

## **6.0 EMPLOYER/EMPLOYEE ISSUES**

### **6.1 Overview**

This section provides practical advice for assisting persons who have temporarily or permanently lost employment or are facing other employment-related issues as a result of a disaster.

### **6.2 Most Common Issues/Questions**

Common employment-related questions and issues arising from a disaster are:

- What unemployment benefits are available for persons whose employment is interrupted or lost due to a disaster (or whose family income is affected by a disaster)?
- Can health benefits be continued after an employment loss has occurred?
- Can my employer fire me because a natural disaster has occurred?
- What obligations does my employer have to pay me if I cannot work because of the disaster?
- Is leave available if I become ill or a family member becomes ill as a result of the disaster or its aftermath?
- How do I get my pay?

### **6.3 Summary of the Law**

#### ***Unemployment Compensation***

A person may be entitled to receive unemployment compensation benefits if he or she becomes unemployed as a result of a disaster (*e.g.*, because his or her employer's business was closed or destroyed, his or her employment was terminated, or he or she is unable to reach the place of employment because of the disaster). Disaster Unemployment Assistance (“DUA”) is a federal program that provides temporary financial assistance to individuals unemployed as a result of a “major disaster” declared by the president. To qualify for DUA, an individual must be out of work as a “direct result” of a major disaster; and (2) the individual does not qualify for regular unemployment insurance from any state or U.S. territory. Information regarding DUA for South Carolina is published by the Department of Employment and Workforce and is available at <https://www.dew.sc.gov/dua>.

If a disaster victim is not eligible DUA, the individual may be eligible for regular unemployment compensation. Under South Carolina law, the individual must be unemployed due to no fault of the individual's. Individuals who are fired for misconduct or quit their job voluntarily are not often eligible for benefits. Individual must have also earned a minimum of \$4,445 in wages during the individual's base period, which is 4 out of the last 5 quarters. For more information regarding these requirements, see <https://www.dew.sc.gov>.

## ***Continuation of Group Health Coverage***

Due to a disaster, some individuals may lose their employer-provided group health plan coverage as a result of either a voluntary or an involuntary termination or a reduction in work hours that would render the employee unable to continue his or her coverage as an active employee. An employer may be required to extend COBRA continuation coverage under federal law or South Carolina's continuation coverage under South law to such an individual and his or her dependents ("Qualified Beneficiaries") previously covered under the employer's group health plan.<sup>1</sup> South Carolina continuation coverage applies to individuals who were insured under a group policy of less than 20 employees for a least six months and loses coverage for any reason other than non-payment of premium and may continue coverage for six months.

If applicable, COBRA requires an employer to extend to Qualified Beneficiaries the right to continue their health coverage under the same group health plan under which the beneficiaries were covered prior to their coverage loss.<sup>2</sup> 26 U.S.C. § 4980B(f)(2)(A). Group health plans include, but are not limited to, medical, dental, and vision plans. *See* 26 C.F.R. § 54.4980B-2, Q&A-1. Each Qualified Beneficiary may make a separate election with respect to coverage. *See* 26 C.F.R. § 54.4980B-6, Q&A-6. For example, if an employee previously covered a spouse and a dependent child through family coverage under an employer-provided group health plan, either the spouse or the dependent child could separately elect COBRA continuation coverage under a single, rather than family, plan while the remaining family members waived coverage.

Generally, a Qualified Beneficiary may continue his or her coverage for up to 18 months. 26 U.S.C. § 4980B(f)(2)(B)(i). However, COBRA coverage can be very costly. An employer may charge up to 102 percent of the actual cost of providing the coverage to a similarly situated active employee (not just the contribution for coverage that the employee paid while actively employed). 26 U.S.C. § 4980B(f)(2)(C).

COBRA continuation coverage is not available in all situations. For example, COBRA generally only applies to private sector employers with at least 20 employees, governmental employers, and certain employee organizations. 26 C.F.R. § 54.4980B-2, Q&A-4. Further, an employer is not required to offer COBRA coverage if it ceases providing any group health plan to its active employees. 26 U.S.C. § 4980B(f)(2)(B)(ii). For example, if an employer closes operation entirely and no longer offers any group health plans, a Qualified Beneficiary has no rights under COBRA to continuation coverage.

