

Creating an Inclement Weather Policy for Your Urgent Care Center

Urgent Message: Every urgent care center should have a policy addressing the various communication, safety, pay, operations, and human resources issues that will undoubtedly come up when bad weather strikes.

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If the paradigm shift fueling the “urgent” healthcare model’s success could be encapsulated in a single word, it would be *availability*. Whether it’s after hours or the weekend, affordable urgent care is imminently available, with providers and their staffs treating minor medical conditions long after most primary care offices have closed for the evening.

Despite their noted availability, however, even urgent care centers have to shutter their doors early when the weather outside takes a turn for the worse. Heavy snowfall, flooding, high winds, torrential rain, and earthquakes can at times make conducting normal business impossible, while posing a very real safety risk to staff and patients. Thus, an urgent care center should always have an inclement weather plan at the ready, supported by a comprehensive written policy that details the following:

- The specific adverse weather conditions under which the center will be closed/open
- The methods and procedures for notifying staff and patients of the closure
- When it’s both safe and feasible to reopen for normal business
- How to handle closure-related pay issues for exempt and nonexempt staff and providers

Who Makes the Call

“Inclement weather” is generally described as a weather condition that causes a major disruption to roads, and the operation of schools and businesses in the area. Although infrequent and usually unexpected, bad weather can quickly turn roads messy, damage buildings, and cause widespread power outages.

Exactly who makes the call for an urgent care center closure will depend on the size and affiliation of the center:

- For the larger urgent care chains, a weather-related closure will generally be an executive decision. Depending on the organization’s corporate hierarchy, the decision could come down from a Regional Director of Operations, a Business Unit Senior Leader, or a Human Resources VP/Director for the region.
- For smaller, independent centers, the medical director or owner-operator will make the call on when to close due to bad weather.

- In most, if not all cases, the urgent care center's leadership will closely monitor National Weather Service advisories, school closing updates, news reports, and the local authorities (particularly when they advise staying off the roads) for guidance when considering an inclement weather closure. And in the absence of definitive information, leadership should rely on their own best judgment.

Criteria for Closing

When determining if the weather conditions are adverse enough to warrant closure, an urgent care center should first ask the following questions before acting on these guidelines:

- Are the roads closed, impassable, or extremely dangerous to travel on? If heavy snowfall, roads slick with ice, flooding, or some other weather calamity has made it unlikely that patients and employees can arrive safely, then the center should be closed.
- Has a regional weather disaster occurred that has resulted in a power outage? Earthquakes, ice storms, and high winds from tornados, hurricanes, and tropical storms can knock out power to an entire grid, leaving most business establishments in the dark regardless. **Note:** Consider investing in a permanently installed, automatic natural gas-fired generator such that the center can remain open even if electricity in the area goes out. A generator can pay for itself via revenue that would otherwise not be realized had the center closed. It can also protect patient samples and investments in inventory (including vaccines) by keeping refrigeration systems running.
- Has other weather-related complications made the center unsafe to open? For example, if the landlord or snow removal contractor has yet to clear the parking lot, building overhangs, and walkways of ice and snow, entering and leaving the building can be dangerous – not to mention exposing the center to an injury lawsuit or worker's compensation claim. Hence, the center should remain closed until all the aforementioned areas have been properly cleared by the appropriate personnel.

Informing Employees

In the event of an inclement weather situation, employees will need to know if they're expected to report for their scheduled shift, or if the center opening has been delayed/postponed. To that end, most companies will use one or more of the following communication methods:

- A pyramid-shaped "call" or phone tree, where the person at the top of the pyramid notifies two employees by phone, then those two employees each call two additional employees, and so on and so forth until all staff has been notified.
- E-mail and text notification.
- Company website. Closure messages can be posted on the general webpage, with additional employee-sensitive information posted on a private access intranet page.

- In the absence of electrical power, a battery powered radio (or a smartphone, tablet, or laptop with remaining battery life) can be used to stay abreast of local weather trends. It could be that the power is out where the employee lives, but on at the center, and vice-versa.

