

DISASTER PLANNING & RESPONSE

Connie Cornell
Cornell Smith Mierl Brutocao Burton, LLP
(512) 328-1540



LEGAL CONSIDERATIONS:

BEFORE DISASTER STRIKES



WORKPLACE DONATIONS TO ASSIST EMPLOYEES

- After 9/11, the Victims of Terrorism Tax of 2001 allowed employers to establish a 501(c)(3) private foundation for the sole purpose of providing disaster relief assistance to the employer's employees and their families for "qualified disasters."
- A "qualified disaster" is defined as: results from terrorist or military actions; results from an accident involving a common carrier; a presidentially-declared disaster; or an event that the secretary of the treasury determines is catastrophic.

WORKPLACE DONATIONS TO ASSIST EMPLOYEES

- Qualified Disaster Relief Payment (QDRP)
- Create a 501(c)(3) nonprofit corporation
- Set up a fund under the umbrella of an existing charitable foundation
- Crowdfunding / Use of 3rd Party funding aggregator
- In the case of a major disaster, IRS rules allow employees to donate paid time off (PTO) tax-free to a leave-sharing program.

WORKPLACE LOANS TO ASSIST EMPLOYEES

- The IRS provides streamlined procedures to allow loans from certain 401(k) plan to employee victims of disaster.
- An employer may provide low- or no-interest loans to employees.
 - Document the loan and repayment terms
 - Secure authorization to dock repayment under the Texas Pay Day Act
 - Avoid undermining FLSA exempt status by docking from “fixed salary” and do not dock below minimum wage for nonexempts
 - Employer loans are taxable income to the employee.

LEGAL CONSIDERATIONS: DURING DISASTER

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Disaster Planning and Response

Also available as part of the eCourse

[2018 Labor and Employment Law eConference](#)

First appeared as part of the conference materials for the
25th Annual Labor and Employment Law Conference session
"Disaster Planning and Response"