<sup>1</sup> The death of the covered employee would also be a qualifying event that would trigger an employer's obligations under the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA"). 26 U.S.C. § 4980B(f)(3).

<sup>2</sup> If the employer no longer offers the same health plan under which the Qualified Beneficiary was covered, the Qualified Beneficiary may still be able to elect coverage under another group health plan maintained by the employer.

---

Employers are generally required to send a notice regarding COBRA rights to the last known mailing address of the Qualified Beneficiary. Therefore, those who have been dislocated by the disaster may not promptly receive notice from their employers regarding COBRA continuation coverage. Qualified Beneficiaries only have sixty days in which to elect COBRA coverage from the later of the date of the COBRA notice or the loss of coverage. 26 U.S.C. § 4980B(f)(5). For further information, see "An Employee's Guide to Health Benefits Under COBRA," available at <http://www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resource-center/publications/an-employees-guide-to-health-benefits-under-cobra.pdf>.

Generally, a Qualified Beneficiary may continue his or her coverage for up to eighteen months. 26 U.S.C. § 4980B(f)(2)(B)(i). However, COBRA coverage can be very costly. An employer may charge up to 102 percent of the actual cost of providing the coverage to a similarly situated active employee (not just the contribution for coverage that the employee paid while actively employed). 26 U.S.C. § 4980B(f)(2)(C). COBRA continuation coverage is not available in all situations. For example, COBRA generally only applies to private sector employers with at least twenty employees, governmental employers, and certain employee organizations. 26 U.S.C. § 54.4980B-2, Q&A-4. Further, an employer is not required to offer COBRA coverage if it ceases providing any group health plan to its active employees. 26 U.S.C. § 4980B(f)(2)(B)(ii). For example, if an employer closes operation entirely and no longer offers any group health plans, a Qualified Beneficiary has no ability to elect COBRA continuation coverage.

An individual who is eligible for COBRA coverage and wishes to elect COBRA coverage should contact the employer providing the group health plan coverage.

S.C. continuation coverage may cover an individual who is not eligible for COBRA due to the size of the employer. For information regarding South Carolina's continuation requirements, see <https://www.doi.sc.gov/701/Rights-as-a-Health-Insurance-Consumer>.

### ***Employer's Wage Payment Obligations***

Under the federal Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, *et seq.*, the South Carolina Payment of Wages Act ("SCPWA"), S.C. Code § 41-10-10, *et seq.*, and common law, employees must be paid for all work performed and for all time worked. This is true regardless of immigration status. It is not a valid defense to FLSA and SCPWA claims that the work was done slowly, poorly, etc., or that the employer cannot afford to pay. Work time includes time that an employee has been engaged to wait, as well as travel time between job sites. In general, there are no exceptions made in the case of disasters. See "Employment & Wages Under Federal Law During Natural Disasters & Recovery" available at <https://www.dol.gov/whd/regs/compliance/whdfs72English.pdf>.

In general, employees who are exempt from the FLSA's minimum wage and overtime provisions because they are bona fide executive, administrative, professional, outside sales, or certain computer employees and are paid a salary of at least \$455 per week must be paid their full salary if the business shuts down for less than a full work week or if the employer does not have work available for the employee for the full work week. When the business is open, and work is available, deductions from a salaried employee's salary may be made if the employee is absent from work for one or more full days for personal reasons. In addition, a full day's absence may be deducted if it occurred because of sickness or disability, as long as the deductions are made pursuant to a *bona fide* sick or disability leave plan,

policy, or practice. See 29 C.F.R. § 541.602. For further information, see "Salary Basis Requirement and the Part 541 Exemptions Under the Fair Labor Standards Act (FLSA)" available at [https://www.dol.gov/whd/overtimed17g\\_salary.pdf](https://www.dol.gov/whd/overtimed17g_salary.pdf), and "Frequently Asked Questions Regarding Furloughs and Other Reductions in Pay and Hours Worked Issues" available at <https://www.dol.gov/whd/regs/compliance/whdfs70.pdf>. Several U.S. Department of Labor Fact Sheets relating to wages, including explanations of the different requirements for different categories of workers (migrant and seasonal agricultural workers, workers on visas, first responders, etc.) are available at <https://www.dol.gov/whd/fact-sheets-index.htm>.

