

# Can you refuse to work during a hurricane? Here's what one Orlando expert says.

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With hurricane season in full effect and Hurricane Ian quickly approaching the west coast of Florida, many employers and employees alike are navigating the difficulties of managing their professional and personal lives while preparing for a major hurricane.

While some exceptions may apply (such as a local ordinance), generally, an employer may require an employee to report to work before and after a hurricane. In addition, the employee may be subject to discipline if they refuse to report to work in order to make personal preparations for a hurricane.

With some exceptions, an employer also may require an employee to work during a hurricane and the employee may be subject to discipline if they refuse. Additionally, most employers are not required to accommodate employees bringing their children to work, even when childcare is unavailable.

In fact, some types of employees are explicitly informed at the onset of their employment that they will be required to work before, after and even during hurricanes. For example, many first responders, such as firefighters and law enforcement officers, are ordered to report for duty for a storm and are subject to discipline, including potential termination, if they do not comply with their orders. This also can be true of certain private sector employees, like nurses and other health care workers.

In most circumstances, unless the employee is exempt, they will not be paid if

they do not work as expected before, during or after a hurricane. Moreover, if a business is closed due to a storm, non-salaried employees usually are not required to be paid for time they do not work. However, they may be eligible to use, or be required to use, accrued paid time off (PTO). However, exempt employees usually must be paid their salary even if the business is closed.

Informing employees ahead of time of what is required in the event of a hurricane will help manage expectations during what is already a high-stress situation anytime a hurricane approaches. The following tips may be helpful in managing these expectations and making sure that employer and employees are on the same page:

- Inform employees in advance whether the business will remain open during a hurricane.
- If the business will remain open, establish rotating shifts for hurricane duty when possible in order to equally distribute the workload.
- Inform employees in advance if they will be required to report to work and of the consequences if they fail to do so.

Hurricanes inevitably present unique situations for both employers and employees. Upfront and clear communication prior to a hurricane threat is key to minimizing employment complications when a hurricane strike is imminent.

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