Paying Providers and Staff

Both nonexempt and exempt urgent care staff should have a clear understanding in advance of how payment issues will be handled during partial and full-day inclement weather closures. The following general guides apply to most cases:

Nonexempt employees

According to the U.S. Department of Labor Fair Labor Standards Act (FLSA), nonexempt employees are entitled to overtime pay if they work in excess of 40 hours in a workweek. FLSA guidelines for paying nonexempt employees in an inclement weather situation are as follows:

- **Inclement weather conditions that develop during business hours** – If a nonexempt employee is available for work but work is not available, they are not entitled to pay. They are paid only for the hours worked.
- **Inclement weather which prevents the center from opening the entire day** – Nonexempt employees are not entitled to pay. However, most companies will allow the use of paid time off (PTO) to compensate for the lost work opportunity.
- **When the center is open for business, but the employee cannot report to work on time due to a weather-related contingency** – Child care complications when schools are closed, and transportation difficulties fall under this category. FLSA states that the employee will be paid only for the hours worked, regardless if they arrive late or leave early.

Although these are the FLSA rules for nonexempt employees, it should be noted that many urgent care employers will still allow some combination of PTO and normal remuneration in all of the aforementioned inclement weather scenarios, even when they're not legally required to do so. What that combination will be depends on the human resources policies of that particular organization. It can only foster goodwill and improved employee morale when nonexempt staff sees that the center leadership, recognizing that an inclement weather situation is a unique circumstance, still does the right thing by them.

Exempt Employees

Exempt employees are generally salaried employees, hence they're "exempt" from receiving overtime. FLSA guidelines for exempt employees are as follows:

- **Inclement weather conditions that develop during business hours** – Exempt employees cannot be denied pay when they're willing, able, and available for work. Therefore, exempt employees must be paid their regular salary for the entire day, regardless of the hours worked.

- **Inclement weather which prevents the center from opening the entire day** – Exempt employees must be paid their regular salary for the entire day, although the center may require that they use accrued PTO or vacation hours to cover the missed time.
- **When the center is open for business, but the employee cannot report to work on time due to a weather-related contingency** – If travel difficulties and/or child care arrangements prevent an employee from coming to work, the absence is categorized under “personal reasons,” and the employee is not entitled to compensation. However, if the employee is able to work even a partial day – either coming in late or leaving early – the employee is entitled to a full day’s salary.

These guidelines apply to exempt employees for up to one week, after which they must use accrued PTO or vacation time if a regional weather disaster prevents the center from opening after a week’s time. Again, urgent care leadership that deviates from the hard and fast FLSA regulations to “take care” of their employees – by doing their best to ensure everyone is compensated, one way or the other – engender greater loyalty and employee morale.

Notifying Patients

Beyond normal utilization, inclement weather conditions have been known to spur increased urgent care foot traffic, for a variety of unique reasons besides the expected weather-related injuries and illness. Hence, patients will need an easy way to ascertain if the center is open for business or closed, which can be communicated via the following methods:

- Prominent, well-lit drive by signage that communicates “We’re open!” to the surrounding community when the center is indeed open.
- E-mail distribution message to every patient on the center’s e-mail list.
- Text message to every patient who has a mobile number on file with the center.
- General message posted on the center’s website home page.
- Posting on the center’s Facebook or other social media pages.
- Recorded message on the center’s phone system.

Conclusion

Tis’ the season for wicked weather, so an urgent care center should definitely have a detailed inclement weather policy at the ready to address the various communication, safety, pay, operations, and human resources issues that will undoubtedly come up. As an improperly handled weather closure can be fraught with all sorts of logistical and legal perils, the urgent care leadership must ensure the plan is well thought out and comprehensive.

And with that comprehensive plan should also come a degree of flexibility, particularly in regard to FLSA pay issues. The laws regulating compensation for weather-related closures and their contingencies are clear, but each individual urgent care center retains the latitude to “do the right thing” for employees and their families. If this means compensating a full day’s pay for a partial work day truncated by inclement weather, not pressuring staff to brave dangerous conditions just to get to work, or giving special consideration to employees facing unexpected child care arrangements, then so be it. It’s a fair and just practice, and puts real weight behind the oft-mentioned urgent care concept of a “care team.”

In short, be prepared when bad weather strikes, and put the interests of your patients and staff first and foremost. Your loyalty and consideration will be greatly appreciated, and when things return to normal, most likely reciprocated.