The South Carolina Payment of Wages Act ("SCPWA") covers almost all South Carolina employers and regulates payments of promised wages and benefits. Employees whose employment is discontinued for any reason must be paid all wages due on or before the next regular payday. Wages based on bonuses, commissions or other forms of calculation must be paid on the first regular payday after the amount becomes calculable, and such wages may not be forfeited unless the employee was notified in advance of the employer's policy or practice resulting in the forfeiture

Under certain circumstances, employees who lose employment as a result of a plant closing or mass layoff are entitled to sixty days advance notice under the federal Worker Adjustment and Retraining Notification (WARN) Act, 29 U.S.C. § 2101 *et seq.* If the closing or layoff is a direct result of a natural disaster, employers still must give as much notice as possible, even if that notice comes after the disaster. Employees who do not receive proper notice may be due back pay and benefits for up to the sixty-day notice period. The WARN Act notice requirement only applies to employers with at least 100 employees. The employer must give written notice to the bargaining representative of affected union employees and to unrepresented individual workers who may reasonably be expected to experience an employment loss. Notice must include whether the layoff or closing is permanent or for six months or less, the date (within a fourteen-day period) that the employee's employment will end, and the name and contact information of a person in the company that can provide additional information. For more information, see <https://www.doleta.gov/layoff/warn.cfm>.

A worker who is paid as an independent contractor by an employer may, in fact, be an employee, and may therefore be entitled to the protections of the FLSA and the NCWHA. While the Internal Revenue Service (IRS) considers many factors when determining whether a worker is an independent contractor or an employee, *control* is among the most important; a worker is likely an employee if the employer controls when and how the work is performed. The IRS additionally considers how the worker is paid, whether the worker has the potential to realize significant financial gain or loss, and whether the worker uses the employer's tools or supplies, among other factors. For more information, see <https://www.irs.gov/businesses/small-business-self-employed/independent-contractor-self-employed-or-employee>.

### ***Prohibited Employment Discrimination & Wrongful Termination***

Generally speaking, South Carolina is an employment-at-will state. This means that if an employer doesn't like the way the employee performed aspects of the job or if the employee failed to follow workplace policies (or if the employee's services are simply no longer needed), an employer can fire the employee unless the firing is otherwise unlawful. Although "at-will" employment is the general rule, there are many exceptions, including the following:

- An employee cannot be fired because of the employee's race, sex, religious preference, ethnicity, national origin, age, or disability<sup>3</sup>;
- An employee cannot be fired for complaining about the employee's rights under employment laws providing for minimum wage, overtime, medical leave, discrimination, workers' compensation, and workplace safety (among others);
- If the employee is covered by the Family and Medical Leave Act (FMLA, described in the following section), the employee cannot be fired for taking leave because of a serious illness, maternity leave, paternity leave, time off to adopt a child, or time off to help take care of a seriously ill close family member;
- An employee cannot be fired for refusing an order to do something illegal;
- An employee cannot be fired for discussing pay or working conditions with co-workers, or joining others in making a complaint about pay or working conditions;
- An employee cannot be fired for being a member of, joining, or trying to form a union;
- An employee cannot be fired for reporting an employer's violation of a law to appropriate law enforcement authorities (known as "whistleblowing"); and
- If an employee has an employment contract specifying the grounds for termination, the employee cannot be fired in violation of that contract (this includes a collective bargaining agreement negotiated by a union in the employee's workplace).

While the above list covers some of the more common wrongful termination-related situations, it is by no means exhaustive.

In addition, the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. §§ 4301-4333, makes it unlawful for an employer to deny initial employment, reemployment, promotion, or any benefit of employment to a person who is obligated to perform in a uniformed service, including the Reserves and National Guard. This includes a call to active duty as a result of a national emergency. For further information, see "Your Rights Under USERRA," available at <http://www.dol.gov/vets/programs/userra/userraprivate.pdf>.

### ***Unpaid Leave Entitlement***

In addition to paid leave that may be available under an employer's vacation or sick leave policy, the federal Family and Medical Leave Act (FMLA) requires covered employers to provide up to twelve weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. See 29 U.S.C. § 2601 *et seq.*; 29 C.F.R. pt. 825. Leave is available in part to cover an employee's own serious health condition that renders the employee unable to perform the employee's job, and to care for the employee's spouse, son or daughter, or parent who has a serious health condition. Employees are eligible if they: (1) have worked for their employer for at least one year; (2) worked at least 1,250 hours over the previous twelve months; and (3) if their employer has at least fifty employees within seventy-five miles. The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances. For the duration of FMLA leave, the employer must maintain the employee's health coverage under any group health plan.

