Must we pay for hours lost due to power failure?

Q. We recently had a power outage and called employees who weren’t in yet to tell them to come in when the power was back up. We then gave these people a chance to make up the lost time by working late or using paid time off. Do we have to pay them for the hours they missed? — T.L., South Carolina

A. No. The Fair Labor Standards Act (FLSA) requires payment to nonexempt employees only for time they actually worked. So if your company is closed because of a power outage, you generally are not required to pay nonexempt employees.

On the other hand, exempt employees must be paid their normal amount even if the workday is shortened. Exempt employees must be paid unless you are shut down for a full workweek. Note: State laws in this area may differ, so check your state’s law before acting on such issues.