

Employment & Wage Laws During Natural Disasters & Recovery

The Fair Labor Standards Act (FLSA) and Texas Payday Law are the federal and state laws regarding payment of wages. Employers must pay covered, non-exempt employees no less than federal minimum wage for each hour worked and 1 ½ times the pay rate for overtime (40+ hours). This law is not waived during natural disasters and recovery efforts.

Q: I worked the week (or partial week) before the disaster but my employer's business is now closed. How do I get my last paycheck?

If you are an employee and your last paycheck is delayed because of a disaster, you may submit a Texas Wage Claim with TWC no later than 180 days after the date the wages originally became due for payment. For more information, or to get a Wage Claim form, go to www.twc.state.tx.us/jobseekers/texas-payday-law.

Q: I lost wages because I am not able to work due to the disaster. May I file a Wage Claim for the "lost wages"?

No. A Wage Claim is for unpaid wages that you earned for the number of hours you **actually worked**. The FLSA and Texas Payday law does not require employers to pay non-exempt employees for hours they would have worked, but were unable to due to the disaster.

If you are self-employed, the law does not cover income or wages you did not earn because you were unable to work.

You can file a claim for unemployment benefits or Disaster Unemployment Assistance online at ui.texasworkforce.org or by calling 800-939-6631.

Q: How does the Texas Payday Law apply to me?

The Texas Payday Law covers all Texas business entities, regardless of size, except for public employers such as the federal government, the state or a political subdivision of the state. All persons who perform a service for compensation are considered employees, except for close relatives and independent contractors. TWC investigates wage claims under the Texas Payday Law, Chapter 61 of the [Texas Labor Code](#).

Q: If I volunteer with a public agency (state, city, or county government), am I entitled to wages?

If you volunteer with a public agency in an emergency relief capacity, you are not considered an employee who is due wages under FLSA if you:

- Perform services for civic, charitable, or humanitarian reasons without promise or expectation of payment; AND
- Offer your services freely; AND
- Are not otherwise employed by the same public agency to perform the same services.

Q: If I volunteer with a private non-profit organization, am I entitled to wages?

If you volunteer with a private non-profit organization for religious or humanitarian reasons, without contemplation or receipt of compensation, you are not considered an employee who is due wages under FLSA.

In addition, regular employees of the organization may not volunteer to perform their normal work on an uncompensated basis.

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