Pursuant to the statute, substitution of paid leave is allowed. 29 U.S.C. § 2612(d)(2). Employees may take, or employers may require employees to use, paid vacation, personal, family, or medical sick leave concurrently with FMLA, subject to certain limitations. The U.S. Department of Labor updated the regulations under the FMLA in 2008, and these regulations now restrict the substitution of paid leave. Under the new 29 C.F.R. § 825.207, employers can require employees to

meet all the normal requirements of paid leave policies before permitting substitution. For example, if a policy requires that vacation be taken in full day increments, an employer can deny substitution for an employee's one-half day FMLA leave. Similarly, if vacation time cannot be taken during a month, substitution could be denied during that time period. For more information, visit <http://www.dol.gov/whd/fmla/index.htm>.

#### **6.4 Regulatory Agency Directives**

The U.S. Department of Labor, in coordination with FEMA, provides funds to state unemployment insurance agencies for payment of Disaster Unemployment Assistance (DUA) benefits. Accordingly, the Division of Employment Security administers DUA benefits to individuals who lost their jobs or self-employment or who are no longer working as a direct result of a major disaster for which a disaster assistance period is declared. In the event of a disaster, the Division of Employment Security will publish announcements about the availability of DUA benefits.

#### **6.5 FAQs**

##### ***Q. 101 What is unemployment compensation?***

Unemployment compensation, such as the benefits provided to South Carolina workers by the Department of Employment and Workforce, provides temporary financial assistance when a worker has been laid off or fired from a job for a reason other than misconduct or who has quit a job for a good-cause reason.

##### ***Q. 102 How do I qualify for unemployment insurance benefits?***

Those who have lost jobs through no fault of their own can apply for unemployment benefits by phone, online or at a computer terminal provided by the Department of Employment and Workforce. To be eligible for regular unemployment compensation under South Carolina law an individual (1) must be unemployed due to no fault of their own, (2) be monetarily eligible, and (3) be able, available and actively seeking work.

##### ***Q. 103 What is Disaster Unemployment Assistance, or DUA?***

Disaster Unemployment Assistance (DUA) provides financial assistance to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster as declared by the President of the United States and are not eligible for regular UI benefits under any state or federal law program (*e.g.*, self-employed individuals or individuals unavailable to work due to an injury that is the direct result of the disaster). While DUA is a federal program, it is administered by states as agents of the federal government. 42 U.S.C. § 5177.

##### ***Q. 104 How do I qualify for Disaster Unemployment Assistance?***

Disaster Unemployment Assistance may be available to certain unemployed U.S. nationals and qualified aliens who:

- have applied for and used all regular unemployment benefits from any state or do not qualify for unemployment benefits;
- worked or were self-employed or were scheduled to begin work or self-employment in the disaster area; and
  - can no longer work or perform services because of physical damage or destruction to the place of employment as a direct result of the disaster;
  - can no longer work because the individual is not able to reach the place of employment as a result of the disaster;
  - the workplace is inaccessible due to closures by federal state or local officials;
  - cannot work because of an injury as a direct result of the disaster; or
  - became the breadwinner or major support of a household because of the death of the head of the household, as a result of the disaster; and
- establish that the work or self-employment that they can no longer perform was their primary source of income.

### **Disaster Unemployment Assistance for Noncitizens:**

Noncitizens must meet the following requirements (in addition to other DUA requirements) to be eligible for Disaster Unemployment Assistance (DUA) (see 20 C.F.R. § 625.6(a)(1)):

1. A noncitizen must be authorized to work for the weeks for which he or she is claiming DUA. See 56 Fed. Reg. 22800-01.
2. In addition, a noncitizen must have had one of the following statuses during the time he or she was earning the wages used to calculate her weekly benefit amount:
  - a. lawfully admitted for permanent residence in the United States at the time such services were performed;
  - b. lawfully present for purposes of performing such services; or
  - c. permanently residing in the United States under color of law at the time such services were performed.

