally, some states may have laws that protect the employee when the absence is considered a "state of emergency." Refer to your state laws for more information.

Since Jan is an exempt employee, is deducting from her salary permissible under the FLSA?

Yes, the deduction would be a permissible deduction. Jan took the day off due to personal reasons. Under the FLSA, an employer is allowed to make a deduction from an exempt employee's salary for a full-day absence for personal reasons (other than sickness or disability) – even if the absence is caused by hostile weather conditions. See [Deductions from an Exempt Employee's Pay](#) and [Winter Weather Absences](#).

How Should Employers Handle Weather-Related Absences?

Employers should listen to their employee's reasons for not being able to report to work. If the employer finds that the reason for the absence is legitimate, then the absence should be considered excused and the employee should be able to use hours from her accrual bank. However, if the employer finds that the reasons are not legitimate, the absence should be considered unexcused and the employee should be held accountable for the unexcused absence. In addition, the company's employee handbook should define the reasons for an unexcused absence.

CONCLUSION

If you have an employee that calls in due to weather related matters, do not assume they are staying home because they do not feel like driving to work. You should understand that sometimes it is a matter of safety for the employee. The employer should/should not apply disciplinary action based on the facts. Do not assume the employee is not truthful, but rather understand that there are times when reporting to work due to weather conditions is not possible.