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## Storm hits workers in pocketbooks

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As if it weren't enough that Hurricane Wilma knocked out electricity and hammered homes,

some employees in South Florida won't get paid for the time they missed at work, either.

Employers for the most part have no legal requirement to pay wages for time not worked, unless

the employees are exempt from overtime or have special clauses in their contracts, said Anne-Marie Estevez, a partner in the labor and employment practice of **Morgan Lewis** law firm in Miami.

"If you're an hourly worker, it's really up to your employer if they want to pay," said Rudy Gomez, a partner with **Ailen Norton & Blue** in Coral Gables.

Many companies are

choosing to pay staff for Wilma downtime to build goodwill, but some small businesses just can't afford it, executives said.

Restaurant servers are

among the hardest hit from missed pay. Many wait staff lost out not only on their low hourly wages but also on tips, their biggest source of income.

Companies have limited options to make up for payroll costs when business was out.

Some are asking employees to count pay for last week against vacation time or sick days, executives said.

President Bush signed a tax relief law that extended an "employee retention" credit for small businesses in the Gulf of Mexico area that kept up payrolls during and after Hurricane Katrina. But that tax relief does not apply to victims of Wilma, said Barbara Weltman, publisher of the New York-based *Big Ideas for Small Business* newsletter.

Firms with business interruption insurance are looking to recoup payroll from insurance, even if they have to pay workers upfront before they

can receive an insurance check.

But some interruption insurance won't apply anyway. Some policies kick in only after physical damage to a business and don't cover shut-downs because of a power outage, said Irene Porter, a lawyer specializing in insurance at **Hicks & Kneale** in Miami.

"I would advise a business always to check their particular policy, because there's always variations," Porter said.

Many companies with sufficient means decided to pay workers in full to show their concern for staff and build morale, loyalty and goodwill.

Coral Gables-based **BankUnited** even paid up three days earlier than usual — on Friday last week, instead of Monday this week, so its employees would have much-needed cash before the weekend, said Melissa Gracey, the bank's senior vice president and director of marketing.

BankUnited paid for Monday, Oct. 24 when Wilma hit and all branches were closed.

Plus, it paid for the rest of last week, when some branches were closed and some employees were dispatched to buy fuel for backup generators powering some offices, Gracey said.

But other firms that closed temporarily won't pay for work missed, leaving employees to seek help.

Some workers qualify for Florida unemployment benefits and those that don't may be eligible for federal disaster unemployment assistance. For information, check the Florida Agency for Workforce Innovation or online at [www.floridajobs.org/unemployment/uc\\_emp\\_claims.html](http://www.floridajobs.org/unemployment/uc_emp_claims.html).

*Business Writer Kathy Bushouse contributed to this story.*

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