With some exceptions, an individual's weekly benefit amount is normally calculated using the wage credits earned during that individual's "base period" (which is the first four calendar quarters of the five calendar quarters immediately preceding the date the individual claims unemployment benefits). *See* Tex. Lab. Code §§ 201.011, 207.004. Therefore, the second requirement generally requires the noncitizen to have had one of the three statuses listed above during his or her "base period" or a portion of his or her "base period." An individual who qualifies for benefits at the time of application but did not have qualifying status "during the base period" wages may be ineligible for benefits. For a more detailed explanation of the "base period," see <https://www.dew.sc.gov>.

### ***Q. 105 How do I file for Unemployment Insurance (UI) or Disaster Unemployment Assistance (DUA)?***

DUA is funded 100 percent by FEMA and administered by the Dept. of Employment and Workforce (SCDEW).

To file a claim for unemployment insurance or Disaster Unemployment Assistance (DUA), please consider the following:

- You must file for regular benefits before filing for DUA. As a practical matter, the DEW may take your applications for both regular benefits at the same time.
- You may file for regular and disaster unemployment benefits online at <https://www.dew.sc.gov.dua2> or call 866-831-1724.

To receive DUA benefits, you must submit proof of employment with the employer that was affected by the disaster (a pay stub, earnings statement, written statement from your employer or notarized statement from a co-worker) to the SCDEW within twenty-one days of the date the DUA application is filed. Failure to submit the required documentation within the twenty-one-day time period may result in denial of eligibility for DUA. For more detailed information, see <https://dew.sc.gov/dua2>. For phone status call 866-831-1724.

***Q. 106 How do I get proof of prior wages or earnings?***

To obtain proof from the Internal Revenue Service (IRS) of prior income/earnings, file IRS Form 4506-T with the IRS. Write the appropriate disaster designation in red letters across the top of the forms to expedite processing. Fax or mail the form to the appropriate IRS Campus found in the instructions on the form. The anticipated response time is twenty-four to forty-eight hours from IRS receipt of the fax. For additional assistance from the IRS, call the IRS Disaster Assistance Hotline at (866) 562-5227.

***Q. 107 Are UI benefits taxable?***

Any UI benefits you receive are taxable income. You will be issued a Form 1099-G at the end of January showing the amount of benefits paid to you, as well as any federal income tax withheld at the time the benefits were paid. The amount on the 1099-G is not reduced by any repayments you may have made for overpaid benefits. Therefore, if you repaid any benefits, you must maintain your own record of payment, such as reimbursement receipts or canceled check notices to adjust your taxable income and as documentation for the federal Internal Revenue Service and State Tax Office when you file your tax returns.

***Q. 108 What DUA benefits are available?***

Disaster Unemployment Assistance (DUA) is available to individuals beginning after the date the President makes a disaster declaration. DUA benefits are available if an individual's unemployment continues to be the result of the major disaster, capped at twenty-six weeks following the disaster. The maximum weekly benefit amount is determined under the provisions of the state law for unemployment insurance in the state where the disaster occurred.

For more information, see <https://www.dew.sc.gov/dua2> or call 866-831-1724

***Q. 109 What help is available to find new employment?***

Reemployment services are available through South Carolina Works either online or through a SC Works Center across the state of South Carolina. For more information, see <https://scworks.org>.



***Q. 110 What is an employer's obligation with respect to a group health plan?***

In certain situations, COBRA or SC continuation coverage may require an employer to extend continuation coverage under a group health plan to an employee and his or her dependents ("Qualified Beneficiaries") following coverage loss due to certain qualifying events. Qualifying events include:

- most voluntary or involuntary terminations,
- a reduction in hours triggering a coverage loss, or
- the death of the covered employee.

If applicable, COBRA generally requires the employer to extend coverage under the group health plan for a period of eighteen months. However, the employer may charge the Qualified Beneficiaries up to 102 percent of the cost of providing coverage to a similarly situated active employee under the group health plan.

COBRA coverage is not available in all cases. Certain employers, including small employers, may be exempt from COBRA; however, coverage may be available under SC continuation of coverage. Further, if an employer terminates all group health plans for active employees, the employer is not required to extend COBRA coverage to any Qualified Beneficiaries. For more detailed information, see Section 10.5 and for helpful sites.

Under South Carolina law, continuation is available for any employee or covered individual who may not be eligible for COBRA. For further information, see <http://www.doi.sc.gov>.

