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FROM MAIN STREET TO WALL STREET
KEAN MILLER HAWTHORNE D'ARMOND McCOWAN & JARMAN LLP

**CHECKLIST OF EMPLOYMENT CONSIDERATIONS
IN AFTERMATH OF HURRICANE KATRINA**

Many clients, friends and neighbors are now faced with serious and unanticipated storm-related decisions regarding the interruption/closure of businesses and issues related to their employees. Employers will encounter individualized issues, but we provide the following checklist of some general considerations for employers who face business interruptions and closures.

1. Try to get in touch with all displaced employees - set up a hotline number, or provide information on company Web sites.
2. Obtain contact information for all employees - location, cell phone and telephone numbers, email address, family contacts, etc. You may need this information to be able to issue notices and provide required information. Employers should be cognizant of privacy issues and should not post employee contact information on websites or in other areas where it can be accessed by the public.
3. Assess your insurance coverage for business interruption or closures and storm or other damage and place your insurers on notice as soon as possible.
4. Consider whether to place displaced employees at other business locations.
5. Determine if layoffs and reductions in force (RIF) are necessary and, if so, determine the scope and plan for such activities.
 - Take steps to ensure RIF does not discriminate against employees in protected classes.
 - Consider whether the Worker Adjustment and Retraining Notification Act (WARN Act) issues arise from business closure or layoffs. For information about the applicability and requirements related to natural disasters, see 29 U.S.C. §2102(b); 20 C.F.R. §639.9(c).

6. Consider payroll questions/issues, such as
 - whether direct deposit can continue;
 - where to mail paychecks for those temporarily displaced;
 - garnishment obligations;
 - payment of final paychecks for Louisiana employees (if applicable) for all wages due, including any accrued, unused vacation, in accordance with Louisiana's wage payment laws, requiring payment by the next regular payday or no later than 15 days following the date of discharge, whichever occurs first. La. R.S. 23:631 et seq.; and
 - payment of deceased employee's wages.
7. Assess any COBRA, ERISA and other benefit obligations and put in place procedures to meet such obligations.
8. Consider any contracts with employees which provide for employment for a certain period of time or which will present other issues. Review these contracts to assess whether and to what extent there are any exceptions or termination provisions that may be applicable.
9. Review handbook provisions for any issues such as business interruption or closures, layoffs, or transfers.
10. Review any severance pay plans; consider whether to pay severance under the circumstances; consider whether to require a release in exchange for severance pay.
11. Make decisions regarding whether to waive some of the obligations under any non-competition agreements for employees who lose their jobs.
12. Be prepared to receive general questions regarding relocation, payment for relocation expenses, housing, etc.
13. Be prepared to answer questions regarding availability of unemployment compensation benefits. Disaster Unemployment Assistance (DUA) may be available through the state unemployment office. Contact Louisiana

Department of Labor (La. DOL) or www.laworks.net for information. Other links include:

- <http://workforcesecurity.doleta.gov/unemploy/disaster.asp> - a link to the federal DOL and an explanation of DUA for workers unemployed due to a disaster such as Katrina; and
 - http://www.ldol.state.la.us/qm_pressrelease_details.asp?PRseqno=304 - a press release from the La. DOL about making claims for such benefits through the state DOL.
14. Take steps to comply with any worker's compensation and Family and Medical Leave (FMLA) obligations.
 15. Consider how to obtain or replace lost records due to damaged facilities and equipment.
 - Remember to comply with privacy obligations related to business records.
 16. For employers who provide an employee assistance program, be prepared to receive an increase in the number of requests for assistance.
 17. For employers who have collective bargaining agreements with unions or whose employees are represented by a union, consider discussion and bargaining issues related to layoffs, closures, transfers, etc.
 18. Consider hiring needs due to increased workloads and take steps to ensure hiring does not discriminate against employees in protected classes.

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URL for the Web site is:

<http://www.louisianalawblog.com/cat-hurricane-katrina.html>