

What are the obligations of employers impacted by the LA fires to their employees?

January 23, 2025
By Deborah H. Petito

The recent Los Angeles fire has not only disrupted countless lives but also posed significant challenges for businesses and employers in the region. As workplaces are damaged or rendered inaccessible, employers face the critical task of navigating their responsibilities to employees, customers, and the broader community. From ensuring the safety and well-being of their workforce to managing payroll, benefits, and workplace accommodations, the obligations of employers are multifaceted during such crises. This article discusses the key responsibilities employers must address in the aftermath of the LA fire. Employers in Los Angeles have specific legal and ethical responsibilities to employees impacted by wildfires, including compliance with federal, state, and local labor laws. Here's a breakdown of employer obligations:

1. Provide a Safe Workplace

-

Occupational Safety: Employers must comply with Cal/OSHA regulations to ensure a safe and healthy workplace. During wildfires, this includes:

-

Monitoring air quality and taking protective measures when the Air Quality Index (AQI) exceeds 151 (unhealthy levels).

-

Providing appropriate personal protective equipment (PPE), such as N95 masks, when employees are exposed to harmful air quality.

-

Workplace Closures: If conditions become unsafe, employers may need to temporarily close operations to protect employees.

2. Leave and Time Off Requirements

-

Paid Sick Leave: California employers are required to provide paid sick leave, which employees can use if they are ill or caring for a family member due to wildfire-related issues.

- **California Family Rights Act (CFRA):** Eligible employees may take up to 12 weeks of unpaid, job-protected leave for serious health conditions or to care for a family member affected by the wildfires.

- **Emergency Leave:** Employers may grant additional unpaid leave for employees directly impacted by the wildfires, though it is not explicitly required unless covered by specific company policies or union agreements.

3. Wage and Hour Obligations

- **Reporting Time Pay:** If an employee reports to work but the workplace is closed due to wildfires, California law may require the employer to pay reporting time wages (typically 2–4 hours of pay) unless the closure is the result of an Act of God, such as the wildfires.

- **Non-Exempt Employees:** Employers are only required to pay non-exempt (hourly) employees for the hours they work.

- **Exempt Employees:** Exempt (salaried) employees must be paid their full weekly salary if they perform any work during the week, even if the workplace is closed for part of the week due to wildfires.

4. Accommodations for Impacted Employees

- **Flexible Scheduling:** Employers should consider flexible schedules or remote work options for employees dealing with evacuations, property damage, or transportation issues.

- **Accommodations for Disabilities:** If an employee develops a medical condition or disability due to wildfire smoke or related issues, the employer must provide reasonable accommodations under the Americans with Disabilities Act (ADA) and California's Fair Employment and Housing Act (FEHA).

- **Leave Banks:** Employers may want to offer the opportunity for employees to donate their leave to a leave bank for use by employees impacted by the wildfires. If employers choose this option, they should ensure that they are following all state and federal guidance in doing so.

5. Disaster Relief Resources

- Employers should provide information about disaster relief programs, including state and federal assistance, and encourage employees to apply for resources such as:

-

FEMA assistance

-

Disaster unemployment assistance

-

Local shelter and emergency services

6. Anti-Discrimination and Retaliation Protections

-

Employers cannot discriminate or retaliate against employees for taking leave, requesting accommodations, or reporting unsafe working conditions related to the wildfires.

7. Communication and Support

-

Proactive Communication: Keep employees informed about workplace closures, safety protocols, and available resources.

-

Employee Assistance Programs (EAPs): Offer counseling or support services to help employees cope with emotional stress caused by the wildfires.

8. Business Continuity Planning

-

Employers should have a disaster preparedness plan to ensure that operations can continue or resume quickly after a wildfire while prioritizing employee safety.

By adhering to these obligations and providing support, employers can help mitigate the impact of the wildfires on their workforce while staying compliant with labor laws.

Employers affected by the LA fire should seek legal counsel to navigate the complex legal and regulatory challenges that often arise during and after a disaster. Legal professionals can provide guidance on compliance with labor laws, such as ensuring fair treatment of employees during business disruptions, adhering to payroll obligations, and managing leave policies. They can also help interpret insurance policies, file claims, and address potential disputes with insurers over coverage for property damage or business interruption.

Additionally, legal counsel can assist in drafting or revising workplace policies to accommodate fire-related impacts, such as remote work arrangements or temporary closures.

Disclaimer: The information provided in this article is for general informational purposes only and is not intended to serve as legal advice. While every effort has been made to ensure the accuracy and relevance of the information, laws and regulations can vary by jurisdiction and are subject to change. You should not act or rely on any information in this article without consulting a qualified legal professional for specific guidance tailored to your situation.