***Q. 111 If a worksite must close temporarily, are there alternatives to a layoff?***

In some circumstances, it may make sense for an employer to place its employees on unpaid administrative leave status while the office or other worksite regroups. If the employer's benefits plan permits continuation of coverage during such leave, employees may be able to maintain coverage. Employers should check the applicable plan documents before making this decision.

***Q. 112 Can my employment be terminated without notice or cause?***

Generally speaking, South Carolina is an employment-at-will state. This means that if an employer doesn't like the way the employee performed aspects of the job or if the employee failed to follow workplace policies (or if the employee's services are simply no longer needed), an employer can fire the employee unless the firing is otherwise unlawful. Although "at-will" employment is the general rule, there are many exceptions. See "*Prohibited Employment Discrimination & Wrongful Termination*" in Section 6.3 for more information.

The WARN Act, 29 U.S.C. § 2101, *et seq.*, requires that employers with 100 or more employees provide sixty days' notice before a mass layoff or a plant closing of at least thirty days. A mass layoff occurs when a third of employees are fired at worksites of fifty or more or when 500 or more employees are fired at a large worksite.

If the closing or layoff is a direct result of a natural disaster, employers must still give as much notice as possible, even if that notice comes after the disaster. Notice should be in writing and should tell the

employee whether the layoff or closing is permanent or for six months or less, the date (within a fourteen-day period) that the employment will end, and the name and contact information of a person in the company who can provide additional information. The employer must give written notice to the bargaining representative of affected union employees and to unrepresented individual workers who may reasonably be expected to experience an employment loss.

Employees who do not receive proper notice may be due back pay and benefits for up to the sixty-day notice period. For more information, see <https://www.doleta.gov/layoff/warn.com>.

***Q. 113 Are there any legal restrictions against firing, suspending, or disciplining employees?***

Various state and federal laws prohibit discrimination in hiring, discipline, discharge, and other terms and conditions of employment. For example:

- An employee cannot be fired because of the employee's race, sex, religious preference, ethnicity, national origin, age, or disability<sup>4</sup>;
- An employee cannot be fired for complaining about the employee's rights under employment laws providing for minimum wage, overtime, medical leave, discrimination, workers' compensation, and workplace safety (among others);
- If the employee is covered by the FMLA, the employee cannot be fired for taking leave because of a serious illness, maternity leave, paternity leave, time off to adopt a child, or time off to help take care of a seriously ill close family member;
- An employee cannot be fired for refusing an order to do something illegal;
- An employee cannot be fired for discussing working conditions, pay, or salary with coworkers, or joining others in making a complaint or complaining on behalf of co-workers about pay or working conditions;
- An employee cannot be fired for being a member of, joining, or trying to form a union;
- An employee cannot be fired for reporting an employer's violation of a law to appropriate law enforcement authorities (known as "whistleblowing"); and
- If an employee has an employment contract specifying the grounds for termination, the employee cannot be fired in violation of that contract (this includes a collective bargaining agreement negotiated by a union in the employee's workplace).

While the above list covers some of the more common wrongful termination-related situations, it is by no means exhaustive.

The law further grants certain rights to, and prohibits discrimination against, individuals who are obligated to perform in a uniformed service, including the Reserves and National Guard. This includes a call to active duty as a result of a national emergency.

***Q. 114 Am I entitled to take leave to deal with my own or a family member's serious health problem?***

Your employer may have a sick leave or vacation policy that entitles you to a period of paid leave. In addition, the federal Family and Medical Leave Act (FMLA) may provide up to twelve

weeks of unpaid leave for certain family and medical reasons. The FMLA applies to employers with at least fifty employees. To be eligible, you must have worked for your employer for at least one year and for 1,250 hours over the previous twelve months. You can take leave for a serious health condition that prevents you from performing your job or to care for a spouse, child, or parent who has a serious health condition. You can continue your existing group health coverage and are entitled to reinstatement at the end of the leave. You will need to let your employer know that you or a family member has a serious health condition for which you require leave.

***Q. 115 I had to evacuate and need to get my pay. What do I do?***

If your wages are not direct deposited in your bank account, make sure your employer has your current address. Direct your employer to send your pay to you by registered mail. If you want to have someone receive or pick up your wages on your behalf, you must provide written consent to your employer to send or give your pay to that person.

***Q. 116 My employment has been terminated. When will I get my final paycheck?***

If your employer has discharged you, you must be paid no later than next scheduled pay date.